

Report to the Pre-Sessional Working Group of the Committee on the Rights of the Child, preparing for examination of the UK's second report under the CRC

Young People's Rights Network



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INTRODUCTION

Several young people-led organisations have joined forces to form the "Young People's Rights Network" to tackle age discrimination. The Network includes members from Article 12, the British Youth Council, Children's Express, London Children's Rights Commissioner Young People's Advisory Board, the National Black Youth Forum, Right Here Right Now and the UK Youth Parliament. All of these are organisations run *by* and *for* children and young people.

We originally started meeting to discuss how we could change things for children and young people in our society. After some discussion, we came up with the following priorities for action:

- Pushing the UK Government to lower the voting age to 16 (Section one).
- Making the case for a statutory and independent Children's Rights Commissioner to protect the rights of all children and young people throughout England (Section two).
- Arguing that physical punishment of children is a clear violation of their human rights (Section three).
- Trying to get the Government to extend the minimum wage to under 18s (Section four).
- Pushing the Government to make sure that every single child and young person in the UK knows about their rights (Section five).

What the YPRN has already done:

So far, we have:

- *Discussed* children's issues with the Government through the UK's All-Party Parliamentary Group on children.
- *Responded* to the UK Government's recent announcement that it will not give babies and children the same legal protection as adults from assault and ban smacking.
- *Organised* a Children's Rights March through central London celebrating the 10th Anniversary since UK ratification of the United Nations Convention on the Rights of the Child.

Structure of our report:

The report is split into five sections, each covering one of our main priorities. This report is intended to show what as young people we believe needs to be done before our rights can be fully respected.

SECTION ONE: Pushing the UK Government to lower the voting age to 16

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

The child's opinion

The child has the right to express his or her opinion freely and to have that opinion taken into account in any matter or procedure affecting the child.

The Young People's Rights Network believes that all children and young people should have a voice in all issues that will have a direct impact on their lives. We believe that children and young people are citizens *now* and should be treated as such.

So why do we think that children and young people should be listened to?

The fundamental reason is that it is a rights based issue. The right to freedom of expression is also contained in Article 10 of the Human Rights Act 1998 and it must not be forgotten that these basic human rights apply to all people not just those over 18. Other legislation – for example the Children Act 1989 – also emphasises the need to listen to the views of young people.

Involving children and young people in campaigns can also be a rewarding experience for all involved. Although it may be difficult to quantify, we think participation enriches the personal and social character of children and young people.

Too often the views of children and young people are not taken into account at all or when efforts are made to listen, their views are not taken seriously enough or they are quickly forgotten. The YPRN believes that for any issue that will have an impact on children and young people's lives, the importance of their involvement cannot be emphasised too much.

We know that lots of 16 and 17-year-olds are active in areas like school councils, regional, national and international organisations. Some have chosen to be vegetarian or vegan. Lots also march for what they believe on demonstrations. Young people watch the news, they know who the Prime Minister is, and most know the difference between an MP and an MEP. Young People know about Politics and what's going on! *And* of course, young people are all capable of forming their own viewpoints.

Young people as a group in British society are excluded in many ways and in many areas. Young people's views about politics carry no weight whatsoever. The kinds of responsibilities placed on young people at the age of 16 are innumerable, yet our government does not consider 16 year olds competent enough to voice their political views or to have a say in who makes the decisions about our lives.

On the 30th January 2002, the Prime Minister was asked in the House of Commons by Matthew Greene MP (the Liberal Democrat's spokesperson on Youth Affairs) if that given young people aged 16 and 17 can, for example get married, pay taxes and join the armed forces would he consider giving 16 and 17 year-olds the vote.

The Prime Minister responded: "I'm not sure all those things 16 year-olds can do, we'd always want them to do. I'm afraid actually that I don't agree with him on the voting age, I think it should remain as it is."

We see no reasonable defence for the continued expulsion of young people from the democratic process. With education young people can make "informed" political choices, like everyone over the age of 18 does!

If children can be convicted of serious crimes they should be allowed to vote. It is hypocrisy that forbids teenagers from voting but holds them to a high level of responsibility – particularly when it comes to crimes. This is only one example of the kinds of responsibilities that are placed on 16 and 17 year-olds.

Votes at 16 would benefit individual young people, as well as the rest of society:

- Allowing young people to vote at the age of 16 would lead to better decisions.
- Young people are the experts on their lives and so hearing their voices should be central to procedures that affect them.
- It is not only young people who are excluded from the decision making processes. But, empowering children and young people *today* will encourage them to stay active in politics in the future and to voice their opinions in later life.
- We are trying to build an inclusive society; young people's participation is central to this.

Excluding young people from influencing decision-making processes that affect them discriminates against them on the basis of age.

What we want to see happen?

- Better educational systems for helping young people make their own "informed" choices about politics. Lessons like Personal, Social and Health Education and Citizenship should be more centred on encouraging and not instructing young people on how to be good citizens.
- Issues that are of importance to young people and are relevant to children's human rights need to be given a proper status on the political agenda.
- The voting age should be reduced so that 16 and 17 year-olds can vote.

SECTION TWO: Making the case for a statutory and independent Children's Rights Commissioner to protect the rights of all children and young people throughout England

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Non-discrimination

All rights apply to all children without exception. It is the State's obligation to protect children from any form of discrimination and to take positive action to promote their rights.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation.

Implementation of rights

The State must do all it can to implement the rights contained in the Convention.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

The child's opinion

The child has the right to express his or her opinion freely and to have that opinion taken into account in any matter or procedure affecting the child.

The articles of the CRC quoted above are just some of those which relate to promotion and protection of children's human rights. At present England is the only country of the UK which has not yet taken any steps towards appointing a Children's Rights Commissioner.

We have noted that in the Concluding Observations made by the Committee on the Rights of the Child in 1995, that you have mentioned a number of times the need for an independent monitoring mechanism to promote, protect and implement the rights of the UN Convention.

As young people ourselves, and also as activists in the area of children and young people's rights, we see the great need for a Children's Rights Commissioner for England.

Children's Rights Commissioners

By James Sweeney and Laura Dent –Right Here, Right Now

Right Here Right Now (RHRN) is a young people led group set up by the Children's Rights Alliance for England. It campaigns for a Children's Rights Commissioner for England and is made up of a team of young people who are aged from five to 17 and who come from all over England.

These young people are active in what they do within the campaign, every young person has inputted something very valuable ranging from meetings with Members of Parliament to acting as stewards on the YPRN's Children's Rights march through central London. Some of our members went into Downing Street to hand in a cake to Tony's Blair's family to celebrate 10 years of the UK ratifying the UN Convention.

James Sweeney, 16, is a member of RHRN he said "A Children's Rights Commissioner for England is important for the basic fact that children and young people need someone to implement the rights of the UN Convention. A Children's Rights Commissioner would be somebody independent from the Government so it would make it easier for him/her or the Commissioner's team to come forward to the Government and stand up for young people without being scared to back down. We need someone to stick up for us, it's that simple."

Children and young people in England need a Commissioner, as they want someone who will listen to their views and then pass them on to the Government. We need a Commissioner as when laws and policies are made children and young people's views are very often ignored.

The Children and Young Peoples Unit and our Minister for Young People are helping to raise the profile of children and young people but they are not enough. It is not their job to work around Children's Rights issues and so children and young people are still missing out on knowing about this very important Convention.

It is not their specific responsibility to promote, protect and implement the rights of children and young people. Children and young people need a main person that they can contact when problems arise.

We need a Commissioner to make sure that the Government is doing all it can to make our human rights a reality. The Commissioner should use Article 12 of the CRC to consult children and young people on their work.

A Children's Rights Commissioner would hopefully help make England a more Children's Rights Friendly country as they'll be someone who will protect children's rights and make sure that children and young people are listened to when decisions are made.

We think it's great that children and young people in Scotland and Wales have a Commissioner and that it's looking very likely that children and young people in Northern Ireland will also get one, but we also think it's very unfair that children in England have no one to stick up for them. We don't understand how where we live the UK should define the kind of status our rights are given.

Since the UK Government ratified the CRC there have undoubtedly been many positive developments and the Convention has done lots for children. But the YPRN is not satisfied only for it to have initiated 'many positive developments' and we believe children in the UK deserve the full fruits of the Convention.

A Children's Rights Commissioner for England would signify a serious commitment on the part of the UK Government to protecting the rights and best interests of ALL children and young people. We believe it is the single most important appointment the Prime Minister could make.

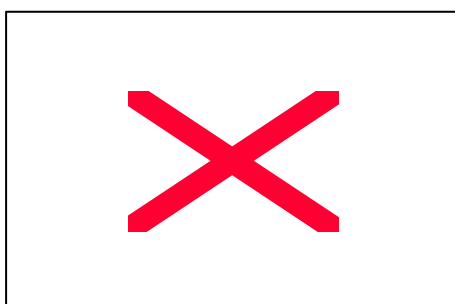
SECTION THREE: Physical punishment of children – a clear violation of our rights

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Protection from abuse and neglect

The State shall protect the child from all forms of maltreatment by parents or others responsible for the care of the child and establish appropriate social programmes for the prevention of abuse and the treatment of victims.



Smacking: A violation of children's human rights, or common-sense parenting?

On Thursday 8th November 2001 A Senior Health Minister announced that the UK Government would not instigate a change in law to protect children from physical punishment. She is quoted as saying, "Today, we are outlining a common sense approach in response to the difficult and sensitive issue of the physical punishment of children."

Following the Department of Health consultation *Protecting Children, Supporting Parents* an analysis of the responses received was released. Based upon this consultation the Government have again said that they will not take action to prohibit the use of corporal punishment in the home. The consultation asked what levels of

punishment were acceptable but did not ask for public opinion on whether smacking should be outlawed. The Department of Health also asked if it was ever acceptable to cause brain injuries and other serious injuries to children. We were appalled that the Government would even pose some of the questions that they did.

The YPRN agree with the Committee on the Rights of the Child that the legislation which allows parents to use 'reasonable chastisement' is a clear violation of children's human rights under articles 3, 10, 19 and 37. We also agree that current UK law does not fulfil the requirements of the Convention on the Rights of the Child.

Unfortunately, the UK Government disagrees with us. When the analysis was released, we were so shocked by it that we wrote to the Health Minister responsible for the consultation. We asked if the Government believe that smacking children is a violation of their human rights under the CRC and in her reply she said:

'The government recognises its duty to protect children from abuse and to ensure that parents are exercising their rights to decide how best to bring up their children in a way that is consistent with the best interests of children. However, we do not believe that this duty is appropriately fulfilled by an outright ban on physical punishment nor that the UN Convention on the Rights of the Child (which we support) requires us to do so. Indeed we believe that an outright ban on physical punishment would simply result in a law that was both unpopular and unenforceable.'

We note that in the Committee's concluding observations made in 1995 you state:

'The Committee is disturbed about the reports it has received on the physical and sexual abuse of children. In this connection, the Committee is worried about the national legal provisions dealing with reasonable chastisement within the family. The imprecise nature of the expression of reasonable chastisement as contained in these legal provisions may pave the way for it to be interpreted in a subjective and arbitrary manner. Thus, the Committee is concerned that legislative and other measures relating to the physical integrity of children do not appear to be compatible with the provisions and principles of the Convention, including those of its articles 3, 19 and 37. The Committee is equally concerned that privately funded and managed schools are still permitted to administer corporal punishment to children in attendance there which does not appear to be compatible with the provisions of the Convention, including those of its article 28, paragraph 2.'

Article 12 (an organisation run by and for under 18-year-olds) held the hugely successful 'Stop Smacking Us! Day' in April 2000. About 200 children and young people, as well as supporting adults, marched through Central London to campaign for the rights of babies, infants and children under Article 19 of the United Nations Convention on the Rights of the Child.

Members of the organisation went to 10 Downing Street. They handed in poster-size cards with Article 12's response to each of the Government's questions in its consultation. Yet none of these comments are included in the analysis of the consultation, despite a letter from the Department of Health confirming that they had received the response.

The Young People's Rights Network is concerned that unlike other organisations, young people led organisation have not been mentioned as having responded to the consultation (*as detailed in section B, paragraph 11 of the analysis*), nor have the views and opinions of particularly young children been referred to once within the analysis.

We addressed this concern in our letter to the Health Minister, in her reply she stated:

'You say that young people-led organisations are not mentioned in the analysis document as responding to the consultation on *Protecting Children, Supporting Parents*' and that the views of young people have not been taken into account. Because the number of young people-led organisations responding was quite small, they have been included in voluntary organisations or other organisations in paragraph 11 of the analysis. I can assure you that all responses received to the consultation were taken into account. It was, however, not possible to quote from every response of the more than 800 received in the analysis document'.

It is our belief that children do want change to the current legislation. During 1998 the National Children's Bureau and Save the Children carried out group interviews with 76 five, six and seven year olds across England to find out children's views on the issue of smacking. When asked 'What does it feel like to be smacked?' some disturbing images appeared. To give a few examples '*It feel like someone banged you with a hammer*' (5 year old girl); '*[It] hurts your feelings inside*' (7 year old girl); '*It feels like someone's punched you or kicked you or something*' (6 year old boy).

The very need for a consultation on physical punishment shows that current legislation is unclear and inconsistent with other Government initiatives (such as Sure Start). As the Government's own analysis mentions, approximately 300 NGOs responded to the consultation and many will have referred to the Government's pledges under the CRC. But the Government's analysis only mentions the CRC a handful of times in a very basic way, and does not inform the reader whether the Government and its departments agree that hitting babies and children is a violation of their Article 19 rights.

To us the debate over physical punishment is actually very simple. From birth, children deserve to have their human rights respected. If children were not subjected to physical punishment in the home at any point in their life, and if there was no violence on television, if our society frowned upon violence of all degrees, and if our government did more to tackle bullying and other serious issues in school, where would children learn about violence?

If England had zero tolerance towards violence, children would never use it, and because they would have learned that it's not necessary. Human Rights should begin at home! Unfortunately, we are consistently finding out that the Government absolutely disagree with us on the issue of physical punishment.

SECTION FOUR: Extending the minimum wage to cover under 18s

In the UK there are about 1.7 million under 18s who are working or looking for work. The Young People's Rights Network thinks that all workers should be paid equally for the same kind of work, without discrimination. A lot of young people work because their families haven't got much money, and it helps them buy clothes and books and other essential things for school and college. Young people (under 18s) need the safeguard of a minimum wage to help protect us from poverty. For those young people that have left home, we have to pay for things just like older people – food, heating, clothes and going out etc. Not having a minimum wage for younger workers allows unscrupulous employers to exploit us.

SECTION FIVE: Pushing the Government to make sure that every single child and young person in the UK knows about their rights, and one way to do this would be to include teaching about the CRC in the National Curriculum

The CRC is much more than a document which sets out the rights of children. It is a comprehensive commitment that sets out the entitlements of all children and young people.

The job of promoting the Convention has largely been left up to charities and other NGOs that are strapped for cash. It is specifically stated in the Convention that governments must take all appropriate measures to ensure all children know about their rights, but research carried out by Article 12 young people's organisation showed that less than one in three of the young people interviewed knew anything about their rights.

The Government must begin to do more to promote the CRC – to children, young people and adults. We hear all of the time that “young people are the future” but young people not only matter in the future, we matter now as the citizens of today.

CONCLUSION

There is a lot to be done and we have only touched on a handful of the issues affecting children and young people today.

The UK needs to adopt a ‘working in partnership’ way of thinking. Working with children and young people to solve the problems we face is such an obvious way of working. Young people led organisations and children's charities have been asking for change for long enough, and it's time to listen.

The overarching theme of our report is that children and young people want to be listened to and things need to change for the better – that's what all of our member organisations are about.

Young People's Rights Network
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