

BHA BRIEFING 2010: Children's Rights Bill Lords 2nd Reading

5th March 2010

Briefing from the British Humanist Association:

Introduction

The British Humanist Association is a member of a coalition called Rights of the Child UK (ROCK) which is a UK-wide coalition of organisations and individuals which seeks the incorporation of the United Nations Convention on the Rights of the Child (CRC) into UK law. Other members include Unicef UK, Save the Children UK, NCB and the NSPCC.

Children's Rights Bill

The coalition is working with Baroness Joan Walmsley, who introduced a Private Members Bill on 19 November 2009, the day before the CRC's 20th anniversary. The Bill would incorporate the Convention into UK law, using a similar model to the Human Rights Act which made the European Convention on Human Rights part of domestic law.

The introduction of the Bill has the potential to raise public, professional and political awareness of the benefits that would result from better legal protection of children's rights in the UK. ROCK hopes to increase understanding of CRC incorporation, which would be the best way to ensure children's rights are fully recognised and protected.

Why the BHA is supporting the Bill

- The UN Convention on the Rights of the Child was drafted over many years and represents near universal consensus about the rights protection that children need. It offers a complete framework for the protection of children's rights by nation states. These rights for children do not exist in isolation from those of their parents and families, since the right to family life is an important Convention right.
- Article 4 of the Convention requires Governments to "undertake all appropriate legislative, administrative and other measures" to implement it. However, we know that this only happens on a piecemeal and patchy basis in the UK, with uneven application for children in different circumstances and settings.
- The UN Committee on the Rights of Child recommended in 2002 and 2008 that the UK should incorporate the Convention into domestic law in order to improve its implementation.
- The UK courts already take account of the CRC when interpreting children's rights. Incorporation of the Convention would therefore be a natural progression for the development of our domestic law. However, lack of awareness means that the courts do not take account of the Convention as much as they should.
- The UK has benefited greatly from incorporating the ECHR into domestic law. Since the passage of the Human Rights Act, the UK has been taken to the European Court of Human Rights much less often than before, as we are now able to address any violations in our own courts.

Specific issues regarding freedom of belief for young people.

In the UK, freedom of belief is restricted to those under 18 in the education system and by the labelling of children with their parent's beliefs. This can have serious detrimental effects on the ability of people under 18 to practice their right to freedom of belief. For example:

- Faith schools admission policies can discriminate on the basis of parental belief and religious practice. This severely limits the rights of young people to be autonomous and hold different beliefs to

their parents.

- Each school must hold an act of broadly Christian worship (usually in the form of a daily assembly.) To be removed from this, people under the age of 16 must get parental permission, thus making it difficult for those who hold different beliefs to their parents.

By strengthening the position of the CRC, the rights of young people to freedom of belief are given new potency, allowing the BHA and others to campaign for changes using human rights standards. Specifically, Article 2 of the CRC, ensures that the state has responsibility to protect the child from discrimination on the grounds of religion (and beliefs) and Article 14 ensures that states respect the child's right to freedom of thought, conscience and religion (or belief).

The BHA recommends that the Children's Rights Bill be supported.

About us

The British Humanist Association (BHA) is the national charity representing and supporting the non-religious and campaigning for an end to religious privilege and discrimination based on religion or belief. Our expertise lies in the 'religion or belief' equality strand, which includes non-religious beliefs such as Humanism, and how that strand relates to and intersects with other protected characteristics.

For more detail and evidence on our position on the below amendments, please contact us:

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