Children’s Rights Alliance for England (CRAE) – written evidence (CCE0114)

1. The Children’s Rights Alliance for England (CRAE) believe that human rights are a powerful tool for making children’s lives better. So 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.

2. We welcome the inquiry into citizenship and civil engagement and the opportunity to submit evidence. Our submission focusses on the participation of children and young people. CRAE would be very pleased to submit further information or give evidence to the Committee in person. We can also help to support children and young people to engage with the Committee directly.

1) What does citizenship and civic engagement mean in the 21st century? Why does it matter, and how does it relate to questions of identity?

3. The UN Convention on the Rights of the Child (CRC), which the UK ratified in 1991, enshrines participation rights and respect for the views of children. It includes the right to express opinions, the right to information and freedom of association. Article 12 gives children a right to be listened to and to have their views taken into account in all matters affecting them.

4. However, these citizenship and civic engagement rights are often limited and not fully realised until adulthood. Article 12 is of particular importance as it is not only a right in itself but is a general principle of the CRC and plays a key role in the implementation of all the rights of children. Engaging these participation rights as children and young people mature also helps prepare them for lifelong active citizenship and civic engagement crucial to building a strong and stable society in the 21st century. Specific structures which seek to engage with children and young people are required to create meaningful opportunities for participation, where children and young people are able to make choices that shape their environment, direct their own development and have agency as responsible actors.

2) Civic engagement can be seen as both a responsibility and a right of citizenship. Beyond the existing legal framework, should citizens have additional formal rights and responsibilities? How do you see the relationship between the two? Should they have the force of law individually or be presented as reciprocal duties between citizen and state? How should they be monitored and/or enforced?

5. Currently children and young people aged under-18 have few formal rights of citizenship and their civic engagement is often overlooked entirely or is ineffective. In part, this is the result of a lack of compliance with Article 12 and a failure to take into account children’s views. Recommendations made by the UN Committee on the Rights of the Child (the UN Committee) to the UK in its 2016 examination concluded that ‘many children feel that they are often not listened to’ by professionals who they interact with in everyday life. These included social workers, independent reviewing officers, paid carers, and teachers. The UN Committee recommended that

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2 Dilworth, John and Mcready, Sam (2014) Youth Participation Literature Review Youth Action Northern Ireland, Belfast
3 UN Committee on the Rights of the Child (2016) Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland
systems and structures be established to ensure meaningful involvement of children in decision making at both national and local level, including in education, leisure and play and noted: ‘Particular attention should be paid to younger children.’ Such systems and structures would support civic engagement of children and give formal recognition to their citizenship rights.

6. To improve the civic engagement of children participation rights need to be formalized. The UN Committee has consistently advised that the most powerful driver for the realisation of children’s rights within a nation comes through giving it direct force in domestic law. Since it ratified the CRC, the UK has been examined by the UN Committee five times and while some positive progress on implementation has been made this has been limited. In its 2016 Concluding Observations the UN Committee recommended the UK ‘expedite bringing its domestic legislation in line with the Convention to ensure that the principles and provisions are directly applicable and justiciable under domestic law’.

While there has been some examples where participation rights have been directly enshrined in our laws this is patchy and there is no overarching statutory right for children to engage in decision making, particularly at the national level.

3) Do current laws encourage active political engagement? What are your views on changes to the franchise for national or local elections, including lowering the voting age? Should changes be made to the voting process or the voting registration process?

7. CRAE strongly supports lowering the voting age and is a founding member of the Votes at 16 Coalition. In Scotland 16 and 17 year olds can vote in local election and elections for the Scottish parliament. In 2014 around 100,000 16- and 17-year-olds cast votes in the Scottish Independence referendum. Globally many countries already allow 16-and-17-year olds to vote including Argentina, Austria, Brazil, Cuba, Ecuador, Nicaragua, East Timor, Ehtiopia, Indonesia, North Korea and Sudan. Yet, in 2016, 16- and 17-year-olds throughout the UK were denied the opportunity to vote in the referendum on the UK’s membership of the European Union - the most significant political decision in a generation, and one which will affect them for the rest of their lives. While amendments to the European Union Referendum Bill to allow 16 and 17 years old to vote were accepted in the House of Lords these were subsequently overturned in the House of Commons. From our experience of working with young people we know that this exclusion has led to anger and disillusionment with mainstream politics. Key findings in research carried out by the University of Oxford suggest that when 16- and 17-year-olds are given the vote, they become as politically mature as older voters. (CRAE supports the submission by the British Youth Council which gives more detail on this question).

4). What should be the role of education in teaching and encouraging good citizenship? At what stages, from primary school through to university, should it be (a) available, and (b) compulsory? Should there be any exemptions? Should there be more emphasis on political participation, both inside and outside classes? How effective is current teaching? Do the curriculum and the qualifications that are currently offered need amending?

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4 Ibid
5 Ibid
6 http://www.votesat16.org/
8 Peto, Tommy (April 26th 2017), Politics, Philosophy and Economics. ‘Why the voting age should be lowered to 16’, Sage Publications.
8. Citizenship education is likely to be more impactful in creating active citizens if it begins at a young age. For educational institutions providing compulsory education for children and young people up to the age of 18 in England, citizenship has been a compulsory part of the curriculum since 2015⁹. Changes in the education system with the shift to free schools and academies, which are not bound by the national curriculum in the same way as state schools,¹⁰ provides a challenge to guaranteeing consistent delivery of citizenship education nationally.

9. For citizenship education to be really successful, schools need to have an ethos which supports children’s participation rights and offers meaningful opportunities to engage in democratic structures such as school councils. Of 840 children aged 5-17 who completed a survey carried out by CRAE in 2015, 44% reported they had no say in how their school was run and 1 in 5 said their school hardly ever listens to what children say, one 15 year-old commented: ‘In school you’re just a number...All they care about is your grades being top notch. They don’t care about anything else’.¹¹ Unless the ethos of schools change to be of a participatory nature efforts to promote engagement and active citizenship though citizenship education will be undermined. The best way to teach this to children is through a lived experience of school life that fosters and promotes children’s participation rights.

5) Do voluntary citizenship programmes such as the National Citizen Service do a good job of creating active citizens? Are they the right length? Should they be compulsory, and if so, when? Should they include a greater political element? Should they lead to a more public citizenship ceremony? Are they good value for money? What other routes exist for creating active citizens?

10. The National Citizenship Service is one example of how active citizens can be created. However, smaller grass roots projects and initiatives for children and young people of all ages, which are built around developing self advocacy and providing opportunities for active campaigning and political engagement, are also very important. Such projects are often most successful if they run over a period of a year or more to allow children and young people to build skills and confidence and begin to take on leadership roles. Below is a case study of CRAE’s See it, Say it, Change it project which provides an alternative example of a project that contributed to creating active citizens.

The See it, Say it Change it project was set up by CRAE in 2015 with funding from the Paul Hamlyn Foundation, a charitable trust. The project supported children and young people in England to tell their side of the story to the UN Committee as part of the 2016 examination of the UK Government. It supported them to engage in the UNCRC reporting process in a number of different ways including researching and writing an alternative report, attending meetings with the UN Committee in Geneva and observing the UK Government examination.

In February 2015 the See it, Say it Change it steering group was formed. A group of 22 children and young people age 7-18 from all over England who would lead the project. Many members of the

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group were new to children’s rights and participation and we successfully engaged children and young people whose rights are most at risk including those growing up in foster and residential care; children facing homelessness; transgender children; children who had been in trouble with the law; disabled children; children with SEN; children from minority ethnic and religious groups; and children from rural areas. With support from CRAE this inspirational group of children and young people researched and wrote the report from children in England to the UN Committee.

The children’s report was submitted to the UN Committee in July 2015 alongside other alternative reports. Submitting the report was a key milestone in the See it, Say it, Change it project and preceded some of the most important and inspiring examples of Article 12 being put into action by the project. In October 2015 17 members of the steering group travelled to Geneva to present evidence at the pre-sessional and attend a special meeting between children from across the UK and the UN Committee. At a meeting in the run up to the trip the children and young people had self-organised into working groups deciding who would attend the pre-sessional; the meeting between children and the UN Committee; and lead a social media and blogging group. This allowed the group to work effectively to support one another and share their experiences in Geneva more widely.

At the pre-session, CRAE and members of the steering group presented alongside other children, and representatives from National Human Rights Institutions, NGOs, and Children’s Commissioners from across the UK. Four members of the See it, Say it Change it steering group attended the pre-sessional where they read out statements on children’s rights issues highlighted in the report and were able to respond directly questions from the UN Committee. Key areas raised by the children at the pre-sessional were: life in care, violence against children and experiences of Islamophobia.

As well as participating in the pre-sessional, children and young people had their own private meeting with members of the UN Committee. This was attended by eight members of the steering group as well as by other children from across the UK.

The UN Committee released its Concluding Observations on the UK in June 2016. Though recognising some positive progress on implementing the CRC, the UN Committee made over 150 recommendations for action, many of which respond to issues identified specifically in the children’s report and which had been highlighted by steering group members in their meetings with the UN Committee.

The recommendations made in the Concluding Observations provide a strong tool for advocacy on key children’s rights on issues including housing, life in care and mental health. Children involved in the project have taken different kinds of action including written blogs and regular meetings with parliamentarians and government including the then Children’s Minister, Edward Timpson. Two members of the group also attended the Government Examination by the UN Committee in May 2016. They group also increased their knowledge of human rights and how to take action and published a series of ‘Children speak out’ briefings on areas of concern highlighted in the Concluding Observations and the See it, Say it, Change it report including youth justice and life in care (CRAE, 2016/17).

In 2016 CRAE successfully gained funding from Comic Relief to continue the project into a campaigning phase, Change it! This project supports children and young people to campaign on an issue highlighted in the UN Committee’s recommendations. Through deliberative discussion and
voting the group selected homelessness as the focus of their campaign. In their recommendation’s
the UN Committee said that the UK needed to stop housing children in poor quality, temporary
accommodation for long periods of time – an issue which had been highlighted in the children’s
report and is of public concern.

Increasingly members of the steering group have become active citizens; writing to MPs and
engaging other children and young people to join campaign actions. Members of the group have
gone on to study law, become community volunteers and join other participation forum’s
including the Mayor of London’s Peer Outreach team and these members have stated that
participating in See it, Say it, Change it helped them build confidence and knowledge that allowed
them to engage in these future opportunities.

6) How can society support civic engagement? What responsibility should central government,
devolved and local governments, third sector organisations and the individual have for
encouraging civic engagement? What can the Government and Parliament do to support civil
society initiatives to increase civic engagement?

11. As stated above, Article 12 of the CRC gives children a right to express their views and have
them taken into account in all decisions that affect them. In its General Comment on Participation,
the UN Committee states that article 12 ‘addresses the legal and social status of children, who, on
the one hand lack the full autonomy of adults but, on the other, are rights holders’. An important
way to realise Article 12 and for Government to support civil society initiatives to increase civic
engagement of children is to ensure children have opportunities to be involved in national policy
making.

12. This is especially important because:

- Children in the UK are not able to vote in national and local elections (with the exception of Scotland) and hold government to account at the ballot box
- Government decisions tend to have a particularly strong impact on children due to their dependence on public services, such as education. This is particularly the case for particular groups of children for example disabled children, children with mental health needs and looked after children.
- Research has also shown that listening to children and young people results in better decision-making by allowing relevant experiences and perspectives to be considered.
- It has many benefits to a child’s personal development in terms of news skills and self confidence and self-worth and can help demonstrate the importance of active citizenship to them.
- It sends out a wider message of the value of respecting children and listening to their views which supports their civic engagement.

13. Despite these strong arguments for involving children in policy making there is currently a lack
of commitment to this agenda by the Government. Positive developments such as the production
of child friendly consultation documents and the ‘youth voice’ initiative, which helped to involve
older children, are no longer in place. The 2013 Government report Twelve actions to

http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-GC-12.pdf
Professionalise Policy Making includes an action that ‘each Departmental Head of Policy Profession will champion Open Policy Making as part of their core responsibilities’. Yet despite this, we have seen little action taken to include children as part of the policy making process. Unless there is a strong programme of work on this issue, children will remain excluded.

14. There are also many ways in which parliamentarians could further engage with children and young people. Examples include MP surgeries for children, child friendly versions of calls for evidence for inquiries and more opportunities for children and young people to attend meetings. Currently children regularly attend the APPG on Children but attendance of children and young people could also be extended to other parliamentary meetings.

7) What are the values that all of us who live in Britain should share and support? Can you identify any threats to these values, which affect the citizenship of, for instance, women or various minority groups? If so, how can their citizenship be strengthened?

15. The Universal Declaration of Human Rights emphasises the inherent dignity and equal and inalienable rights of all people and provides an excellent guide for values that all of us who live in Britain should share and support. However the current policy context is extremely challenging for human rights, including children’s rights. The UK Government has publicly stated that it plans to repeal the Human Rights Act and replace it with a British Bill of Rights, a move that will restrict protections to certain groups. This is part of a wider narrative suggesting an intentional move away from universal international human rights standards. In 2015 the revised Ministerial Code removed a reference to international treaty obligations. In contrast the previous version stated: ‘overarching duty on Ministers to comply with the law including international law and treaty obligations and to uphold the administration of justice’ but now it simply states that Ministers must comply with ‘the law.’ CRAE is concerned that the removal of this reference will mean that Ministers will take their obligations under the CRC and other human rights treaties less seriously, which of course includes children’s participation rights.

8) Why do so many communities and groups feel “left behind”? Are there any specific factors which act as barriers to active citizenship faced by different communities or groups - white, BME, young, old, rural, urban? How might these barriers be overcome?

16. Age is a barrier to active citizenship. Despite some progress, on the whole children are still not given enough opportunities to have their voices heard and have their views taken seriously, which undermines the civic engagement of children. This barrier is magnified for children from marginalised groups, particularly those from poorer backgrounds, disabled children and refugee children. Currently formal decision making processes, especially in relation to policy development and political decisions are not child friendly. It’s crucial that child friendly processes and materials are developed. CRAE has demonstrated that even complex documents can be translated into child friendly formats, see for example, our child friendly version of the UN Committee’s recommendations to Government: http://www.crae.org.uk/news/new-child-friendly-resources-on-childrens-rights/

Recommendations

1. Action must be taken to further the implementation of the CRC, particularly their participation rights. Their access to active citizenship and civic engagement must be improved.

2. The voting age must be lowered to 16.

3. Citizenship Education should be compulsory for all primary and secondary schools.

4. Support must be given to schools to develop meaningful participation structures which can create an ethos of participation for children.

5. Central government resources should be made available to support children and young people to become active citizens and develop self advocacy.

6. Barriers to active citizenship should be addressed by developing materials that can help children understand and engage with democracy and Government policy making. For example a government commitment to involving children in policy making, sustainable mechanisms put in place, and child friendly versions of policies and consultations.

Children and young people are able to offer excellent insight into their own experiences of citizenship and civic engagement. We hope during the course of this inquiry the Committee will take evidence directly from them. CRAE can help facilitate this process, if helpful.

7 September 2017