

Children's **Human Rights**

**What they
are and
why they
matter**

**Find out more ...
with over 40 major
rights inside!**



Children's Rights Alliance
for England

This booklet is all about the human rights of young people - those aged 17 and under.

Human rights are rules agreed by governments. They set out how people in a country can expect to be treated.

Human rights cover all areas of life and all people. Their purpose is to make sure everyone can lead a fulfilled life with respect, dignity and freedom. The United Nations is the main body that governs human rights. It was set up after the Second World War, in 1945, to encourage peace and respect for human life and dignity across the world.

In 1989, after 10 years of discussion, the United Nations agreed the **Convention on the Rights of the Child**. This human rights treaty sets out what governments must do to ensure children and young people everywhere have a good life. It describes all the things that children and young people need to get the most from life - the right to be heard and to participate in decisions; the right to protection from all forms of violence; the right to health care, education and leisure; the right to family life and to an adequate standard of living; and lots more.



Nearly every country in the world has accepted the Convention on the Rights of the Child.

In 1991, our Government agreed to always follow the Convention when making decisions that affect children and young people.

Human rights are not just for governments or courts to uphold. They can guide you in how you treat others.

Human rights - yours to understand and yours to use.

We hope you find this booklet useful.

Children's Rights Alliance for England



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Section One: Starting point

The UN Committee on the Rights of the Child is a group of 18 children's rights experts (all adults) from across the world. It meets three times a year in Geneva, Switzerland, to consider the children's human rights record of different countries.

The Committee last examined the UK in 2002; it will look again at the UK in 2008 or 2009.

The different sections of the Convention on the Rights of the Child are called **articles**.

The Committee on the Rights of the Child says there are four articles in the Convention that are especially important: articles 2, 3, 6 and 12.

Article 2

All the rights in this Convention apply to all children and young people without any discrimination (see page 44).

Article 3

The best interests of children and young people should always be a top priority (see page 11).

Article 6

Every child and young person has the right to survival and maximum development (see page 15).

Article 12

Every child and young person has the right to have his or her views taken seriously (see page 23).

IMPORTANT:

The Convention on the Rights of the Child is not as yet part of UK law. However, courts can use the Convention to help them make decisions. The UK also has a Human Rights Act that includes the most basic human rights and freedoms.

Want to know more about
the Human Rights Act?
Visit www.crae.org.uk

In 1951, the UK Parliament agreed that UK citizens* should have all the rights and freedoms in the European Convention on Human Rights.

In 1998, the UK Parliament passed the Human Rights Act which brings into UK law all the rights and freedoms in the European Convention on Human Rights. This means UK citizens* can now bring human rights cases to UK courts, as well as take a case to the European Court of Human Rights in Strasbourg. Any law that is passed by Parliament must be in line with the rights in the European Convention on Human Rights.

1950

1960

1970

1980

1990

2000

In 1966, the UK Government agreed that UK citizens* could now take a human rights complaint to the European Court of Human Rights in Strasbourg, France.

When you see this symbol **HRA**, it means the rights in the Convention on the Rights of the Child are also in the Human Rights Act.

Section Two:

Be the best you can be

In this section, you will find out about your rights: to be treated as a priority; to an identity; to a family life; to as good a life as possible; and to stay healthy.



TREATED AS A PRIORITY

Article 3

- Adults should always try to do what is best for children and young people.
- Governments must do everything to make sure children and young people are safe and well looked after.

IDENTITY

Article 8

- Governments should do everything possible to protect the right of every child and young person to a name and nationality and to family life (see page 13).



Real Life

Your identity is precious. Even if you don't live with your family, you have the right to keep your own name and to keep in touch with your family.

A FAMILY LIFE

All the rights in the Convention on the Rights of the Child apply to you in your family. This includes the right to be heard and the right to be protected from all forms of violence (including “smacking”).

In addition, the Convention on the Rights of the Child has this to say about the family:

Article 5

- Parents can give children and young people advice and help about children’s rights. The more a young person knows and understands, the less advice and help a parent needs to give.

Article 7

- Children and young people have the right to a name and a nationality.*
 - Children and young people have the right to be cared for by both parents.

Article 9 HRA

- If a court is thinking about who a child or young person should live with, everyone affected by the decision should get the chance to be heard - including the child.
- Every child and young person has the right to keep in regular contact with both parents, so long as this is the best thing for the young person.



Real Life

In May 2005, three teenage brothers took a case to the Court of Appeal because they had been denied their own solicitor to represent their views in court about who they should live with following their parents’ separation. They boys were successful. The judge said their right to freedom of expression and participation had to be respected.

Article 10

- If a child or a parent wants to live in another country, the decision about this should be made quickly and fairly.
- A child or young person whose parents live in another country has the right to keep in touch with them.



Article 18 HRA

- Governments must do all they can to help parents look after children well.
- Parents are the most important people in children's and young people's lives. Parents must always do what is best for children and young people.



A GOOD LIFE

Article 6

- Every child and young person has the right to life. **HRA**
- Governments must do all they can to make sure every child and young person has the best possible life.

Article 26

- Governments must support every child's and young person's right to have enough money.

Article 27

- Children and young people have the right to a standard of living that helps them develop fully.
- Parents have the main responsibility for making sure children and young people get this right.
- Governments must support parents. The amount of help the Government gives depends on how rich the country is.*



***The UK is the fifth richest country in the world.**

Real Life

You need many things to have the best possible life - a warm and safe home, plenty of nutritious food and clean water, decent clothing and footwear, the chance to take part in activities, and lots more. Parents and the Government should make sure this happens.

STAY HEALTHY

Article 24

- Every child and young person has the right to the best possible health and health services.

Section Three: Safe and secure

This section is all about children and young people feeling safe. Every human being has the right to live without fear - and that includes you!

Article 19

- Governments must do everything to protect children and young people from all forms of violence, abuse, neglect and mistreatment.
- Help must be available for children and young people who are hurt by violence, abuse, neglect or mistreatment.

Real Life

No one has the right to hit or hurt you - at home, in school, in your neighbourhood or anywhere else. Stand up to violence; get help if you need it.

Article 32

- Every young person has the right to be protected from harmful work and economic exploitation.
- Governments must do everything to protect this right.
- Governments must set a minimum age at which young people can work, and they must introduce rules to protect young people in work.*



***Young people in the UK can work part-time from the age of 13 so long as they are doing light work. They can work full-time from the age of 16 years.**

Article 33

- Governments must do everything to protect children and young people from illegal drugs.



Article 34

- Governments must do everything to protect children and young people from sexual exploitation (including prostitution) and sexual abuse.

Article 35

- Governments must do everything to protect children and young people from being taken away, sold or trafficked.



Article 36

- Governments must protect children and young people from all other exploitation.

Section Four: Respect

The Convention on the Rights of the Child is the only human rights treaty that gives a group of people the right to be heard and taken seriously in all situations. Children and young people are often ignored or not taken seriously. The Convention requires that this should change.



Article 12

- Every child and young person has the right to express his or her views freely - about everything that affects him or her.
- The child's or young person's views must be given 'due weight' depending on his or her age and maturity.
- The child or young person has the right to be heard in all decision-making processes, including in court hearings. The child or young person can speak for him or herself, or someone else can speak for him or her.

Real Life

If your parents are separating, you should be able to freely express your views, if you want to.

At school, you should have a say about your own education and how your school is run. If you are in care, you should be involved whenever a decision is being made about your life. In hospital, the doctors and nurses should give you information, listen to you and take you seriously.

You should be heard and taken seriously in your local community and by national government. In fact, the Convention says your views count always in all matters affecting you.



Article 23

- Every disabled child and young person has the right to a full life and to active participation in the community.



Section Five: Freedom

Human rights protect the freedom of people - that includes children and young people - from unnecessary interference (especially from governments). No one has absolute freedom: we all have to respect the human rights of everyone else.



Article 13 HRA

- Every child and young person has the right to freedom of expression, including the right to all kinds of information and ideas (unless there are legal restrictions - see page 31).



Real Life

“You should be able to choose what you wear and how you look, so long as it doesn’t interfere with the rights of others or break the law.”

Article 14 HRA

- Every child and young person has the right to freedom of thought, conscience and religion (unless there are legal restrictions - see page 31).
- Governments must respect the right of parents and guardians to give advice to the child or young person about this right. The more a child or young person knows and understands, the less advice parents need to give.

Real Life

In 2005, a 16 year-old Muslim girl won the right to wear a jilbab at her Luton school. Shabina Begum argued that her school's ban on the jilbab affected her right to freedom of thought, conscience and religion. As this right is also protected under the European Convention on Human Rights, she was able to take her case to court. Unfortunately, the House of Lords overruled the decision in March 2006. Shabina Begum may now try to protect her rights through taking her case to the European Court of Human Rights in Strasbourg (see pages 8-9).



Real Life

In 2005, a boy from Richmond in London challenged the Government for passing a law that allows the police to take home any person under the age of 16 who is outside after 9pm. The case went to the Court of Appeal. The judge said the police could apply the new law only to young people who are involved - or just about to be involved - in anti-social behaviour.

Article 15 HRA

- Every child and young person has the right to meet people and to gather in public (unless there are legal restrictions - see page 31).

Article 16 HRA

- The law must protect every child's and young person's right to privacy.

PLEASE
RESPECT MY
PRIVACY



That means:

No reading my letters,
emails or text messages;
No going through my
cupboards and drawers;
And no listening to
my private conversations.

Article 30 HRA

- Children and young people from minority communities must not be stopped from enjoying their own culture, religion and language.

Article 31

- Every child and young person has the right to rest, play and leisure.
- Governments must promote children's and young people's involvement in the arts.

*Legal restrictions

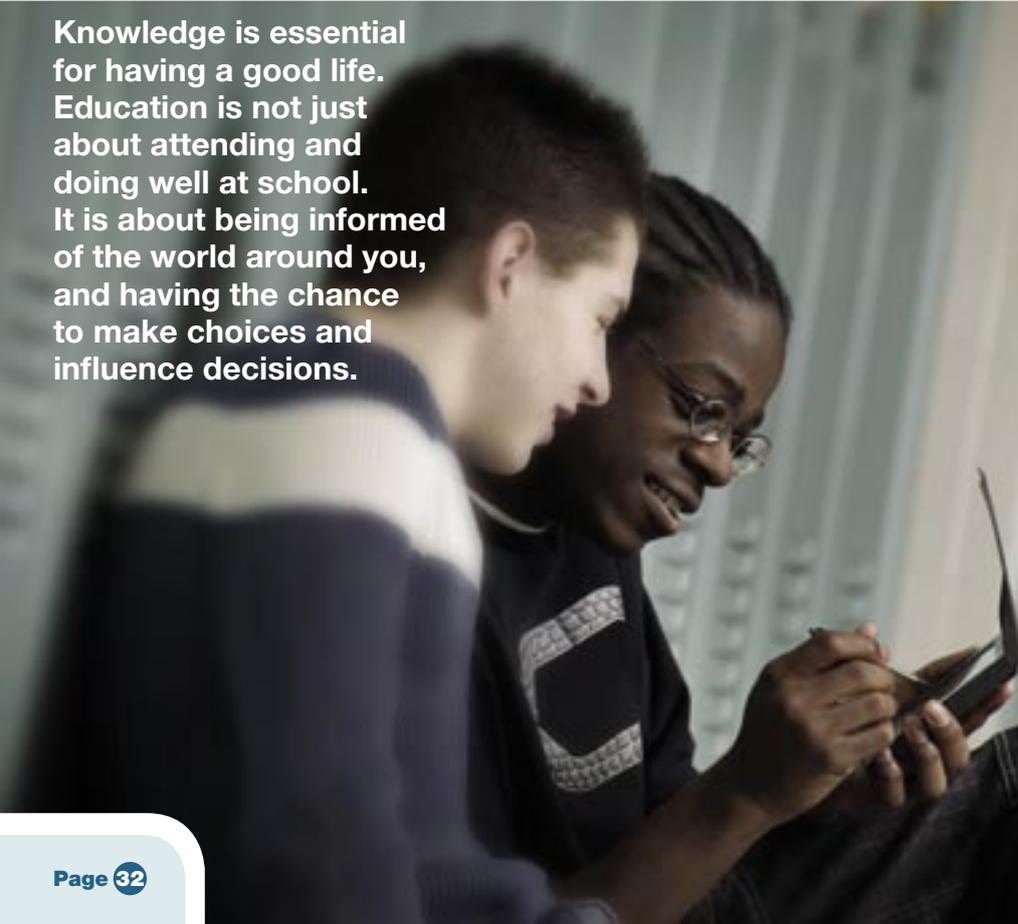
Some human rights are absolute – they must never be broken. For example, the right to life and to protection from torture or other inhuman or degrading treatment or punishment.

Other human rights can be interfered with, but only if absolutely necessary and fair. A child or young person can go to court if he or she thinks his or her human rights are being interfered with unfairly - **if these rights are in the European Convention on Human Rights**. The Convention on the Rights of the Child can be used to support a case, but it cannot be used on its own to start one (this may change - visit www.crae.org.uk for up-to-date information on children's rights).



Section Six: Knowledge

Knowledge is essential for having a good life. Education is not just about attending and doing well at school. It is about being informed of the world around you, and having the chance to make choices and influence decisions.



Article 17

- Governments must make sure children and young people have access to lots of different information.
- Governments must encourage the media to give information to children and young people and protect them from harmful information and material.



Article 28 HRA

- Every child and young person has the right to free primary education.
- Governments must encourage secondary education, making it available and accessible to every child and young person.
- Access to higher education must be based on the ability to benefit from it.
- Governments must make sure children and young people get information about education.
- Governments must encourage regular school attendance.
- Governments must make sure that school discipline protects the dignity of children and young people, and is in line with their rights in this Convention - so no hitting or humiliation.

Real Life

The kind of education you get should not be dependent on how much money you or your family has. The purpose of education is to help you reach your fullest potential as a human being. You should be heard and respected at school - always.

Article 29

- Governments agree that the aim of education is to help the fullest possible growth of the child or young person's personality, talents and mental and physical abilities.
- Education must help children and young people:
 - respect human rights
 - respect their parents
 - respect their and others' culture, language and values
 - have self-respect
 - respect the environment.



Article 42

- Governments must make sure everyone gets information about this Convention - that includes you and all the people you know!

Section Seven: Extra protection

All the rights in this Convention apply to all children and young people. In addition, the Convention requires governments to give some children and young people extra protection.



Article 11

- Governments must work together to stop children and young people being taken illegally to another country.

Article 20

- Children and young people who are separated from their parents have the right to special protection and help.

Article 21

- The child's best interests must be the top priority in adoption.
- Governments can support adoption between countries.
- Children and young people who are adopted by people in another country must have the same protections as children adopted by people in their own country.

Article 22

- Governments must give protection and humanitarian help to children and young people who are refugees, or who are trying to be accepted as refugees.



Article 25

- Children and young people who are in care or live away from home for health reasons have the right to have their care reviewed regularly.



Article 37 HRA

- Governments must do everything to protect children and young people from torture or other cruel, inhuman or degrading treatment or punishment. This is an absolute right, with no excuses for any breach of it.

Real Life

“Your dignity and self-respect is important. It can be taken away by cruel treatment or punishment. Get help if you need it.”

Article 37 (continued)

- Children and young people must not be given a death sentence or life imprisonment without the possibility of release.
- Children and young people who are locked up should be able to challenge this quickly in court.
- Children and young people must only be arrested or locked up as a last resort and for the shortest possible time.
- Every child or young person who is locked up must be treated with respect.
- Every child or young person who is locked up must be separated from adults, unless it is better for him or her to be with adults.
- Every child or young person who is locked up has the right to keep in contact with his or her family, through letters and visits.



Article 38

- Governments agree to abide by international human rights law in relation to wars.
- Governments must do everything to stop children under 15 from being involved directly in a war.
- Governments must do everything to protect and care for children and young people who are affected by war.

In May 2000, the United Nations introduced stronger protections for under 18 year-olds. This means no child or young person should ever be forced to join the armed forces, and no child or young person should ever be involved directly in a war.



Article 39

- Governments must give good support to children and young people who have been hurt, abused or exploited.
- This support must promote children's and young people's health, self-respect and dignity.



**Children's
privacy rights
are respected
in this court**

Article 40

- Every child or young person accused of, or convicted of, committing a crime must be treated with respect.
- Every child or young person accused of, or convicted of, committing a crime must be treated in a way that helps them to respect the human rights of others.
- Every child or young person must be treated as innocent until found guilty.
- Every child or young person should be told as soon as possible why they have been arrested and charged with a crime.
- Every child or young person accused of a crime must be given immediate access to a lawyer.

- No child or young person can be forced to give evidence in a court.
- Every child and young person has the right to an interpreter if they do not understand the country's main language.
- The child's and young person's right to privacy must be fully respected at all times.
- Governments must set up a separate criminal justice system for children and young people.
- Governments should promote a minimum age of criminal responsibility.
- Wherever possible, children and young people in trouble should not have to go to court.
- Courts should always try to avoid sending children to institutions.
- There must be many ways to help children and young people in trouble with the law, including care, guidance and counselling.



And finally...

Article 1

- A child is a person under 18 years.

Article 2

All the rights in this Convention apply to all children and young people without any discrimination.

Article 4

- Governments must do everything possible to put into practice all the rights in this Convention.
- The richer the country, the more it must do to protect children's and young people's economic, social and cultural rights.

Articles 41 to 54 say how adults and governments must work together to promote and protect all the rights in this Convention.



**54 articles - 40 major rights
- for the world's 2.2 billion
children and young people.**

Section Eight: Make it happen



Eight things **you** can do right now:

1. Spread the word about children's human rights and the Convention on the Rights of the Child - inform your friends, your brothers and sisters, the people you live and work with, and all the adults you know. If you want to read the full version of the Convention on the Rights of the Child, visit www.ohchr.org/english/law/crc.htm or contact us.

2. Keep this booklet close to hand; you never know when you might need it.
3. Take a stand for the things that matter to you - whether it's something in your private life, something going on at school or college or in your neighbourhood, or something you care about in wider society. Don't just think about it - do it!
4. Get help if you need it - see from page 49.
5. Stay informed about developments in children's human rights - check out our website www.crae.org.uk
6. Find adults around you who can give you information and support about your rights.
7. Show in your actions and attitudes that you respect the human rights of other children and young people. Treat every human being as an equal.
8. Become a member of the Children's Rights Alliance for England. It's easy... Email info@crae.org.uk