

Your rights and responsibilities

Voting and having your say	107
Your rights as a young person	109
Legal advice	111
Police powers	112
The courts	114
Sentencing	116
Immigration – refugees and asylum seekers	120





Your voice



Voting and having your say

Voting is how you choose who you want to represent you in the national parliament, locally in your local council, and in the European Parliament.

Why vote?

Voting is a fundamental part of democracy. It means everyone who is eligible has an equal say in deciding who governs our country and who makes decisions about how public services are run at a local level on our behalf.

In the past in England, and in some countries even now, people are fighting (and dying) for the right to vote and live in a democracy.

By voting, you are showing that you understand the importance of this right. Living in a democracy means you have the freedom to choose the political party you want to govern your country because you share and support their beliefs and vision and policies.

In many countries, people still don't have that freedom and that choice. In the UK, less than 100 years ago, women died in their struggle to get the vote. In South Africa black people did not have a vote until 1994.



When can I vote?

You can vote in three different elections.

- Local council elections – you can vote for the councillors you want to represent you on your local council, which is the organisation responsible for providing local public services and facilities (like housing, transport, rubbish collection, libraries, leisure services and social care). This is known as local government. There are several different kinds of local council, with different arrangements for electing councillors, depending on where you live. Local elections are held at least once every four years. In some areas you can also vote to elect your local mayor
- UK parliamentary general elections – you have one vote to elect the local member of the political party you want to represent you in the national UK parliament. Or you can vote for an independent candidate who does not belong to any party. General elections must take place every five years, but the prime minister can choose to call a general election earlier than that
- European elections – you have one vote to choose the list of MPs put forward by the political party that you support or you can vote for an independent candidate to represent you on the European Parliament. These elections take place every five years.

Do I have a vote?

You can vote if you are aged 18 years or older and are a British citizen or an Irish, qualifying Commonwealth or European Union citizen who is resident in the UK.

European Union citizens living in the UK who are not Commonwealth citizens can vote in European and local elections, but are not allowed to vote in UK parliamentary general elections.

You also can't vote if you:

- are a member of the House of Lords
- are serving a sentence in prison (though this may change shortly)
- have been found guilty of breaking election law in the last five years.

You must be registered with the Electoral Commission in order to be able to vote. You will be sent a registration form by your local authority if you are eligible. If you haven't received one and are eligible to vote, you can register online at:

www.electoralcommission.org.uk

Who can I vote for?

England has three main political parties:

- Labour
- Conservatives
- Liberal Democrats.

There are other much smaller parties, like the Green Party, which won its first seat in parliament in 2010, and the UK Independent Party (UKIP), which doesn't have any seats in the UK parliament but does have seats in the European Parliament.



For more information about the UK and European voting systems, go to:

www.electoralcommission.org.uk



For more information about voting, the UK political system and why your vote matters, go to:

www.aboutmyvote.co.uk




Your rights as a young person

Everyone has rights. However these rights can vary, depending on your age.

Important rights such as the right to life, a name, a country, a family, good health, education, protection and safety, and the chance to achieve your full potential are set out in The United Nations Convention on the Rights of the Child (UNCRC).

This is an international agreement that most countries in the world, including the UK, have signed up to. The Convention lists a set of economic, cultural, social and political rights to which all children and young people are entitled – 42 ‘articles’ in total.

 You can find the full list here:

www.unicef.org/crc/files/Rights_overview.pdf


It’s worth downloading them to have a look.

Some countries have made all the articles of UNCRC legally binding. The UK hasn’t – yet. That means children and young people in the UK cannot rely on its protection in court. But it can still help make life better and protect your rights here. The UK has to give a report to the UNCRC every five years, showing how its legislation and policies comply with the Convention.

In the UK, these rights are set out in The Children Act 1989. The Children Act 2004 says that all children and young people have the right to:

- be healthy
- stay safe
- enjoy and achieve
- make a positive contribution
- achieve economic well-being.

All government policies affecting children and young people have to comply with these five main aims.

 Liberty, the national campaign for civil liberties, has a useful section on its website listing children’s and young people’s rights in the UK, including employment and education rights:

www.yourrights.org.uk/yourrights/the-rights-of-children-and-young-people/index.html

Check out the main Liberty website for information about human rights in general:

www.yourrights.org.uk

 The UNICEF website has a lot of useful information about the human rights framework in which the UNCRC fits. www.unicef.org/crc For a free copy of UNICEF’s Little Book of Children’s Rights and Responsibilities, call the UNICEF helpdesk on **0870 606 3377** and quote code: 32234.



Reality check

Which of the following rights are most important to you? Why? What would it feel like if you didn't have these rights? Check out the UNCRC (see weblink above) and add any rights that you think are important.

Right to life	
Right to privacy	
Right to health	
Right to a name and an identity	
Right to be heard and have your views respected	
Right to vote	
Right to protection from discrimination	
Right to freedom of speech and thought	
Others	



For information about employment related rights, go to the **Education, employment and training section** of this pack.

You'll find information about support groups for victims of crime, including racism, homophobia, child abuse and domestic violence, in **Section 3**.


Legal advice

If you need expert legal advice, the Citizens Advice Bureau offers free, independent and confidential advice to help people solve their legal, financial and other problems.

Their website is:

www.citizensadvice.org.uk

It also has a special section for children and young people and gives a list of CAB centres in your local area.

 You can find a really handy practical guide to young people's legal rights – when you can drive, vote, buy alcohol etc – at different ages at:

www.thesite.org/homelawandmoney/law/yourrights/whatagecani

Legal aid

If you are a child or young person and need legal advice, you can apply for legal aid. This means you may be able to get free legal advice and representation, depending on your financial circumstances. In some cases only your own financial circumstances will be taken into account; in other cases the financial circumstances of your parents will also be taken into account.

If you need legal advice and you are aged under 18, contact the Children's Legal Centre. You can visit its main website site at:

www.childrenslegalcentre.com

or its special site for children and young people, including young people in care, at:

www.lawstuff.org.uk

or telephone its young person's freephone

0800 783 2187

Adults needing advice about child law can telephone its advice line: **Freephone 08088 020 008**

Another useful source of advice is the Law Centres Federation. They can give you the addresses of local law centres all over the country, where you can find out about getting legal help.

www.lawcentres.org.uk

020 7428 4400

Email: **info@lawcentres.org.uk**



Police powers

How the police behave and what they are allowed to do by law is set out in their codes of practice (PACE), under the Police and Criminal Evidence Act 1984. If a police officer doesn't follow these codes, they can be disciplined and the case may be dismissed in court by the judge.

It's important to know your rights if you are stopped or arrested by the police.

You can find up-to-date information about police powers on the Citizens Advice Bureau website (the details are at the end of this section). This section summaries the main issues.

Stop and search powers

The police are allowed to stop and search you anywhere that isn't your home or garden (or someone else's home who has said you can be there), but they have to provide identification and they have to have 'reasonable grounds' to suspect you may be carrying evidence that could be involved in criminal activity.



You can find more information about stop and search and your rights on the Association of Police Authorities website: www.apa.police.uk

Police questioning

If you are arrested, the police have to take you to a police station to question you, unless they can show that it would prevent them stopping a crime. Young people aged under 17 have to have an 'appropriate adult' with them before they can be interviewed by the police. An appropriate adult can be a family member, friend or a volunteer or social/health care professional.

Police powers to come into your home

The police must have a search warrant before they can enter your home, and have to ask your permission to search your home, if you're there – unless a serious or dangerous incident has taken place or they need to come in to arrest someone, save a life or prevent serious damage or a breach of the peace.

Your rights on arrest

The police must have a valid arrest warrant before they can arrest you, unless you are in the act of breaking the law, or they think you either just have or are just about to.



Your rights at the police station

If you are arrested, the police should take you straight to a police station. You have the right to tell someone you've been arrested, and get legal advice. You can get free legal advice from the police station duty solicitor, or you can choose your own solicitor – but you may have to pay them. Once you've asked for legal advice, the police can't usually question you until you have spoken to a solicitor. You have the right to stay silent and not answer any questions, but the courts may take your silence into account when deciding whether you are guilty or innocent.


There are lots of exceptions to these powers, rights and codes, so you must get legal advice if you do get into trouble with the police.

 You can get more information about getting legal advice at the police station from:


www.legalservices.gov.uk

Complaints

If you want to make a complaint about the police, get advice from a solicitor or go to your local Citizens Advice Bureau. You'll find details of local branches on their website.

 There's more information about making a complaint against the police on the Citizens Advice Bureau website at:

www.citizensadvice.org.uk/index/getadvice

 You can also find out how to make a complaint about the police on the Independent Police Complaints Commission (IPCC) website:

www.ipcc.gov.uk

0845 300 2002

enquiries@ipcc.gsi.gov.uk





The courts

There are several different kinds of criminal court in England.

Magistrates' Court

Magistrates' Courts deal with criminal cases, and some civil cases. They are the lowest level of court in England and Wales. They deal mainly with adult cases, but can deal with young people aged under 18 if they are being tried with an adult. They handle over 95% of the criminal cases in England and Wales.

Magistrates are community volunteers who have had special training. They are not qualified lawyers or judges. Sometimes they are qualified lawyers. Magistrates can only try and sentence people for offences that carry a maximum penalty of six months in prison. The Magistrates' Court is open to the general public.

Crown Court

The Crown Court deals with the most serious offences committed by adults and young people. These courts are served by Crown Court Judges, but the sentences are decided by a jury of 12 members of the public. The Crown Court is open to the general public.

Youth Court

The Youth Court is a section of the Magistrates' Court that deals with young people aged 10–17 who have committed criminal offences.

If a young person is charged with a very serious offence that for an adult would be punishable by 14 years or more in prison, the Youth Court can send them for trial at the Crown Court. Youth Courts are not open to the general public.



You can find out more about the court system in England here:

www.adviceguide.org.uk/index/your_rights/legal_system/courts_of_law.htm

Giving evidence in court

You may have to attend court if you witnessed a crime and the person who is accused of the crime says they are innocent.

If you've given a statement to the police and the case goes to court, you don't always have to attend. Sometimes the accused person's lawyers or representatives will decide they don't need to question you and will accept your evidence. If your evidence is accepted, your statement will simply be read out in court and you won't have to go.

However, if the police do contact you to say that you've been called as a witness for the Crown Prosecution Service or the defence, you will have to go to court. If you have to sit an exam or there's something else that you really can't get out of on the same day, contact the person that told you to attend court as soon as possible.

If you're nervous and worried about giving evidence, you might want an older adult you trust to go to court with you for moral support. They can come, but they won't be allowed to stand next to you when you give your evidence.



You can find out more about going to court as a witness at:

www.direct.gov.uk/en/YoungPeople/CrimeAndJustice/CrimeAndTheLaw.



The law

Sentencing

The police and the courts can hand out a lot of different sentences. Not all involve going to prison, and not all will go on a criminal record.

Out-of-court disposals

If you've been caught committing an offence but the offence is not serious, the police have powers to use alternatives to prosecution. These alternatives are called out-of-court disposals. For example, you could get a cannabis warning if you are caught with a small amount of cannabis for your own use.

You have to agree to an out-of-court disposal and you should get legal advice before you do. An out-of-court disposal will count as a criminal record, and that could affect your chances of getting some jobs. The police should give you information about this when they arrest you.



You can find more information about out-of-court disposals at:
www.cjsonline.gov.uk



A **police record** is the record held on the police national computer of any contacts you have had with the police. A **criminal record** is a record of any criminal convictions you have received.

Penalty notices

The police are also allowed to give you an on-the-spot fine if you are thought to be behaving in an anti-social way. Fixed penalty notices can be given to anyone over the age of ten for environmental offences like graffiti or litter.

If you're over 16, you can get a penalty notice for disorder for more serious offences like throwing fireworks or damaging property.

These won't appear on your record on the police national computer, but your fine will increase if you don't pay it. You could also spend time in custody if you don't pay your fine.

Community sentencing

For some offences, you may get a community sentence.

This means you will serve your sentence outside prison. There are a lot of different community sentences. How long they are depends on how serious your crime was.

Reprimands and warnings

If you're under 18 and you're found guilty of a minor crime, you may receive a reprimand or a warning from the police. This means that a note will be added to your police record.

If you are aged under 18 and have already received a reprimand or warning before, you will probably get a more serious punishment, like a Youth Rehabilitation Order.

Youth rehabilitation orders

Youth Rehabilitation Orders (YROs) are the standard community sentence used for most young offenders. You may get a YRO if it's your first offence and you plead not guilty or if it's your second or third offence.

When a court gives a YRO, it will add 'requirements' to it, depending on your crime. These may include treatment for drug misuse or mental health problems, unpaid work, curfew, electronic monitoring or repairing any damage that you may have caused.

Referral and reparation orders

There are two other community sentences that you may receive from a court if you're aged 10–17 years.

- **Referral orders.** If it is your first offence and you plead guilty, you could get a referral order. The court will ask a youth offender panel to decide on a punishment that is supposed to stop you offending again. The punishment will take between three and 12 months to complete.
- **Reparation orders.** Under a reparation order, you have to repair the harm caused by your offence. For example, you may have to repair any damage that you have done, remove graffiti or take part in mediation with the victim of your offence. You are expected to spend a total of about 24 hours completing a reparation order.

Criminal records

If you get a criminal record, it can cause a lot of difficulties, especially when you're applying for jobs. All employers will ask if you have a criminal record, and they have to carry out a criminal record check for some jobs. An employer can decide not to offer you a job if they think your criminal record will affect the work you will be doing.

If you receive a final warning or reprimand, a note will be added to your police record on the police's national computer, but you won't get a criminal record.

If you complete a youth rehabilitation order without committing any further offences, your conviction won't be included in a basic criminal record check if you're applying for a job.

If you've applied for a job working with children, your employer will have to carry out a more in-depth check for all criminal convictions and police warnings, including fines and reprimands.

Criminal sentences

If you're accused or found guilty of a criminal offence, you may have to spend time in custody.

The main custodial sentence for young people aged between 12 and 17 is the Detention and Training Order (DTO).

This is a two-part sentence, served partly in custody and partly under supervision in the community. Young people under the age of 18 who are found guilty of the most serious crimes, like murder and serious assault, can be detained for longer periods.

If you get a custodial sentence you may be sent to either:

- a young offender institution
- a secure training centre, or
- a local authority secure children's home.

Where you are placed will depend on your age, sex, individual needs and your home address.

If you're under 15, you will not be held in a young offender's institution.

Young offenders' institutions (YOIs)

Young offender institutions are run by the Prison Service. There are separate units for boys aged 15–17 and young men aged 18–20, although sometimes they are based on the same site.

Young female offenders are placed in self-contained girls' units attached to prisons for adult women. These units work in the same way as young offender institutions.

Some young female offenders under the age of 18 may be placed on a juvenile wing of an adult female prison, but only in exceptional circumstances – for medical reasons, or if they have a child and need to be accommodated on a mother and baby unit.

Young offenders must attend up to 25 hours of education every week, including courses and programmes to help them tackle their behaviour.



Secure training centres (STCs)

STCs provide secure accommodation for offenders up to the age of 17. They are usually smaller than young offenders' institutions and provide education and vocational training, as well as programmes to address behaviour.

Secure children's homes

These homes are run by local authorities and accommodate the most vulnerable young people whose behaviour is considered harmful to themselves or others.



You can find out more about young people, sentencing and the law here:

www.direct.gov.uk/en/YoungPeople/CrimeAndJustice/CrimeAndTheLaw

Youth Offending Service/Team (YOS/T)

If you are a young offender, you will be assessed by your local Youth Offending Service or Team to try to identify why you have offended and what risk, if any, you pose to others. The YOT will decide the training and behaviour programmes you should do to help stop you offending.


YOTs are made up of people from the police, probation service, social services, health, education, drugs and alcohol misuse services and housing, so they can assess all your needs.

There is a YOT in every local authority area in England and Wales.



You can find a list of YOTs in the London area at:

www.yjb.gov.uk



Stay out of trouble

Anti-social behaviour

Anti-social behaviour is the term used to describe actions that cause damage to a community or affect the lives of people that live there. This includes:

- vandalism
- graffiti
- nuisance neighbours
- intimidating behaviour.

The police, local authorities and housing associations have powers to keep your local area safe and pleasant for everyone to live in.

Acceptable behaviour contracts (ABCs)

If your behaviour is causing problems in your local community, you may be asked to sign an ABC.

An ABC is voluntary agreement between you and the police or your housing association or local authority landlord or other organisation (college, for example) where your behaviour is causing problems. Because it is a voluntary agreement and isn't given out by a court, it won't appear on a criminal record.

Coram Supported Housing Service can ask you to sign an ABC if your behaviour means you are at risk of losing your tenancy. A meeting will be called with many professionals, including someone from the Safer Communities Team.

The ABC will list the behaviours that you are agreeing not to do any more, and may also set out other things that you have to do, such as attend college regularly, stay away from particular places and people, or get counselling to help you manage your behaviour.

When you sign it, you are agreeing to do what it says.

The agreement will also be signed by the local organisation that wants to stop the behaviour (ie. your landlord, or Coram Supported Housing Service, or the police, local authority or Youth Offending Team). If you are aged under 18, your parent or carer/guardian will also sign it.

ABCs usually last for six months. If you break the agreement, you could get a longer ABC, or you could get an anti-social behaviour order (ASBO), or something tougher, depending on what you've done.

Anti-social behaviour orders (ASBOs)

ASBOs can be given to anyone over the age of 10 who has committed a number of anti-social offences. They are orders from the court that ban you from doing certain things, going to certain places and being with certain people.

The police, local authorities and the British Transport Police can apply for an ASBO.

An ASBO lasts for at least two years but it is reviewed regularly, so if your behaviour improves, then some of the conditions of the ASBO can be removed or changed.

If you get an ASBO, you won't get a criminal record unless a court finds you guilty of breaking the ASBO.

If you break the terms of your ASBO, you will probably be arrested and taken to court. If you're found guilty, you may get a fine, a community sentence or you may have to spend time in custody.



You can find out more information about young people and the law at:

www.adviceguide.org.uk/index/your_rights/legal_system.htm

and

www.direct.gov.uk/en/YoungPeople/CrimeAndJustice/TypesOfCrime/DG_1002767



You can also download a very useful guide on your rights with regard to the police and the courts from:

www.participationworks.org.uk/files/webfm/files/resources/k-items/participationworks/childrensrighstsguides/law%20guide.pdf



Immigration – refugees and asylum seekers

There are some important differences between a refugee, an asylum seeker, an immigrant (or migrant) and an illegal immigrant.

Asylum seekers

An asylum seeker is a person who has fled their country of origin because of persecution or war. They have entered the UK and asked for protection from the UK government but have not received a decision on their asylum claim.

Refugees

A refugee is someone to whom the UK government has offered protection in accordance with the Refugee Convention 1951. Some refugees are granted humanitarian protection (HP) or discretionary leave to remain (DLR) as part of this protection.

To qualify as a refugee the UK government must either accept that:

- the person has a reason to fear persecution in their country because of their race, religion, nationality, membership of a particular social group or political opinion, or
- the person has other humanitarian or compelling reasons why they need to stay in the UK, the denial of which may breach their rights under the European Convention on Human Rights.

Immigrants

Migrants (or immigrants to the host country) have generally chosen to migrate, frequently for economic reasons. Many people migrate to the UK for employment reasons or to study at UK universities. Others come to join spouses or relatives as part of family reunion schemes. In addition, European Union nationals are able to travel to the UK under European Community law.

Illegal immigrants

An illegal immigrant is someone who has entered the UK without the necessary legal permission (ie. a visa) and has not yet formally claimed asylum.

Did you know...

The UK is third in Europe for the numbers of asylum applications – after Sweden and France. The UK is 11th in Europe for the number of asylum seekers per head of population.

The top three countries from which people sought asylum in the UK (2007 data) are Afghanistan, Iran and China.

Just 16% of applications were accepted (2007 figures); 74% were refused and 10% were granted discretionary leave to stay. Most (86%) of those granted leave to stay were unaccompanied children. This is out of 23,000 applications from adults and families, and 3,500 from unaccompanied children.



The asylum process

The UK Border Agency (UKBA) at the Home Office is the government body responsible for interviewing asylum applicants and assessing their asylum applications.

Application for refugee status has to be made:

- at the point of entry – at an airport or seaport, for example
- at the nearest UK Border Agency office after entering the UK.

Most asylum seekers are admitted temporarily to the UK while the authorities decide on their asylum application. If they are not detained, they are required to report regularly to a reporting centre during this time. If the application can be dealt with quickly (ie. the authorities think the person doesn't have much chance of getting asylum) then they may be moved to a removal centre (one for men and one for women, so couples are separated) until the process is completed.

Applicants have a right to appeal against a refusal, although some asylum seekers can only appeal once they have left the UK. If the appeal is refused, the person will have to leave the UK, and can be removed by force if they don't go voluntarily.

Asylum seekers get free legal advice and are eligible for very basic accommodation and subsistence support, and free healthcare through the NHS until their application is turned down. They aren't entitled to most other public services and benefits, and are not allowed to work.

If an asylum seeker's application is accepted and they are granted refugee status, they will be given five years' limited leave to stay here. At the end of this period they, and their partner and any children under 18 years old who came with them, will be allowed to stay if:

- the conditions in their country have not improved significantly
- they have not been involved in actions which are against the Refugee Convention principles, and
- they pass the Life in the UK Test – a test about knowledge of language and life in the UK – or take combined English as a Second Language and citizenship classes.

If they have a partner and children in their country of origin, they can apply for their family to join them.

Refused asylum seekers

Refused asylum seekers who are unable to return to their country of origin are entitled to almost no welfare, health or social care services. Once an asylum application has been rejected, all entitlement to support, including healthcare, is cancelled. They may get some short-term support while they are waiting to return to their country of origin.

Families with children and unaccompanied children continue to receive support until they are returned to their country of origin.

Unaccompanied children seeking asylum

Local authorities are required to take care of unaccompanied children and young people under 18 years seeking asylum, regardless of the child's immigration status. They are regarded as 'in need' and have the same rights to care and support as other vulnerable children. After age 18, they are entitled to the same support provided to young people leaving local authority care.

(see also Section 1: Setting up home and Section 4: Friends, families and relationships)



Refugees' rights and entitlements

A person granted refugee status has broadly the same rights and entitlements to services as all other UK residents and citizens.

They are entitled to free health care from the NHS, including emergency and routine medical treatment, prescriptions for some medicines, child health and maternity services, family planning, dental treatment, eye tests and glasses.

They can work. They can also apply for welfare benefits.

They are also eligible for local authority education and training courses.



You can find out more about asylum seekers and refugees at:

www.aboutimmigration.co.uk

www.ukba.homeoffice.gov.uk/asylum


www.smileproject.org.uk

(for children and young people)



Help and information

These are some organisations that provide support and advice to asylum seekers and refugees.

 The British Red Cross Society – offers an international tracing service for refugees and families divided by war.

0844 871 11 11

www.redcross.org.uk

Or contact your local British Red Cross office (details on website).

 The Joint Council for the Welfare of Immigrants (JCWI) – gives independent advice on immigration, nationality and refugee issues and runs advice sessions, organises training and publishes leaflets and information on immigration, nationality and citizenship matters in the UK.

Helpline 0207 251 8706


0207 251 8708

www.jcwi.org.uk

 Refugee Council – the largest organisation in the UK working with asylum seekers and refugees. They give help and support, but also work with asylum seekers and refugees to ensure their needs and concerns are addressed.


0207 346 6700

www.refugeecouncil.org.uk

 STAR network – a national network of young people and university student groups that raise awareness of refugee issues, support refugees and asylum seekers and campaign for refugees' rights.

0207 729 8880

www.star-network.org.uk

 United Nations High Commissioner for Refugees (UNHCR) – the main UN agency responsible for refugee relief and support programmes throughout the world.

0207 828 9191

www.unhcr.org.uk

