

Using children's rights approaches in policy and public affairs: Best practice paper

Introduction

This best practice paper is the final briefing in a three-year project, funded by the Baring Foundation, to build the capacity of the children's voluntary sector to use children's rights arguments and the UN Convention on the Rights of the Child (CRC) in their policy and public affairs work. It outlines learning from the project and explores what worked and did not work so well. It is of particular relevance for organisations seeking to do similar capacity building work on any area of human rights or who carry out human rights monitoring on other treaties.

Briefing papers



Summary of the 2016
Concluding Observations



Summary of the 2016
Concluding Observations
on the General Measures
of Implementation



Barriers and solutions
to using children's rights
approaches in policy



Using children's rights in
homelessness policy



Using children's rights in mental health
policy and practice

'Children's rights is a philosophy like early intervention which affects everything.' Individual from large children's charity

About the project

The aim of the project was to ensure that the 2016 Concluding Observations (COs) of the UN Committee on the Rights of the Child (UN Committee) for the UK were fully utilised as an advocacy tool to achieve social change. It also aimed to ensure voluntary sector organisations understood the UN Convention on the Rights of the Child (CRC) and its value, and were therefore able to use children's rights approaches to tackle issues of discrimination and disadvantage affecting

children. It aimed to help the voluntary sector hold Government to account on its child rights obligations and scrutinise public decision-making.

CRAE's role in monitoring children's rights

The Children's Rights Alliance for England (CRAE) was set up in 1991 when the UK ratified the CRC to monitor the Government's implementation of it in England. CRAE works in partnership with its 100 members, which include children's charities, academics and individuals, to promote children's rights. It is one of the few organisations in England explicitly using the law and human rights mechanisms in relation to children in its policy and campaigning work. In 2015, CRAE merged into Just for Kids Law.

CRAE plays a leading role in influencing the UN Committees' Concluding Observations (COs) on all the international human rights treaties the UK has ratified. In particular, it coordinates the report from civil society in England to the UN Committee on the Rights of the Child for every examination. The last one in 2015 was endorsed by 76 organisations.¹ CRAE also supports children to make their own submissions to the UN,² gives evidence directly to the UN Committee and meets with individual Committee members to discuss key child rights breaches.

The first year of the project involved exploring the barriers and solutions to using children's rights approaches in policy and public affairs amongst policy professionals and other staff in voluntary organisations, decision-makers (civil servants and politicians) and the media. We interviewed 16 individuals to explore the barriers and solutions to using this approach within their organisations and among those they tried to influence, for example, government officials and parliamentarians. We also asked about those who affect who they influence and how they operate, for example, the media and the public, and about barriers amongst staff

in their own organisations. These representatives ranged from children's and human rights policy and legal experts from across the UK and Europe and policy experts from large children's charities, the homelessness and mental health sectors. We then tested our findings at a roundtable event with 22 individuals from the same sectors, most of whom had not been interviewed as well.

Each year we produced a State of Children's Rights report which assessed how well the Government was implementing the CRC across all areas. Written and oral evidence from our members informed the report, as well as desk research and new data. However, in order to make the report more accessible and useable to the children's voluntary sector and decision-makers, part of this project involved re-designing the report and creating a series of thematic briefings.

The second and third year of the project focused on building the capacity of the homelessness and mental health policy sectors to use children's rights arguments and the UNCRC in their policy and public affairs work. These areas were chosen because they received strong Concluding Observations from the 2016 examination of the UK by the UN Committee on the Rights of the Child, and they were sectors where children's rights arguments and approaches were under utilised.³

Barriers and solutions to using children's rights approaches

How common is a children's rights approach?

We weren't surprised that our research found that only organisations consisting of children's rights experts and who had children's rights as part of their core ethos or aims were currently using an explicit children's rights approach to policy. This meant that other organisations felt they did not always need to take a children's rights-based approach, particularly in a difficult external context. They were however, more likely to use the CRC in legal casework, strategic litigation, or for lobbying on a piece of legislation.

A children's rights-based approach was also seen as being more common in certain charity sectors, for example the refugee, criminal justice or Lesbian, Gay, Bisexual, Transsexual and Questioning (LGBTQ) sectors.

Relevant briefings in the series

'Barriers and solutions to using children's rights approaches in policy'

(Jul 2017)

Available: www.crae.org.uk/media/123572/Barriers-and-solutions-to-using-childrens-rights-in-policy-E.pdf



'People think that Unicef, CRAE have the rights language covered.' Individual from large children's charity

What are the benefits of using a children's rights approach?

Interviewees told us that a clear benefit was being able to use human rights to frame children's rights. This was particularly because the courts use the CRC to interpret the European Convention on Human Rights (ECHR) in cases concerning children. It was felt its long history and tradition in the UK also helped to create a common language that appealed to decision-makers.

The CRC itself was seen as a uniquely powerful tool as it sets out a binding, universal minimum standard and framework for accountability for how children should be protected and treated. In addition, the ECHR and other human rights treaties were not developed with children specifically in mind, so do not contain a number of key principles and protections which are of crucial importance to them. Experts outlined the importance of the CRC as *'a whole continuum of rights for children'* that looks at the child holistically along their developmental journey to adulthood.

What is a children's rights approach?

- It is a human rights-based approach specifically for children
- Children's best interests are always central to the process
- The child's voice is at the centre
- Children's views are taken into account and given due weight; a group that often have no voice
- It takes a holistic approach which looks at the whole child, e.g. not just their status as a homeless child
- It uses a set of binding international standards for all children and enables the state to be held to account on how it treats children, including by children themselves

What are the barriers to taking a children's rights approach?

From our research, we found the most common complaint from participants was that the CRC is too legalistic and technical, and they felt that it did not necessarily add value as it can over complicate matters. This was partly because the language of children's rights was deemed to be unnecessarily complex which put people off using it, for example, use of words like 'duty bearer', 'Concluding Observations' etc. This was combined with a lack of understanding of the CRC, its surrounding procedures and what a children's rights approach entailed.

The fact that the CRC is not incorporated into UK law and that England does not have a public sector statutory duty to have due regard to the CRC, as in Scotland and Wales, was seen as a key barrier to using the CRC as a lobbying tool.⁴ In particular, this meant the Government and the courts had limited legal, policy or political imperative to act in accordance with the CRC and that organisations were unclear how to make effective use of it in their lobbying.

The biggest barrier to taking a children's rights approach was seen to be the pervasive anti-human rights agenda and discourse common amongst right wing politicians and media: *'You don't want to be labelled a woolly lefty in the current environment.'* Individual from large children's charity. Anti-international rhetoric, particularly in light of Brexit and a feeling that the public do not want *'international organisations telling us what to do'* was also seen to be common amongst the public as well as comments such as: *'Internationally rights are ok but domestically it's not an issue [we talk about].'* (Individual from mental health charity)

Because of these issues, people questioned the need to take a rights-based approach in policy and what value it added: *'There is a feeling that if there is another way to talk about the issue that resonates, then why complicate the issue?'* (Individual from mental health charity). People from the children's sector told us that they felt the language of safeguarding, wellbeing, needs and welfare was more effective than rights-based arguments and our domestic legislation concerning children supports this. We also found a failure on the part of some voluntary sector members to look to useful

devolved and comparative experience on children's human rights when considering advocacy strategy in this context.

'Most people I know in children's charities believe firmly that children's rights should be recognised and protected – but don't often use rights-based language when communicating their campaigns to the public and decision-makers. In part, this could be because they think those audiences won't as easily grasp anything 'legal' as arguments based on more universal notions of childhood vulnerability and their wellbeing– as well as, paradoxically, the fact that if one child has a right under the UNCRC, then all children do. It can seem very demanding to refer to the whole of the UNCRC when campaigning! But that is exactly why we should – because social notions of children's needs are variable, and rights are not!' (Individual from children's charity)

However, we found that the CRC and children's rights approaches were more commonly used in certain sectors such as the refugee or criminal justice sectors. This concerned interviewees as they felt this served to perpetuate the myths spread by the press that human rights and children's rights are only for certain groups or "undeserving people", rather than that they are unconditional and for everyone.

Use of a children's rights approach to advocacy was also seen to be closely linked to key individuals who were either knowledgeable about children's rights or an advocate for them as a policy tool. Use was also linked to the background of professionals working in each sector. For example, where there were lots of lawyers, they were more comfortable and aware of human rights and the CRC, and therefore willing to use such arguments in policy work. This was seen to be more the case in the criminal justice and refugee sectors.

Knowledge and understanding of children's rights is generally very low amongst most people so that includes the public, parliamentarians, civil servants and many people within the voluntary sector, including the children's sector. They are not familiar with the CRC framework, the concept of children's rights or even human rights and the UN reporting process. This therefore makes it difficult to get buy-in for such an approach at a senior level within organisations, within media or public

affairs teams and when influencing civil servants and parliamentarians. As mentioned above, use of children's rights is mostly limited to those who work in the human rights sphere or lawyers.

Therefore, we found that substantial work and a major cultural shift is needed to educate people on children's rights so they regard them as a useful tool in policy making, not just in court and for lawyers. Although rights and the CRC may be perceived as technical and legalistic, the guiding principles of the CRC are not difficult to understand and should be accessible to everyone.

Top tips for capacity building on children's rights

Given the many barriers and difficult operating environment discussed above for children's voluntary sector organisations to take a children's rights approach to their policy and public affairs work, these are some of the activities we have found to be successful in capacity building on this issue.

The reporting cycle

The reporting cycle of the CRC (or any UN treaty) presents several key moments for engagement with the voluntary sector, with the actual examination of the Government being the most obvious and important one. But this process must be utilised effectively if it is to be used for capacity building purposes. The civil society alternative report which is submitted to the CRC Committee provides an important opportunity to get input from the sector. For the 2016 examination, CRAE worked with its members to ensure their expertise and input was effectively fed in and appointed a lead academic and policy expert to chair each thematic working group and draft a chapter of the report. The thematic leads also sat on an advisory group for the whole project. The working groups consisted of experts in each thematic area, to feed in their expertise and also raise awareness of the examination amongst the broader CRAE membership. The advisory group played a key part in the lead up to the examination and helped compile information for individual meetings with Committee members and for the Pre-session and List of Issues process.⁵

This involvement meant that individuals and their organisations were invested in the outcome of the process and the resulting Concluding Observations and took ownership in ensuring the Government was held to account on these in the following years.

Case example - Z2K Being involved in the reporting process

'Z2K was a bit daunted when CRAE first asked us to be involved in pulling together its response to the CRC's periodical review on poverty and homelessness. We knew about it but hadn't submitted evidence ourselves previously. However, this was a really positive piece of work.

We learned from others with more experience and were well-steered by the team at CRAE. At a time of sweeping cuts to Social Security benefits, it was hard to cover all the issues, but we managed to include all the most important ones and explain why they were affecting children so adversely. It was great to hear about the young people themselves taking those concerns direct to the CRC and we have no doubt that this was influential in persuading the Committee to make hard-hitting recommendations about the impact of the Benefit Cap and restricting the use of Bed and Breakfast accommodation for homeless families.

The latter was picked up in Parliamentary Questions in the House of Commons and was especially helpful in our direct contact with councillors in some of those Boroughs breaching the limit, several of whom have subsequently reduced their use of B&B. The Children's Commissioner for England also followed the issue up with some of these authorities as a result.' (Director of Policy and Campaigns, Z2K)

Individuals also told us that the examination, and the fact it is a high profile event with a fair amount of media coverage, helped them get buy-in from senior staff across their organisation for their involvement in a human rights process and to speak out on this in the media.

A stakeholder CRC monitoring group

The continuation of a CRC monitoring group hosted by the Department for Education (DfE) has also been instrumental in ensuring involvement and buy-in across the children's sector on children's rights, and to help keep the momentum after reporting. A stakeholder group hosted by the DfE was set up in the run up to the UK examination and attended by all the leading children's charities and other charities working on areas relating to children's rights e.g. homelessness, mental health and youth justice. In the past these groups have been disbanded after the UK examination but CRAE lobbied hard to keep the group and ensured it evolved into a CRC Action Group, co-chaired by a senior civil servant in the DfE and our Director. This means it has a mandate within the DfE to scrutinise the Government on how well they are implementing the CRC and carry out tasks to achieve this. For example, a sub-group worked with the DfE to create the first online training for civil servants on children's rights and a Child Rights Impact Assessment Template. These are both recommended by the CRC Committee.

The group has continued to be well-attended by manager level representatives from the policy teams of leading children's charities. They tell us that the group has helped keep children's rights on the agenda within their organisation, make certain that they try and ensure the Government is held to account on the Concluding Observations and that they are able to input into the next reporting cycle. The group has also started to run thematic sessions on each area of the CRC in turn, e.g. homelessness and school exclusions, with the relevant departments leading on that area in order to prepare for the UK's next examination in 2022 and raise awareness within those departments as the children's rights team in the DfE has limited capacity.

'As an organisation working hard to protect children's rights, but not a children's rights or human rights organisation explicitly, the CRC action group is a really useful mechanism for keeping children's rights on the agenda internally. Being part of the group helps us to think about how our work can be shaped by, and strengthened by, the children's rights framework. It's also useful for finding out about developments in the domestic and international human rights space which are often relevant to our work to tackle child poverty in the UK.' (Individual from children's charity)

Annual State of Children's Rights report

For many years CRAE has produced a State of Children's Rights report which assesses how well the Government is implementing the CRC. This serves a key role in involving our members in our work on a regular basis but also prompting them to think about the issues they are working on through the lens of the CRC and assess the key children's rights breaches over the past year. It also ensures that we keep up to date with key issues and trends that we will need to refer to in civil society submissions to the UN Committee as part of the UK examination every 4-6 years.

'It is a really helpful, concise way of learning about the practice and policy slightly out of my remit. Great way of finding out about the application of the UNCRC.'

Oral evidence session attendee

To inform the report we held eight thematic oral evidence gathering sessions with our members and other experts from across the voluntary sector and academics to feed in their views and expertise on how well the Government has made progress on that issue. 100% of people who attended the sessions in 2017 said that afterwards their knowledge of how well the Government was implementing the CRC in their policy area had improved. All attendees also said they would like to stay involved in holding the Government to account on the CRC and the process of writing the report.

'It brings together expertise and evidence and data from a wide range of organisations and individuals and summarises it in a very accessible and well written manner. It provides a very useful quick reference resource. A one-stop shop on children's rights.'

Oral evidence session attendee

Previously, the State of Children's Rights report was a detailed 100-page report covering how well the Government was respecting children's rights in all areas of the Convention. However, feedback from our members and decision-makers reported that the length meant that the report wasn't as widely read or referred to as it could be. We therefore commissioned a designer to re-design the reports into a series of eight thematic briefings, covering each area of the Convention and an executive summary to ensure they were more accessible and easy to read: General Measures of Implementation and the General Principles; Poverty and

Homelessness; Safeguarding Children; Immigration, Asylum and Trafficking; Education, Leisure and Cultural Activities; Health; and Policing and Criminal Justice.

'It is a great tool to hold the Government to account on the CRC due to its feasible recommendations.'

Oral evidence session attendee

Each briefing is only eight pages and contains several infographics, graphs and tables to help display any data in an eye-catching way. Key issues are pulled out in quotes and each briefing now has a case study from our members to highlight the impact of a particular issue on children's rights. Having the briefings as a thematic series also means that individuals can just read the one that interests them. We also found that this appeals to decision-makers more (parliamentarians and civil servants) as their brief or interests are usually limited to a particular issue and they are unlikely to read long reports. Every year we send the Executive Summary and the relevant briefing to all Ministers and Shadow Ministers and around 100 parliamentarians interested in various children's rights issues. Having thematic briefings allows us to send the specific briefing they are interested in rather than the whole report. We also use the briefings to request meetings with individual Ministers and MPs to discuss specific findings and recommendations.

'The new State of Children's Rights is easy to access, succinct and informative. There is nothing like it available. I really like the separate briefings.'

Oral evidence session attendee

Capacity building – seminars and briefings

The generic child rights capacity building element of the project involved running one roundtable to explore the barriers and solutions to using children's rights arguments in policy and disseminate best practice. It was attended by a mixture of children's rights experts from across the UK and Europe and individuals from the main children's charities in the UK, as well as the homelessness and mental health sectors.

The child rights capacity building element that focused on the homelessness and mental health sectors each involved running a two-hour seminar

for policy and public affairs professionals. These featured presentations from leading campaigning experts or academics on human rights and mental health or homelessness. CRAE staff also shared findings from the research undertaken for the project exploring barriers and solutions for each sector, summarised in an eight-page briefing on how to take a children's rights approach to mental health or homelessness policy. This was followed by a discussion with input from the panel members focusing on the barriers faced by attendees for using children's rights and the opportunities for highlighting children's rights in policy and debates and how using children's human rights arguments can improve policy and public affairs work on mental health or homelessness.

Attendees were policy professionals from the mental health and homelessness charity sectors or individuals from large children's charities working on these issues, who mostly had little knowledge or experience of children's rights or human rights. More than 90% of participants who attended our seminar and roundtable on children's rights and homelessness, who did not have a high level of knowledge of children's rights before they attended, reported that their knowledge of using children's rights approaches as a tool to achieve policy change on homelessness and housing after the seminar had improved as a result.

A one-off seminar was found to be effective as it was low level time commitment for busy policy professionals who did not necessarily see the value of children's rights so would be unlikely to attend anything longer or several training sessions. The short briefing paper containing tips on how to use children's rights arguments in their policy work on mental health/homelessness was also found to be beneficial as it could be shared within their organisation and was useful to refer to after the seminar.

After attending the roundtable on using children's rights in mental health policy and advocacy, a representative of a large national children's charity requested further information in order to do a learning session with their policy team, citing the roundtable and the presentation as very useful.

Barriers to capacity building on children's rights

Engaging a new sector

We found that trying to build capacity in a sector that you are not already actively doing policy work in is difficult as it takes a significant amount of time to get to know the relevant networks, stakeholders and key players, build new relationships and be trusted by them as a source of expertise. This project focused on two new areas of policy for CRAE over a period of two years and was delivered by a part-time post who was also responsible for delivering the annual State of Children's Rights – this presented substantial difficulties in terms of capacity and time. Furthermore, the challenges discussed above linked to the external environment and using human rights in these sectors make penetrating a new sector and trying to engage them and build their capacity even more difficult.

We were able to respond to some policy consultations from the Government in these areas using children's rights arguments that others could learn from and use in their work, but again our capacity and knowledge to do this was limited as these were new policy areas for CRAE.

Sustainability in the sector

The project was limited to delivering one seminar and one briefing for each sector, which meant this could only build the capacity of one individual per organisation which is not sustainable for embedding such an approach across organisations and the children's or mental health or homelessness sectors. Further training is needed if we are to truly build the knowledge and confidence of the individuals that attend. In addition, our research for this project found that use of a children's rights approach to advocacy is closely linked to key individuals who are either knowledgeable about children's rights or an advocate for them as a policy tool. We found that only if there was buy-in at a senior level, and if senior management understood children's rights or cared about it, was it then at the heart of an organisation's strategy and used as an approach to policy development. Use was also linked to the background of professionals working in each sector.

Specific barriers to using children's rights in homelessness and mental health policy

Although adequate housing is a human right recognised under international law and has been enshrined in major international human rights treaties including the CRC and the International Covenant on Economic, Social and Cultural Rights (ICESCR), our research found there was a perception amongst policy professionals in the homelessness sector that human rights are only civil and political, not economic, social, and cultural. They therefore did not perceive poverty or housing to be human rights issues. This perception has also been documented in research.⁶

People in both the homeless and mental health sectors told us that they found relying on the Children Act 1989 and using the language of child protection, children's needs and welfare was more effective than using human or children's rights language. As discussed above, widespread anti-human rights feeling amongst the public, media and Government meant many individuals did not feel it was beneficial to refer to children's or human rights when trying to influence these audiences in relation to housing and mental health.

'Why do you need to insert rights into communication? Why do you need to say 'X has a right to housing' when you could just say 'X needs housing'? Individual from homeless charity

The charity Crisis have recently undertaken some reframing research on how to better communicate about homelessness to build political support and commitment and chose to use the narrative of housing as a moral human right, instead of a legal human right that everyone is entitled to and which would place a duty on public authorities or individuals stating: *'Critically, the Moral Human Rights value is not an assertion of legal rights but rather of moral status.'*⁷

It should also be noted that resistance to economic, social and cultural rights is not consistent across the UK. In Wales, for example, there is the pending Welsh due regard duty for the right to adequate housing⁸ and in Scotland, the First Minister's Advisory Group on Human Rights Leadership has recommended the right to adequate housing is included in new Scottish legislation and they have

committed to incorporate the CRC into Scots Law. However, these countries have a substantially more positive culture around human rights within Government, the public and the media.

We found anti-human rights sentiment was more prominent amongst the homelessness sector than the mental health sector. It was suggested that one reason for this was because the language of patient rights is already more commonly used in this sector, for example, when patients are detained in hospital, they are read their rights. We found that the language of basic human rights or protections set out in the Human Rights Act such as dignity, deprivation of liberty and respect are invoked on a more frequent basis in relation to communication and policy work on mental health. In addition, the British Institute of Human Rights has had a long running programme building the capacity of patients, mental health workers and the public and voluntary sector to use human rights in their personal advocacy in relation to mental health.⁹ There has been no equivalent in the housing or homelessness sector. Mind have found that taking a rights-based approach to mental health is essential for the policy work they do and gives an added dimension.

“For too long, those of us with mental health problems have had our rights ignored and been subjected to restrictive legislation and practices. Against this backdrop, human rights laws and standards have provided vital protection against abuse and degrading treatment; unwarranted deprivation of liberty and autonomy; lack of protection for family and private life; and routine discrimination. By taking a rights-based approach we have been able to change practice and procedure, challenge culture and attitudes, and achieve redress when breaches of people's rights have taken place.

Many children and young people also find themselves in a position where they need the protections that human rights afford them. By supporting young people in this way, we can help to make sure that everyone with a mental health problem gets support and respect. The reform of the Mental Health Act and the implementation of the ‘Transforming children and young people's mental health’ Green Paper, give us opportunities to embed child rights in policy-making and make sure that all children are able to enjoy their human rights.” Senior Policy and Campaigns Officer, Mind

As mentioned above, expertise within each sector and the knowledge of key individuals is a crucial factor and cannot be underestimated. We found there to be less people interested or knowledgeable about children's rights working in the mental health and homeless sectors than the refugee or criminal justice sectors, as mentioned above. Therefore when any individuals who do have this expertise/interest move on, if the learning is not embedded within the organisation, either through strategy or the buy-in of senior leadership, the willingness to take a children's rights approach or engage in any human rights monitoring processes can leave with them.

What works when communicating about homelessness and mental health

Reframing on human rights

Given that the key barrier mentioned above to using children's rights arguments and approaches in homelessness and mental health policy was the anti-human rights narrative or attitudes amongst the public, media and decision-makers, our research and that of others has found that the use of strategic communications can be an effective way of reframing current narratives and debates on human rights. People felt that: *‘If we want to play the game, we need to play it with the rules they have set up, we can't change the rules.’* Child rights expert

Research by Equally Ours on using strategic communications and human rights found that *‘the media does influence people's attitudes to human rights, but it is out of step – and far more negative – than public opinion on the issue.’*¹⁰ They recommend several tactics to increase support for human rights-based arguments such as highlighting the values of human rights like dignity and freedom. Talking about the tradition and heritage of human rights was also found to increase positivity among those who are uninterested in, or initially opposed to, rights. Finally, they recommend using inclusive and unifying language that evokes emotions.

Reframing research by Unicef UK found that stories relating to children and human rights had more positive feedback from the public. They also found that clearly articulating what children's rights are in a way that is something that every parent would want for their children, for example, to be ‘happy, healthy and safe’ and framing these as rights can help. However, it is critical that

reframing communications do not dilute the legal aspect to such an extent that they undermine this fundamental aspect of human rights.

Although some professionals felt: *'You have to keep using human rights arguments otherwise you don't advance it.'* (Human rights expert), strategic communications and reframing can nonetheless be an important tool in the toolbox and can help messages around children's or human rights for policy and campaigning have cut through and garner support from those who would otherwise be reticent. People we spoke to told us that it was about tailoring each message for the appropriate audience: *'It's not an either/or – children's rights can be in addition to humanitarian and welfare-based arguments which can be the most compelling and grab emotions.'* Child rights expert

Reframing and mental health

Some ways of reframing and communicating human rights have been very effective at shifting opinions. For example, a pilot digital campaign carried out by the Equality and Human Rights Commission aimed at people who were conflicted about the value of human rights found that content on mental health was the most effective at shifting public attitudes on human rights, compared to content on education and general human rights.¹¹ Furthermore, mental health stories that featured children were the most successful. Stories and specific issues resonated more than general messaging.

'I liked the mental health ones because they're not something I would have associated with human rights and helping them. The others I felt were more wishy washy and what I would imagine to see. Those ones resonated a bit more with the child and the dad, because I'm a dad. I wouldn't have associated it with human rights.' Focus group participant

The campaign tried to move the audience from apathy to understanding by using topic areas that the audience could relate to. It helped them imagine human rights as something that affects them, their loved ones and their communities. It showed that attitudes can be shifted using communications through reframing the concept of 'human rights'. However, long term attitude change requires reinforcement, as well as engagement with the wider segments in our society.

Relevant briefings in the series

'Using children's rights in mental health'

(Oct 2017)

Available:

www.crae.org.uk/media/125976/mentalhealth-briefing-final-digital-version-.pdf



'I truly believe that human rights is not just a law or a tool or a force. Human rights is related to community, related to family, how we get the community to accept the difference between; gender, culture, background, everything that makes people different.' Focus group participant

A right to health

Mental health is an integral component of the right to the highest attainable standard of health (Article 12, ICESCR and Article 24 CRC). The right to health is an inclusive right, which encompasses the right to access healthcare services and information, but also a range of factors that are considered necessary to be able to lead a healthy life, such as adequate housing, nutritious food and a safe and healthy living and working environment. Additional underlying determinants that are specifically relevant to mental health include: protection from violence and abuse, poverty, adverse childhood experiences and early childhood development.

It is important that the right to health should not be interpreted or communicated in a narrow or restrictive sense but seen as the right of everyone to have access to the necessary healthcare to prevent and treat illness (irrespective of access to financial means) and to enjoy living conditions which are conducive to health and wellbeing.¹² The CRC includes the protection of all children from all forms of discrimination and harm. This includes the right of all children with mental health issues to be protected from violence, abuse, stigma and mistreatment in institutions such as health and social care facilities, schools and the criminal justice system. The HRA 1998 also has relevance for mental health in a number of ways. For more information see our briefing on using children's rights in mental health policy.¹³

Organisations using children's rights in mental health policy

Truly embedding a rights-based approach across the mental health sector takes time but we have found several examples of leading mental health organisations taking a children's rights approach to mental health. For example, Youth Access, an organisation that attended our seminar on mental health said:

'We are a rights-based charity and have always had that ethos but coming to CRAE's seminar on mental health helped consolidate our thinking in this area. Last year we were looking to develop a young persons' led campaign on mental health and we found that the UNCRC and the Convention on the Rights of Persons with Disabilities (CRPD) laid out exactly what young people told us they wanted the mental health system to look like! Over the past few years, we have developed a young person led and rights-based approach to the policy and campaigning work we do on mental health.' (Policy and Campaigns Manager, Youth Access)

Case example – Youth Access Our Minds Our Future

As part of a programme called Make Our Rights Reality, which was aimed at empowering young people to enforce their rights, the Our Minds Our Future campaign was developed by young people to focus on their rights when it comes to mental health. Most of these young activists have experience of their rights not being met in the mental health system, so the campaign focuses on training them to understand their rights and supporting them to work directly with decision-makers to improve local provision. Teams of young 'Rights Advocates' are calling on politicians, commissioners and service providers to take the #MyRightsMyMind pledge – promising to take a rights-based approach to improving mental health provision, starting by working with local young people to set the agenda. Their priorities for a rights-based action plan on young people's mental health are:

- Age-appropriate care as we move into adulthood – not just services for children or older adults
- Early identification and support – not long waiting lists or only getting help at crisis point

- Support we can access in our communities – places we feel comfortable, not just in schools and hospitals
- Clear options and decisions we understand – not just being told what we can and can't access, with no alternatives
- A seat at the table in decisions about our own care, as well as what the wider system looks like

Young Rights Advocates have organised local events to build support for their demands, such as a series of poetry open mic nights in Leeds and 'art activism' sessions in Bristol. As a national movement, they have presented at events, run roundtables and panel events at party conferences and run stalls at a parliamentary event; winning support from parliamentarians and councillors from all parties, as well as key figures such as the Children's Commissioner and charity leaders.

Youth Access also produced a briefing which makes the case for employing a human rights framework to tackle the specific challenges faced by young people in accessing mental health support.¹⁴

After making a strategic decision to also work on children and young people's mental health as well as adults, Mind, a large mental health charity, have committed to ensuring that this will be a rights-based approach, see case example below.

Case example – Mind Taking a strategic approach to embedding a rights-based approach to mental health policy

'At Mind, our trustees and senior leadership team have committed to taking a child rights approach as an organisation, including in our influencing and campaigning work. This means we will respect and prioritise the rights of young people and embed these throughout our work.'

In our policy work, we're starting with the child's right to be listened to and to participate in decision-making. As we plan new campaigns, we want to make sure we're hearing from those most affected and that children and young people are at the heart

of our working for change. We want to make sure that all the work that we do with and for children and young people at Mind supports them to develop their full potential.

We also use rights-based language and arguments in our influencing work, grounding our policy calls in enforceable rights. We will hold governments to account, based on their obligations to respect, protect and fulfil children's rights. For example, we called for human rights-based statutory guidance on reducing the use of restraint in mainstream schools. We will also get involved with UN processes, for example by submitting evidence to the UNCRC Committee when it next reviews the UK's progress in implementing rights.'

Reframing homelessness

One reason for members of the public to have more positive associations with mental health and human or children's rights than housing could be that poor mental health is something that members of the public think is more likely to be something that affects them. *'These are conditions, real life conditions. It helps make it really relatable to people.'* EHRC focus group participant. Current media narratives around poverty and homelessness can also exacerbate this: *'At its core, people think this is a story about individuals – not society – and this is echoed and amplified through media portrayals of "benefit scroungers" or "shirkers".'*¹⁵

Research by the Frameworks Institute highlights that research on housing messaging has shown *'problematic associations with the terms housing and affordable housing that limit how people think about the importance of affordable, quality, and healthy housing; the ways in which housing is connected to other social issues; and, most importantly, the options for change.'* They acknowledge it isn't possible to completely avoid these terms, but advise using language that broadens the idea of housing to talk about how much a home means to individuals, families and communities.¹⁶

Although the research from Crisis found that associations with the legal aspect of human rights weren't helpful, they found that reminding people of their shared moral status as human beings or common members of society helps people to avoid the tendency to 'other' people who are experiencing or have experienced

Relevant briefings in the series

Using children's rights in homelessness policy

(Jul 2017)

Available:
crae.org.uk/media/124142/CRAE_CO-HOMELESSNESS-E.pdf



homelessness.¹⁷ The research also recommends telling a wider range of stories about the lived experience of homelessness – only talking about rough sleeping taps into people's existing mental image of homelessness so they advise talking about other forms of homelessness including those in temporary accommodation or sofa surfing. They also advise avoiding othering language that creates a distance, evoking sadness and or pity for 'them'. Interestingly, they found claims that we are all at risk of homelessness does nothing to shift attitudes or policy support because it conflicts with people's lived experience and recognition that some people aren't at risk of homelessness.

A right to housing

Our research found that policy messaging on homelessness should integrate what impact poor housing and homelessness has had on children's basic rights and needs, as well as their development. For example, living in cramped conditions in temporary accommodation impacts on a child's health and the stress and anxiety of not having a secure home affects their mental health. A child's right to education is affected through an inability to do homework in cramped conditions. Our Change It! campaign on temporary accommodation, which was led by young people, some with experience of homelessness, found using clear, emotive stories that articulate the impact that poor housing has on children's rights can be very effective.¹⁸

The right to housing means thinking and communicating about homelessness in broad terms such as these. It should take into the account that the right to housing is a component of the right to an adequate standard of living in both the CRC (article 27) and ICESCR (article 11.1).¹⁹ The right to housing has been recognised as a fundamental human right linked to dignity and the right to life: *'It is integral to core human rights values such as dignity, equality, inclusion, wellbeing, security of the*

*person and public participation.*²⁰ It is important that it is not interpreted narrowly, as a right to mere physical shelter or to housing conceived as a commodity but should be seen as the right to live somewhere in 'security, peace and dignity'. It should also be available to everyone irrespective of income or access to economic resources. The Human Rights Act (HRA) 1998 also has relevance for homelessness in many ways. See our briefing on using children's rights in homelessness policy for more information.²¹

Organisations using children's rights in homelessness policy

Although England still lags behind the rest of the UK in taking a human rights approach to housing and homelessness, since we have started this project four years ago, we have seen some progress and academics in the sector agree:

'Given the growing use of human rights language and advocacy in political and civil society efforts on housing and homelessness both in the devolved nations and internationally, it seems somewhat surprising - and disappointing - that human rights are not being employed in this way in England. There are recent hopeful signs in terms of England-based policy and political actors using human rights in a housing-related context work. As such, it may be a case of England housing actors being latecomers to, rather than rejecters of, the housing-human rights connection.' (Leading Human Rights Academic)

We have seen an increase in politicians and key figures in the homeless sector talking about housing as a children's right which is a hugely positive step in terms of changing the discourse around homelessness and human rights. *'The children growing up in B&Bs, shipping containers and converted office blocks have a right to a decent home to grow up in.'* Children's Commissioner for England²²

'I have noticed an increase in politicians and senior people in homeless charities talking about the 'right to housing'. This is probably a result of the Labour party and Corbyn's stance on this, but the work of CRAE and human, economic and social rights organisations like Just Fair have probably played a part in its wider use too.' Individual from homeless charity

A recent report by the Children's Commissioner on homeless families says that *'when children are denied their right to adequate housing this has a significant impact on many aspects of their lives'* and goes on to list these through that framework.²³

Case example - CRAE

Change It! young people's campaign on Bed and Breakfast accommodation

CRAE supported a group of children to participate in the 2016 CRC examination of the UK as part of the See it, Say it, Change it project. After the publication of the Concluding Observations on the UK in 2016, the project evolved into Change It!

The children carried out an analysis of the main themes of the UN's recommendations on the UK and decided to focus on ending the use of poor quality Bed and Breakfast accommodation for children in homeless families for longer than the statutory limit of six weeks. Many of the children in the group had experienced homelessness themselves.

The children have been supported to carry out many campaign activities, including meeting with the Children's Minister, holding a young people's parliamentary lobbying event to discuss the issue of homelessness with MPs, producing a campaign film called 'What home means to me' and publishing a report, 'It feels like being in prison': Children speak out on homelessness which highlights their experiences of living in poor quality accommodation and the impact on their rights. The campaign has been covered in national and local media.

In this campaign, the children and young people have explicitly and repeatedly used the language of children's rights, emphasising that all children have the right to a safe and secure home and speaking out on why children's rights are important and what needs to be done to make them a reality.

Recommendations for others doing human rights capacity building work

Capacity building

1. Be strategic and realistic in terms of how many thematic sectors you are trying to build the capacity of, particularly if it is an area you haven't worked in before.
2. Plan for extensive follow up work and time – to truly embed a rights-based approach across a sector and within an organisation's strategy or objectives takes time.
3. Create a community of advocates who will be human rights champions across their organisation and the sector.
4. Use the treaty reporting process to garner support from the wider sector and use it as a hook within organisations to gain support and raise awareness of human rights, for example, within the media.
5. Push for the creation of a stakeholder monitoring group with the responsible Government department to keep human rights on the agenda within the sector after the examination process, ensure the COs are implemented and hold Government to account.
6. Events and follow up briefings work well to supplement learning and ensure it can be shared across an organisation to truly embed a human rights approach.

Reframing

7. Use insights from strategic communications and reframing to change the narrative and attitudes amongst the public and press around human rights. Decision-makers and parliamentarians are very sensitive to public opinion.
8. Make use of the values of human rights such as dignity and freedom. Talking about the tradition and heritage of human rights has been found to increase positivity among those who are uninterested in, or opposed to, rights.

9. Emphasise the importance and value of human rights for everyone.
10. Do not use fact checking/myth busting around human rights. People are rarely persuaded by purely fact-based arguments. Often, people ignore facts and evidence that does not fit with their existing thinking and this actually makes them remember the myth more.

Using human rights-based approaches in policy and public affairs

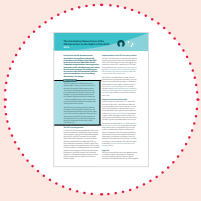
11. Use examples of where human rights treaties, like the CRC, have been used to challenge decisions in the courts on unacceptable practices. The courts are a good example of where the CRC and other human rights treaties have clear implications.
12. Be unapologetic. Governments have obligations to promote, protect and prioritise human rights. They have voluntarily committed to them as signatories to international human rights treaties.
13. Simplify the language of human rights whilst still being true to its meaning.
14. Debunk misunderstandings on human rights - they are not as difficult or technical and legalistic as they seem.
15. Challenge the notion that rights are only to be invoked in the courts and promote the integration of human rights in policy and practice.
16. Clearly articulate the added value that human rights have on each policy area. How it can help Government to be more effective and what will be the impact as a result.
17. When working with parliamentarians, use clear case studies that highlight the importance of human rights in their local constituency.
18. Consult with beneficiaries on any policy development you undertake, including children, ensure their voices are reflected in your work and work with them in organisational campaigns as partners to achieve change.

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4. The Rights of Children and Young Persons (Wales) Measure 2011 requires Welsh Ministers to have 'due regard' to the UNCRC when exercising any of their functions, and the Children and Young People (Scotland) Act 2014 requires Scottish Ministers to give due consideration to ways in which the UNCRC can be better implemented in Scotland. The Scottish Government have also committed to incorporate the CRC into Scots Law.
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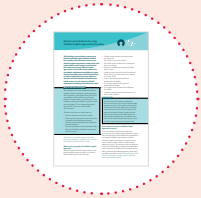
'Summary of the 2016 Concluding Observations'

[www.crae.org.uk/media/118248/
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Child-Concluding-Observations-2016.pdf](http://www.crae.org.uk/media/118248/CRAE-Briefing-UNCommittee-Rights-of-the-Child-Concluding-Observations-2016.pdf)



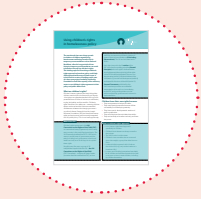
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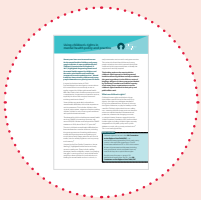
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About CRAE

The Children's Rights Alliance for England (CRAE) is part of the charity Just for Kids Law. We work with over 100 organisations and individuals to promote children's rights – making us one of the biggest children's rights coalitions in the world.

We believe that human rights are a powerful tool for in making life better for children. We fight for children's rights by listening to what they say, carrying out research to understand what children are going through and using the law to challenge those who violate children's rights. We campaign for the people in power to change things for children and we empower children and those who care about children to push for the changes that they want to see.

With support from Trust for London, CRAE facilitates the London Forum on Children and Policing which brings together voluntary, community and statutory sector organisations to discuss and tackle issues around the policing of children.



**Children's Rights
Alliance for England**

Part of Just for Kids Law

**The Baring
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