



# Children's Rights in the UK

## *Debate on the Address – Bill of Rights*

**The Children's Society uses the Human Rights Act every year to successfully challenge the poor treatment of vulnerable children. It is vital that the rights of all children, no matter where they are from, or who their parents are, must continue to be protected.**

The Government is right to ensure that the British Bill of Rights will be based on rights set out in the European Court of Human Rights and that they will be fully consulting on the proposals. It must be ensured that nothing should be done to undermine the principle that human rights apply to everyone including all children and young people, no matter where they are from or who their parents are.

The consultation period should be used to consider how children's rights could be further strengthened in UK law, including through incorporation of the UNCRC into UK law. One key feature of the Human Rights Act which must be included in the new British Bill of Rights is the public sector duty. This is a tool that The Children's Society regularly uses to hold local authorities to account for failing to uphold children's rights. For example – The Children's Society used it to ensure that councils can no longer leave children in limbo with no support for long periods once they have been put up for adoption.

Below are two examples of when the Human Rights Act has made significant differences to children's lives.

### **Looked After Children**

The Human Rights Act is a vital tool for holding local authorities to account for failing to recognise children's rights. A court ruling backed up by the Human Rights Act has meant that councils can no longer leave children in limbo with no support for long periods once they have been put up for adoption. This ruling was based on a case of two brothers who were abandoned by their local authority without proper support while they waited for 11 years to be adopted. The boys moved from foster placement to foster placement and becoming increasingly unsettled and disturbed. The court ruled that this contravened the children's rights to private and family life (Articles 8), a denial of access to court process (Article 6) and failure to protect them from inhuman and degrading treatment (Article 3). The court also stated that this would apply to all children in a similar position and that local authorities need to identify and review other cases to ensure that children are not being disadvantaged as a result of their incorrect legal status.

### **Unaccompanied migrant children and young people**

The Children's Society recently helped a young father use the provisions in the Human Rights Act to prevent him being forcibly removed to a country he had no memory of. Jon has lived in

the UK since he was seven when he was forced to flee his home after his father was tortured and died. He was initially granted a five-year residence permit, but when his brother applied for an extension in his name, it was ruled “out of time”. No decision was made on his case for another six years leaving him without any documents and with an uncertain immigration status.

Despite going through periods of homelessness, Jon worked hard at college and raised a family with a British woman. With the help of a lawyer and The Children’s Society Jon was granted by a British court indefinite leave to remain in the UK on the basis of Article 8 – the right to family and private life. If it was not for the Human Rights Act he may have been sent to a country he has no memory of and his child would have grown up without a father

### **Questions for the Minister**

- Does the Minister agree that children’s rights could be better protected by enshrining some of the United Nations Convention on the Rights of a Child into UK law?
- What assessment has been made of the impact on children of plans to repeal the Human Rights Act?

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