



Children's Rights Alliance for England

Welcome to issue 28 of our children's rights bulletin

June has been a busy month for children's human rights, with CRAE giving evidence at the pre-session working group of the UN Committee on the Rights of the Child, and holding a Parliamentary event with the Committee's rapporteur for the UK, Professor Lucy Smith from Norway. Find out more about this in our news section below.

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Take action!

If you have 5 minutes...

2008: Time to end the legal approval of hitting children!

Help change the law on assault so that children have the protection that adults take for granted. This will send the clear message that hitting children is as unacceptable as hitting anyone else.

There is only one chance to achieve this vital and long overdue reform in the life of this Parliament. An amendment to the Children and Young Persons Bill, currently before the House of Commons, will be tabled in the coming months.

Put pressure on your Member of Parliament to vote for equal protection for children. Please send campaign postcards now.

You can obtain postcards from the Children are Unbeatable! Alliance on 020 7713 0569 or at

<http://www.childrenareunbeatable.org.uk/postcard-request.php>

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If you have 30 minutes...

Respond to the 'Back on Track' White Paper which sets out the Government's proposals to improve alternative education provision and early intervention measures for children at risk of exclusion, and those who have been excluded.

Closing date: July 25 2008.

CRAE is encouraging children and young people to have their say at:

http://www.getreadyforgeneva.org.uk/news/article/have_your_say

Read the consultation paper and find out how to respond at:

<http://www.dfes.gov.uk/publications/backontrack>

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News

Verdict on children's human rights in England given to the UN Committee on the Rights of the Child

On June 9 2008, CRAE made its report to the UN Committee on the Rights of the Child, endorsed by over 100 NGOs, publicly available. CRAE's report is a comprehensive assessment of law and policy affecting children and identifies nearly 30 laws introduced since the last UN examination in 2002 that in part breach the human rights of children. The report makes 152 recommendations, at least 100 of which require urgent action from the UK Government. The report was accompanied by the launch of the children and young people's submission to the UN Committee, a unique perspective based on evidence gathered through the Get ready for Geneva children's rights investigation. Children and young people from the project met the Children's Minister, Beverley Hughes MP, on June 9 to discuss their concerns about the protection of children's human rights in England.

On June 11 2008, CRAE, the UK Children's Commissioners, NGO alliances from Scotland, Wales and Northern Ireland, and children and young people took part in the pre-session working group of the UN Committee on the Rights of the Child. For the first time, children and young people participated in the formal session, with Nathan Giles, 12, and Imogen Walsh, 17, from the Get ready for Geneva delegation opening proceedings. The other ten members of the English children's delegation discussed their concerns in detail with Committee members in a private, children-only session.

The formal examination of the UK Government will take place in Geneva on September 23 and 24. The Government has until August 8 2008 to submit its response to the UN Committee's list of issues.

Download CRAE's report:

<http://www.crae.org.uk>

Download the Get ready for Geneva report:

<http://www.getreadyforgeneva.org.uk>

The list of issues the UN Committee has sent the UK Government can be found at:

<http://www2.ohchr.org/english/bodies/crc/crcs49.htm>

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CRAE launches new advice service for children

On June 10, CRAE launched You've got the Right, a new advice service for children on human rights and equality law in England. Telephone calls and e-mails have already started coming through from children, as well as parents and other advocates, on issues ranging from bullying and racial discrimination at school to local transport charges. You've got the Right is funded by the Equality and Human Rights Commission.

Freephone: 0800 32 88 759

E-mail: advice@crae.org.uk

Lines are open Tuesday, Wednesday and Thursday from 3.30pm to 5.30pm

For more information, contact CRAE's legal director, Katy Swaine, at kswaine@crae.org.uk

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"Little evidence" of age discrimination against children, says Secretary of State for Equality

CRAE was deeply disappointed by Harriet Harman's announcement last week that protection from age discrimination in the provision of goods, facilities and services will only apply to over 18s. A new equality duty on public authorities to tackle all forms of discrimination will include age but not in relation to children's services and schools. CRAE is co-ordinating a national campaign to ensure children are fully included in the forthcoming Equality Bill, to be published in December. We have amassed a great deal of evidence, but need much more.

Contact CRAE's senior policy and change officer, Carla Garnelas, at equality@crae.org.uk

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The Government's draft legislative programme 2008/09

In May, the Government announced its plans for legislation during the next Parliamentary session. The Bills are grouped under four themes: economic stability, making the most of your potential, personalisation and improvement of public services, and handing back power to people. Among the many measures announced are an Education and Skills Bill, an Equality Bill, a Citizenship, Immigration and Borders Bill, a National Health Service Reform Bill, a Community Empowerment, Housing and Economic Regeneration Bill, a Welfare Reform Bill and a Policing and Crime Reduction Bill. The Government is inviting comment on its legislative plans ahead of the Queen's speech in December. At this stage, CRAE expects to push children's human rights related matters in the Bills dealing with education, equality, community empowerment and possibly the NHS constitution.

Find out how you can be part of the consultation:

<http://www.commonleader.gov.uk/output/Page2449.asp>

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Increasing support in Parliament for Votes at 16

A Private Members Bill to lower the voting age to 16, led by Julie Morgan MP (Labour) and supported by John Berrow MP (Conservative) and Jo Swinson MP (Liberal Democrat), was debated for five hours in the House of Commons on June 6 2008. Although there was no vote due to time constraints, the debate demonstrated strong Parliamentary support for lowering the voting age.

Speaking at the launch of the Bill, organised by the Votes at 16 coalition, Julie Morgan MP said, "*I think it's time for young people to be listened to more seriously - if they could vote, this would certainly happen much more. Let's get the debate raging; let's make 16 even sweeter.*" At the event, the Votes at 16 coalition launched its new leaflet, 16 for 16, which sets out 16 reasons to lower the voting age.

CRAE awaits with enthusiasm the Youth Citizenship Commission's forthcoming consultation on lowering the voting age due this summer, and will be attending a stakeholder event in July to advise on effective methods for engaging young people in this debate.

Read the debate on the House of Commons website:

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm080606/debtext/80606-0001.htm#08060613600003>

Visit the Votes at 16 website: <http://www.votesat16.org.uk>

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Restraint review

On June 24, Beverley Hughes, the Minister for Children, Young People and Families, announced in a written ministerial statement that the chairs of the independent review jointly established by the Ministry of Justice and the Department for Children, Schools and Families had reported their recommendations to the Minister of State for Justice, David Hanson on June 20.

Ms Hughes welcomed the report and said that the two departments would give its recommendations careful consideration. She announced that the Government plans to publish the chairs' full report alongside the Government's response to its recommendations by the end of October.

Earlier this month CRAE, the NSPCC and INQUEST wrote to the Secretaries of State for Justice and Children, Schools and Families urging them to publish the review upon receipt, in order to '*allow the bereaved families of Adam Rickwood and Gareth Myatt and many concerned organisations the opportunity for open discussion, scrutiny and consultation before a detailed Government response is published*'. Similar calls have been made on Government by Parliamentarians, partly in response to postcards and letters from NSPCC campaigners.

Ms Hughes' announcement shows that calls for greater openness from Government about the treatment of children in custody have thus far been ignored.

Read the ministerial statement here:

http://www.publications.parliament.uk/pa/cm/cmtoday/cmwms/archive/080624.htm#hddr_2

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Poverty continues to blight the lives of the most vulnerable

Figures released this month by the Department for Work and Pensions (DWP) show that child poverty has risen for the second year, now standing at 3.9 million children (using measure of 60% below median

rate after housing costs) - a rise of 100,000 UK children living in relative poverty (300,000 increase since 2004/05). The Government missed its first target of reducing child poverty by a quarter between 1998/99 and 2004/05, and without significant further investment is clearly still a long way from meeting its commitment to halve child poverty by 2010.

The DWP report shows that more than half (55%) of the poorest 20% of UK families cannot afford a week's holiday a year, and 22% cannot afford for children to go swimming at least once a month.

Although CRAE welcomes announcements in the budget for increased benefits, increased tax credits, and the launch of a new £150 million child poverty strategy, the reality is that too many children still suffer from poorer health, lower educational outcomes, lower self-esteem, social exclusion and marginalisation as a direct result of living in poverty. Without measures such as increased redistribution to poorer families, more support for parents in the workplace, and long-term policies to address the inequalities inherent in our society, the Government will not achieve its target to end child poverty by 2020. Strategies to get more parents into employment, while positive, are simply not sufficient.

Download DWP's Household Below Average Income report:
<http://www.dwp.gov.uk/asd/hbai.asp>

Read Child Poverty Action Group's critique of Government progress on child poverty targets:
http://www.cpag.org.uk/info/briefings_policy/CPAG_briefingHBAI_2006.pdf

Date for your diary: End Child Poverty *Keep the Promise* rally on October 4 2008

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Success of juvenile justice policy deemed 'elusive'

The Centre for Crime and Justice Studies has published a ten year review of the Government's youth justice policies. In a comprehensive review of progress on targets in relation to reducing youth crime, reducing re-offending, reducing the number of children in custody, and meeting needs with regard to suitable accommodation on release, education, training and employment, substance misuse, and mental health support, the report finds that *"most of the targets have been missed and success in achieving the desired outcomes has been far more elusive than the Government claims"*. It states that *"despite the huge investment...the principal aim of the youth justice system set out in the 1998 Crime and Disorder Act, to 'prevent offending by children and young people', has yet to be achieved in any significant sense"*.

In light of the significant human rights violations CRAE has detailed in its report to the UN Committee on the Rights of the Child in relation to juvenile justice (for example, the failure to use custody as 'a last resort', the wide use of restraint against children, the lack of a statutory right to education), CRAE hopes that the Government will take notice of this report and ensure its forthcoming youth crime action plan sits squarely in the arena of children's best interests rather than continuing to take a highly punitive and largely ineffective approach. The ideological gap between policy directed toward children in general and policy directed toward those in conflict with the law must be bridged.

Download the report:
http://www.crimeandjustice.org.uk/youthjusticeauditstructure.html?search_string=youth%20justice%20audit

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All 16 and 17 year-olds carrying knives to be automatically prosecuted

The Home Secretary announced earlier this month that all 16 and 17 year-olds carrying knives would be prosecuted, irrespective of the circumstances. This means a teenager with absolutely no criminal record who is found carrying a knife for his or her own safety will be brought to court. The former head of the Youth Justice Board, Professor Rod Morgan, described the move as "gesture politics".

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New proposals to make all obscene images of children illegal

At the end of May, the Government announced new proposals to make the possession of non-photographic images of child sexual abuse (including drawings and computer-generated images) illegal. Maria Eagle, Parliamentary Under-Secretary of State for Justice, said that *"these new proposals will close a loophole that we believe paedophiles are using to create images of child sexual abuse"*. The proposals were issued in response to a public consultation and, if convicted, offenders will face up to three years in prison. CRAE welcomes this new development, but would urge the Government to take a more integrated approach to protecting children by ratifying the Optional Protocol to the UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (signed in September 2000). It must also ensure measures to combat the sale or distribution of child pornography are developed in concert with those to combat child trafficking and to keep children safe online.

<http://nds.coi.gov.uk/Content/Detail.asp?ReleaseID=368663&NewsAreaID=2>

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Proposed safeguarding duty for Border Agency

The Home Office and the Department for Children, Schools and Families have announced the intention to put the UK Border Agency under a legal duty to safeguard and promote the welfare of children. This will form part of the Immigration Bill to be introduced in the next Parliamentary session. The legal duty will give the UK Border Agency the same responsibility to ensure the safety and welfare of children as those agencies subject to section 11 of the Children Act 2004.

CRAE very much welcomes this move but questions why increased protection for children in contact with the Border Agency must wait for the next immigration Bill. The current Lords amendment in the Children and Young Persons Bill (clause 7), if accepted by Ministers, would give these children additional protection sooner, and would also signal they are part of the mainstream rather than a distinct group. We also look forward to news of the removal of the UK's wide-ranging immigration reservation to the UN Convention on the Rights of the Child, and to other long-awaited reforms in the treatment of young refugees and asylum-seekers.

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Both parents to be named on birth certificates

The Government has announced plans to change the law to require both parents to be named on a birth certificate. The proposals, set out in the Joint Birth Registration White Paper, will give mothers and fathers the right to be named on the birth certificate. To be implemented in the proposed Welfare Reform Bill in the next Parliamentary session, both parents will now have a responsibility to jointly register the birth of their child. A parent will only be able to register alone if it is *"impracticable, impossible or unreasonable"* to jointly register. Paternity tests will be more broadly used to determine

parentage where paternity is disputed by either the mother or the father.

CRAE broadly welcomes any move to increase children's right to identity and to know their parents. Joint registration on birth certificates was one of the recommendations in the recent submission to the UN Committee on the Rights of the Child, co-ordinated by CRAE and endorsed by 100+ NGOs. However, mothers unable to joint register a birth because it is not in the best interests of children must not be subjected to punitive measures such as fines or imprisonment. Care must be taken to ensure that any new processes are also appropriate for parents aged 17 or under.

Download the White Paper:

<http://www.dwp.gov.uk/jointbirthregistration>

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New exclusion figures show rise in temporary exclusions

New exclusion figures for 2006/07 released by the Department for Children, Schools and Families show a reduction of seven per cent in overall permanent exclusions (to 8,680) on the previous year, but a rise in fixed period exclusions of four per cent (to 363,270). While the reduction in permanent exclusions is encouraging, the rise in fixed period exclusions is of concern. The gender gap in exclusions also persists, with the permanent exclusion rate for boys nearly four times higher than that for girls (three times higher in fixed period exclusions). Students with special educational needs continue to be disproportionately targeted in exclusion, being nine times more likely to be excluded than other children.

Download the new exclusion figures:

<http://www.dfes.gov.uk/rsgateway/DB/SFR/s000793/index.shtml>

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Legal advocacy

UK COURTS

Surreptitious photography may breach children's privacy rights, says Court of Appeal (1)

The case was brought by Harry Potter author JK Rowling and her husband on behalf of their son DM against Big Pictures Limited, which had covertly taken photographs of DM aged 19 months. The claim was struck out in the High Court on the grounds that DM had no reasonable expectation of privacy.

In a ruling which could assist children bringing future privacy claims against the media, the Court of Appeal allowed the appeal and directed that the matter should return to the High Court for a trial. The grounds for the decision were that the law should protect children from intrusive media attention, *"at any rate to the extent that a child has a reasonable expectation that he or she will not be targeted in order to obtain photographs in a public place for publication which the person who took or procured the taking of the photographs knew would be objected to on behalf of the child"*.

The Court said that whether DM had a reasonable expectation of privacy in this case would be a matter for the trial judge to determine. The trial judge would also have to strike a balance between DM's right to privacy under articles 8 (right to privacy) and 10 (freedom of expression) of the European Convention on Human Rights (ECHR) in order to establish whether a breach had occurred. The Court of Appeal commented, *"it seems to us to be more likely than not that...it would hold that the article 8/10 balance would come down in favour of [DM]..."* The Court also directed that the trial judge should consider whether the Data Protection Act 1998 had been breached. DM's right to privacy under article 16 of the UN Convention on the Rights of the Child was referred to in the judgment.

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Legal challenges against Home Office stop and search policy for young people

The National Black Police Association (BPA) is preparing to launch a legal challenge against the Home Office's stop and search policy. The BPA hopes to prove that section 60 powers have been misused and young people are being stopped illegally.

Section 60(1) of the Criminal Justice and Public Order Act 1994 gives police officers in England and Wales of the rank of inspector or above the power to authorise the stop and search of individuals in their police area for up to 24 hours (this may be extended) where they reasonably believe that incidents involving serious violence may take place or have taken place in the area and someone may be carrying a weapon used in such an incident in the area, or that persons may be carrying dangerous instruments or offensive weapons in the area without good reason.

In these circumstances, police in uniform may stop and search any pedestrian and any vehicle (and its driver/passenger) for offensive weapons or dangerous instruments (s.60(4)), whether or not they have grounds for suspecting that the person or vehicle is carrying weapons or articles of that kind (s.60(5)).

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House of Lords considers application of time limit in Scottish child abuse case (2)

In a judgment published on May 21 2008, the House of Lords considered whether a time bar applied in a Scottish abuse case against the Poor Sisters of Nazareth, a children's home.

The appeal was brought by adults who had formerly lived in a children's home called Nazareth House in Glasgow which was run by the Poor Sisters of Nazareth, a religious order. In 2000 they raised separate actions against the religious order, seeking compensation in respect of physical abuse they claimed to have suffered while they lived in the home. They claimed to have been regularly assaulted and subjected to cruel punishments which led to long-standing psychiatric problems and, among other things, affected their potential earnings as adults. The Poor Sisters of Nazareth denied the allegations and said that the actions were in any case 'time barred' because they were brought too long after the abuse was alleged to have taken place.

The rules about time limits for bringing legal action in Scotland are set out in Part II of the

Prescription and Limitation (Scotland) Act 1973. This provides a three-year time limit in this type of claim unless exceptions apply. The appellants had relied on section 19A(1) of the 1973 Act, under which the court may exercise its discretion to allow an action to be brought out of time. The lower court had exercised that discretion and refused to allow the actions out of time.

The House of Lords dismissed the appeals on the basis that it is not the function of the House of Lords to “*exercise afresh a discretion that was vested*” in the lower court, especially when this had already been reviewed by the Inner House on appeal, and that the House “*will always be slow to interfere with a decision of the Court of Session on matters of procedure*”.

This case was decided under Scottish law and its outcome differs from that of the English case reported in an earlier bulletin (3), in which the House of Lords held that a group of adult claimants who had all suffered abuse when they were children, many years before they went to court, could bring their claims for damages against their former carers under an exception contained in an English statute (the Limitation Act 1975).

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High Court judge criticises local authority for over-reliance on expert evidence in care proceedings (4)

A judge has criticised authorities in Leeds for removing a 10 year-old girl from her home for 11 months because of medical evidence that suggested sexual abuse. The girl had consistently denied there had been any abuse, and her family appeared normal and caring. The girl and her brother have since been returned home and the judge warned authorities not to place too much emphasis on physical examinations, noting “*the very great importance of including in any assessment every aspect of a case*”.

Mr Justice Holman commented, “*Very important indeed is the account of the child, considered of course, in an age appropriate way. An express denial is no less an account than a positive account of abuse.*” The judge referred to new guidance by the Royal College of Paediatrics and Child Health (The physical signs of child sexual abuse: *An evidence-based review and guidance for best practice*, March 2008) and suggested that the document “*should be enabled to permeate and influence the approach rather than the observations of a single judge after hearing limited evidence which has been very specifically focused on the facts of this case*”.

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Mother wins at House of Lords in leave to remove proceedings (5)

The case arose upon the separation of a Swedish couple, who had been living in London for almost 15 years with their three children who were aged 11, 13 and 15 by the time of the House of Lords hearing. The children had remained with their mother after the separation and continued to attend school in London.

The mother applied for leave to remove the children back to Sweden, arguing that the husband’s income was not sufficient to provide suitable housing and pay school fees in London, but would be more than sufficient back in Sweden. The children also said they wanted to live in Sweden with their mother but the CAFCASS officer’s report, while recording that view, recommended that the application be refused. The trial judge accepted this and refused the mother’s application.

In the House of Lords, Thorpe LJ allowed the mother’s appeal primarily on the basis that the husband’s income was insufficient to maintain the family’s lifestyle in London but would be sufficient in Sweden. He also found that “*the wishes and feelings of the children were plain enough and the judge should have given them greater weight*”.

Thorpe LJ commented on the practice of judges meeting children affected by proceedings, and gave his view that the judge at first instance should not have been dissuaded from doing so. However, in separate judgments, Wilson LJ and Charles J disagree with Thorpe LJ on this point, principally on the basis that the guidelines and training required to handle such meetings are not yet in place.

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House of Lords finds no breach of ECHR articles 6 and 8 in child ‘sex offender’ case (6)

The case was brought by a boy, G, who had pleaded guilty to raping a child under the age of 13, contrary to section 5 of the Sexual Offences Act 2003. The prosecution had accepted G’s version of events, namely that he was 15 years old at the time of the offence, the complainant had consented to intercourse, and she had told him she was 15. However, the offence of raping a child under 13 is a ‘strict liability’ offence. This means that the mere fact it happened means the offence was committed, regardless of the state of mind or intentions of the alleged perpetrator or whether the complainant consented, and regardless of any other surrounding circumstances.

G was sentenced to a 12 month detention and training order, and appealed against both his conviction and the sentence. The sentence was quashed by the Court of Appeal as G had served five months in detention, and was replaced with a conditional discharge. His appeal against conviction was dismissed by the Court of Appeal and he appealed to the House of Lords (against his conviction only) on the following grounds:

- G said that the fact that this was a ‘strict liability’ offence violated his right to a fair trial under article 6 of the ECHR
- G said that it was a breach of his right to privacy under article 8 of the ECHR to prosecute him for the offence of raping a child under 13, instead of prosecuting him for a less serious offence under section 11 of the Sexual Offences Act 2003, which deals with sex offences committed by persons under 18.

The House of Lords dismissed G’s appeal, holding that - despite the stigma faced by G for a rape conviction - his rights under articles 6 and 8 of the ECHR had not been breached. The Court’s reasoning was based in part on the fact that section 5 is “*deliberately strict in its protective intention, and leaves such matters to be taken account of in sentencing*”, which the Court of Appeal had dealt with in imposing the conditional discharge.

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Severely disabled child loses education appeal in House of Lords (7)

The appellant, A, was a severely disabled child who had effectively been excluded from the education system for 19 months. He sought compensation for breaches of his rights under articles 3 (prohibition of torture, inhuman and degrading treatment), 8 (right to privacy) and 14 (non-discrimination) of the ECHR and article 2 of the First Protocol of the ECHR (right to education).

The High Court decided the case had no prospect of success, and this was confirmed by the Court of

Appeal. A appealed to the House of Lords, claiming that he had been denied “*the basic minimum of education*” (8). The House of Lords dismissed the appeal on the following grounds:

- There had been no such denial because A had been excluded for his own safety and that of others
- The County Council had provided some form of interim education and had identified and funded a more appropriate school placement
- Although A and his family had suffered, this was not serious enough to constitute a breach of articles 3 or 8
- Article 14 did not apply because it did not prevent different cases being treated differently, and the council in this case had made every reasonable effort to provide education appropriate to A’s needs.

Source: Doughty Street Human Rights Bulletin No.14, June 11 2008
<http://www.doughtystreet.co.uk>

- (1) *DM (by his litigation friends Neil Murray and Joanne Murray) – v – Big Pictures (UK) Limited* [2008] EWCA Civ 446; judgment on May 7 2008
- (2) *Bowden (AP) (Appellant) v Poor Sisters of Nazareth (Respondents) and others (Scotland); Whitton (AP) (Appellant) v Poor Sisters of Nazareth (Respondents) and others (Scotland) (Consolidated Appeals)* [2008] UKHL 32; on appeal from [2007] EWCA Civ 601
- (3) *A (Appellant) v Hoare (Respondent); C (FC) (Appellant) v Middlesborough Council (Respondents); X (FC) and another (FC) (Appellants) v London Borough of Wandsworth (Respondents) (Conjoined Appeals); H (FC) (Appellant) v Suffolk County Council (Respondents); Young (FC) (Appellant) v Catholic Care (Diocese of Leeds) and others (Respondents)* [2008] UKHL 6 (on appeal from [2006] EWCA Civ 395)
- (4) *Leeds City Council – v – Mrs YX & Mr ZX (Assessment of Sexual Abuse)* [2008] EWHC 802 (Fam)
- (5) *W (Children)* [2008] EWCA Civ 538
- (6) *R v G (Appellant) (On appeal from the Court of Appeal (Criminal Division))* [2008] UKHL 37 (judgment June 18 2008)
- (7) *A v Essex County council* [2008] EWCA Civ 364; judgment on April 16 2008
- (8) This is the test established in the case of *Lord Grey School* [2006] 2 AC 363

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Consultations

Home Office, Consultation on the British Crime Survey extension to cover under-16s

The British Crime Survey provides information about levels and trends in crime in England and Wales, covering people aged 16 or over living in private households. The Home Office is proposing to extend the survey to cover people under the age of 16.

Closing date: August 8 2008

<http://www.ons.gov.uk/about/consultations/closed-consultations/consultation-on-the-british-crime-survey-extension-to-cover-under-16s/index.html>

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Department for Children, Schools and Families (DCSF), CAMHS Review

The independent review of child and adolescent mental health services, chaired by Jo Davidson, is calling for evidence on the provision and development of universal, targeted and specialist services to improve the emotional well-being and mental health of children and young people.

Closing date: July 7 2008

<http://www.dcsf.gov.uk/CAMHSreview>

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DCSF, Youth alcohol action plan

The Government is calling for comments on its new action plan to reduce young people’s alcohol consumption.

Closing date: July 7 2008

<http://www.dfes.gov.uk/consultations/conDetails.cfm?consultationId=1557>

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DCSF, Fair play: A consultation on the play strategy

The Government is consulting on its national play strategy, the aim of which is to create strong communities with a variety of places for children to play.

Closing date: July 18 2008

<http://www.dfes.gov.uk/consultations/conDetails.cfm?consultationId=1543>

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DCSF, Back on Track White Paper

The White Paper sets out detailed proposals to improve alternative education provision and early intervention measures for children at risk of exclusion, or those who have been excluded. CRAE is encouraging children and young people to have their say on this White Paper at:

http://www.getreadyforgeneva.org.uk/news/article/have_your_say

Closing date: July 25 2008

<http://www.dfes.gov.uk/publications/backontrack/>

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DCSF, Fair play: Have your say

This consultation asks children and young people to tell the Government what their ideal play space would contain.

Closing date: August 18 2008

<http://www.dcsf.gov.uk/playspace>

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DCSF, School admissions

This consultation outlines proposed changes to make the school admissions process as fair, transparent and straightforward as possible for parents.

Closing date: October 2 2008

<http://www.dfes.gov.uk/consultations/conDetails.cfm?consultationId=1561>

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Early Day Motions

The full list of Early Day Motions can be found at:
<http://edmi.parliament.uk/EDMi/Default.aspx>.

Please ask your MP to sign the following Early Day Motion:
EDM 1732 Personal, social and health education (no.2)
Annette Brooke MP

“That this House notes that the UK has the highest levels of teenage pregnancy, birth and abortion rates in Western Europe; further notes that for every 1,000 births between 2000 and 2005, 27 births were to under-19 year olds while the figure in France was just 8; further notes that 57.5 per cent of under-16 conceptions in 2005 resulted in legal abortion; further notes that of more than 20,000 teenagers questioned about sex education in a UK Youth Parliament survey published in 2007, more than half rated the teaching in school as poor, very poor or merely average, and only a quarter said it was good; joins the UK Youth Parliament in calling for sex and relationship courses to be made a statutory part of personal, social and health education; and further calls for trained staff to deliver such courses.”

<http://edmi.parliament.uk/EDMi/EDMDetails.aspx?EDMID=36018&SESSION=891>

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Bills

Children and Young Persons Bill

The Children and Young Persons Bill has reached Committee stage in the House of Commons. The Bill requires all Secretaries of State to promote the well-being of children. CRAE is pushing for an amendment which will explicitly include the UN Convention on the Rights of the Child in Ministers' statutory function.

CRAE is lobbying for other amendments to the Bill, relating to the need for an explicit provision in the Bill requiring contracted-out social work practices to comply with the Human Rights Act, for a duty on local authorities to support sibling contact, and a statutory role and function for Children in Care councils. We are supporting an amendment to strengthen independent advocacy for children in care, and moves to amend the Bill to provide children with equal legal protection from assault.

For more information, contact Carolyne Willow at cwillow@crae.org.uk

Commons Committee stage: June 24 to July 3 2008

Government briefing:

<http://www.number-10.gov.uk/files/pdf/8.Children%20and%20Young%20Persons%20Bill.pdf>

Follow the Bill's progress through Parliament:

<http://services.parliament.uk/bills/2007-08/childrenandyoungpersonshl.html>

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Education and Skills Bill

The Education and Skills Bill, introducing a new duty on 16 and 17 year-olds to participate in education and training, is now in the House of Lords. CRAE, the British Youth Council and the English Secondary Students' Association continue to lobby against this new duty, which could ultimately lead to a criminal record lasting two and a half years following breach of a civil penalty. CRAE has also raised concerns about privacy rights as a result of increased data sharing, and whether a criminal record for breach of the duty to participate will affect future Criminal Record Bureau checks or university applications.

Leading for Participation Works, CRAE is seeking amendments to the Bill to increase the rights of children to have a say in decision-making within schools, including in the exclusion process.

For more information, contact Catherine Billingham at cbillingham@crae.org.uk

Lords Committee stage: June 25 to July 17 2008

Government briefing:

<http://www.number-10.gov.uk/files/pdf/2.Education%20and%20Skills%20Bill.pdf>

Follow the Bill's progress through Parliament:

<http://services.parliament.uk/bills/2007-08/educationandskills.html>

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Events

Date for your diary: CRAE annual conference November 20 2008

CRAE is delighted to announce that the annual conference will be held at the Oval Conference Centre in London on November 20. The programme will include discussion of the new concluding observations from the UN Committee on the Rights of the Child (due to be issued in October 2008), and the launch of both CRAE's *State of children's rights in England report* and the research findings and advocacy campaigns from the Get ready for Geneva project. More details will be available shortly.

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Participation: The essential tools and resources

This one day conference in London on **September 18 2008** from Participation Works will explore the available tools and resources to support children and young people's participation in a range of settings. Speakers include Peter Wanless, Chief Executive of the Big Lottery Fund, and Fiona Blackie, Chief Executive of the National Youth Agency. Workshops will be delivered by the Schools Development Support Agency, the Children's Workforce Development Council, YoMo, and Participation Works

partners.

Participation Works is supported by the Big Lottery Fund to deliver a range of free training and events for third sector organisation. To find out more, visit <http://www.participationworks.org.uk/>. (CRAE is a member of the Participation Works consortium - six national organisations working together to enable others to effectively involve children and young people in the development, delivery and evaluation of services.)

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Publications

New report on Children's views on advocacy

The Children's Rights Director Roger Morgan has published a new report capturing the views of children across the country on advocacy, including what makes a good advocate and how well advocates represent and speak up for children. The report found that the independence of advocates was important to children, but that few had a choice of advocate. Six per cent of children had been refused advocacy services, and one in five did not know how to get an advocate.

This report comes as pressure builds on the Government to make advocacy provision statutory in the Children and Young Persons Bill. The Children's Society and Voice are leading a campaign, supported by CRAE, to secure the right to independent advocacy for all children.

Read the Children's Rights Director report:
<http://digbig.com/4xdfy>

Learn more about the campaign for independent advocacy:
<http://digbig.com/4xdgc>

Read Early Day Motion 1126 on advocacy:
<http://edmi.parliament.uk/EDMi/EDMDetails.aspx?EDMID=35345&SESSION=891>

Ministry of Justice guide to the Human Rights Act

The Ministry of Justice has produced a guide to the Human Rights Act (HRA) for people with learning disabilities. The booklet uses everyday language and images to explain key concepts about human rights, government and democracy. It explains what the HRA means in practice and gives simple, relevant examples to illustrate each of the 16 articles. The document also explains how individuals can use the HRA to challenge the way they are treated by public authorities.

CRAE welcomes the publication of this document and is pleased to see the Ministry of Justice taking action to disseminate accessible information about the HRA. CRAE urges the Government to take similar action to widely disseminate information about the UN Convention on the Rights of the Child.

Download the pack:
<http://www.justice.gov.uk/docs/human-rights-act-learning-disabilities.pdf>

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Contact CRAE

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The Children's Rights Alliance for England (CRAE) is a coalition of over 380 voluntary and statutory organisations committed to the full implementation of the United Nations Convention on the Rights of the Child.

The views, opinions and information given in this bulletin do not constitute legal advice and are NOT to be solely relied upon. ALWAYS seek appropriate legal advice.

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