

LGBT children's human rights

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Every LGBT Youth Matters conference

Session aims

By the end of the session we hope participants will:

- Have a better understanding of children's human rights and how they protect LGBT children and young people from discrimination
- Feel more confident in using human rights arguments to challenge discriminatory treatment
- Understand how the Equality Bill will affect children and in particular LGBT children

What do we mean by human rights?

Children's human rights

Children's human rights are:

- Internationally agreed minimum standards by which governments are bound by under international law
- Domestic laws that give entitlements to children and young people, as well as permit them to do certain things which children can seek redress from
- A set of ideas that emphasise the equal worth and humanity of children and young people and challenge unfair treatment and discrimination they face

Convention on the Rights of the Child

- Agreed by the UN in 1989
- Ratified by all but two UN member states (USA and Somalia)
- The worlds most widely and fastest ratified human rights treaty
- Ratified by the UK Government in 1991
 - Obligation to ensure within available maximum resources full implementation of all of children's human rights.
 - Report two years after ratification and every five years after that to the UN Committee on the Rights of the Child
- Reports sent to the UN in 1995; 2002 and 2008

Convention on the Rights of the Child

Four key principals drive the UNCRC:

- **Non-discrimination** (Article 2)
Children have the right to protection from discrimination
- **The best interests of the child** (Article 3)
Laws and actions affecting children should put their best interests first & benefit them in the best way.
- **Survival, development and protection** (Article 6)
Children should be protected and supported to ensure their full development — physical, spiritual, moral and social.
- **Participation** (Article 12)
Children have a right to have your say in decisions that affect you, and to have you opinions taken into account.

Human Rights Act 1998

- Human Rights Act 1998 incorporates the European Convention on Human Rights and Fundamental Freedoms (ECHR) into UK law
- The Act:
 - Makes it unlawful for a public authority to act in a way incompatible with the ECHR
 - All legislation should be read in a way which is compatible with the ECHR
 - Courts must make decisions with regard to the ECHR
- Note, prohibition of discrimination (Article 14) in relation to any of the other rights

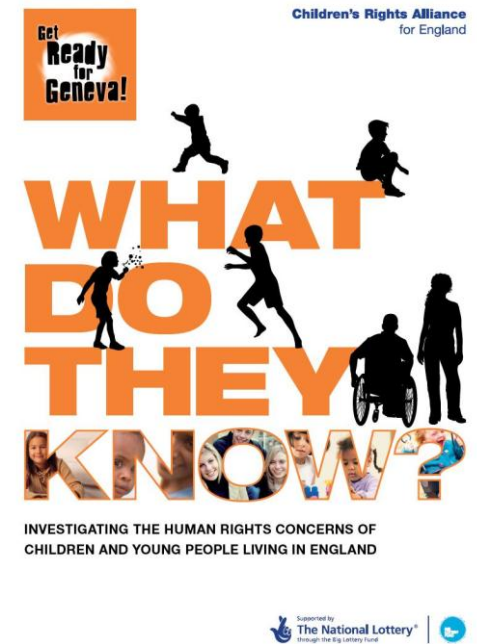
Why rights matter

LGBT children

Children's experiences	Disproportionate impact on LGBT children
Restrictions on their autonomy and independence	Lack of opportunity for LGBT children to meet peers, esp. without parental consent
Lack of access to positive activities and social and emotional support	Specific needs of LGBT children missed by children's services and also by 'adult-centric' gay community
Consensual sexual activity is criminalised, feared or hidden	Lack of value attached to children's expressions of love and affection Assumptions of heterosexuality & gender identity
Gender identity assumed from birth	Trans children lack space, support and opportunity to express their gender

LGBT children's views

- Widespread evidence of discrimination
- LGBT children with multiple identities felt especially excluded from wider society
- Sex education was often not inclusive and sidelined LGBT issues
- LGBT young people wanted more information to be made available to parents struggling to accept their sexuality.
- More training should be given to health professionals about working with children. We particularly think they need more training on issues facing LGBT children.



Scenario instructions

- In small groups review your scenario
- Using the information provided, discuss some of the following:
 - Which rights may have been engaged?
 - Who holds responsibility for any human rights breaches?
 - What support does the young person require?
 - How could a human rights approach help to resolve this situation?
 - What would the situation look like if human rights were being respected'?

Equality and human rights – two sides of one coin

Equality Bill

- Bringing all equality and anti-discrimination legislation into one place
- Simplifying the law, making the law more effective and modernising the law
- Discrimination law review 2007 – consultation on proposals for the Bill
- Equality Bill due to be published April 27 2009

Equality Bill and LGBT children

- Harmonised approach to exercise of public functions and goods, facilities and services on all grounds (with exceptions)
- Integrated public sector equality duty to cover all grounds and fully cover gender reassignment
- Extension of protection from discrimination on the grounds of gender reassignment to school pupils in education (recent 'win')
- Aligned approach to victimisation and extend protection to children in schools whose parents or siblings complain about discrimination, so that children are protected under all relevant protected grounds (incl. sexual orientation)
- No extension of protection against harassment outside work, on grounds of sexual orientation

Equality Bill and children

- No legal protection from age discrimination in goods, facilities and services (will apply to over 18s)
- Public sector duty to fully include children **BUT** age element will not apply in schools and specific children's services
- **Young Equals** campaign coordinated by CRAE calling for:
 - children to be given legal protection for age discrimination
 - schools and children's services to be included in age element of duty,
 - 'reasonable adjustments' for adults with babies and young children on public transport and in access to public buildings