

## **Written evidence from Pupils 2 Parliament (HRA0054)**

*Submitted by Dr Roger Morgan OBE for Pupils 2 Parliament*

### **INTRODUCTION**

1. Pupils 2 Parliament gathers school pupils' views for submission to Parliamentary Select Committee inquiries. Pupils' views are collected and faithfully reported independently, neutrally and without bias. Children are asked for their views without adult suggestions. The views gathered are therefore the spontaneous 'unled' responses of children.
2. This submission gives the views, gathered online, of 30 school pupils aged 10 and 11 from Eardisley CE Primary School, Hereford.
3. Children should be able to access rights under both the Human Rights Act and the UN Convention on the Rights of the Child. We sought evidence on rights they thought, without adult suggestion, they should have and be able to access as children, and also on whether they differentiated access to rights derived from these two different sources.

### **Rights children wish to access**

4. Without telling or reminding them of the rights they currently have, we asked the children what rights they thought the law should enable them to access. They put forward rights that are already contained in either or both of the HRA or the UN Convention, plus some that are not accessible under either.
5. Some of their proposals are developments or interpretations of existing rights, specifically for their access by children.

### **Things every child should always be allowed to know about**

6. One child gave their own definition of this as "the right to know things".
7. The two rights of this type they most wanted to have and access were the right to know their rights, and to know about the law.
8. They also wanted the right to know if they were adopted, to know about things in the news and about important areas such as Parliament and what is happening in space, to know about their body, to know "how things work", and about keeping themselves safe. This included the right to know about the risks of drugs, alcohol and dangers from "kidnappers".
9. Some children saw access to some rights as age-dependent: to "know the law or common laws by 12" and to know "how bad smoking, drinking and taking drugs at a young age like 12".

10. One wrote that there should be a right to be taught to cook – to “know about 10 good recipes at the age of 10”.
11. Another wrote that children should have the right to know about adult life and responsibilities by the time they are 10.

### **Things every child should always be allowed to do**

12. The children, without lead or suggestion, said they should have access to three main rights of this type: to have a say, to get educated, and to play. One wrote about children’s right to “learn and have a say in stuff because after all they are going to be the next generation”.
13. Other rights of this type were to have friends and family, and to try doing “whatever they want that is not against the law”. One child wrote about the right to have issues they report to a teacher taken seriously, and another that children should “be more free and happy to talk about our ideas and feelings”.
14. A further proposal was to have and access a right “to have a place where they feel calm and can just chill and have fun, be happy, play”.
15. One child stated the need to access a general right - “we have the right to say no”.

### **Things every child should always have**

16. The most frequent right under this heading was to have a house or home, followed by having and accessing rights to have food and drink, money, family, friends, and education.
17. Children wrote of rights to “food, clean water, friends”, to have “a loving home with lots of support with their discussion”, to have “a family, a house and a good life”, to have “somewhere where they feel safe”, not to be “kicked out of their house at the age of (say) 14”, and to “be happy in their household and not have to worry about their simple choices”.
18. Others spoke about children having rights to have a pet, and to have treats.
19. An extension was proposed in accessing the right to own property – whatever happens, a right to have “a special thing to them that should never be taken away from them”.
20. One child wrote that children should always have the right to have “an adult”. Existing charters of rights fall short of a child being able to access a general right to have their own adult.

### **Things every child should be kept safe from**

21. The most frequent right here was to be kept safe from people who are dangerous to children - kidnappers, strangers, dodgy people, bad people, rapists, thugs, robbers and killers; and on the internet, to be kept safe “from predators and hackers and very strange sketchy people”.
22. Then came being kept safe from drugs, dangers on the roads, alcohol, and abuse.

23. Two final rights to have and access under this category were to be kept safe from war, and to have your own privacy kept safe.

## **Magna Carta**

24. The clauses of Magna Carta still in force give three fundamental general personal rights: the right not to be imprisoned or punished by having money or property taken away unless you are found to have broken the law; the right to have justice and other rights; and the right to justice without it being paid for or bought.
25. We asked whether the children agreed with each of these three fundamental rights. They agreed (just) with those rights, but their most frequent answer on each of the three rights was that they didn't know whether or not they agreed with that right.
26. Perhaps, not all three of these routinely underpin justice as children experience it – in children's everyday experience, they are primarily rights accessed by adults.

## **Should there be a separate list of legal rights for children?**

27. For children, there are two charters of rights: the Human Rights Act, and the rights specifically for children (but not underpinned in law) through the UN Convention on the Rights of the Child.
28. We sought evidence from children on whether in their view, as recipients of rights, there are grounds for maintaining two separate charters of rights – both of which apply to, and should be accessible to, children.
29. We presented the children with a list of 25 rights, in simplified wording, from both the HRA and the UN Convention. Some appear in only one of these, others, albeit worded differently, appear in both. We asked them whether in their view each right should be 'just for children', 'just for adults', or 'for everybody, children and grown ups'.
30. The evidence is striking. For every one of the 25 rights, the children strongly voted that the right concerned should apply to, and therefore be accessible to, everybody, both children and adults.
31. This is primary evidence from this group of children, as recipients of rights, that they see little to differentiate the need to access rights contained in the HRA and those contained in the UN Convention.
32. There may be a case to consider a revised Human Rights Act consolidating the rights in both current documents.
33. The children's responses also give primary evidence for a further issue in accessing rights. Some rights contained for children in the UN Convention, but do not appear in the Human Rights Act and are not therefore specifically accessible to adults. The children saw rights are currently only in the UN Convention as rights adults should also be able to access. They did not differentiate between rights which children should have, but which were not relevant for adults. As examples, they saw the right to get help from parents or carers, the right to have some time on your own, the right that

people who decide things for you should always decide what is best for you, the right to be educated, and the right to relax and play, as rights for everyone, under and over 18.

34. The three rights with the most applicability to adults were age related – the rights to vote, to marry, and to start a family if you want to. But children still saw these as applicable to everyone, as they include a condition of being ‘old enough’.
35. The children’s evidence gives grounds for considering extending access to the rights in the UN Convention on the Rights of the Child to adults, and combining the rights currently in the two locations, the UN Convention and the Human Rights Act, in a single schedule of the Human Rights Act.

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