

UNCRC (Incorporation) (Scotland) Bill

Scottish Parliament Community Outreach - Virtual Session

Session with 12-18-year olds

Hosted by Together (Scottish Alliance for Children's Rights)

Wednesday 28th October, 6:30 – 7:30pm

Purpose of the session:

The purpose of the online session was to provide members of the Equalities and Human Rights Committee with an opportunity to hear children and young people's views about their rights and the UNCRC (Incorporation) (Scotland) Bill.

In attendance

- 39 children and young people (between 12-18 years old)
- Ruth Maguire MSP (Convener)
- Gillian Martin MSP
- Fulton MacGregor MSP

Organisations supporting children and young people on the call

- [Carers Trust Scotland](#)
- [Scottish Youth Parliament](#)
- [Barnardo's Scotland](#)
- [Youthlink Scotland](#)
- [Children in Scotland](#)

Background

In advance of the session, the organisations helped children and young people prepare by talking about their rights, learning about the Bill and the consultation questions.

During the session, the children and young people split into five breakout rooms – one supported by each of the above organisations. The MSPs moved between groups to hear children and young people's views. The sessions were facilitated by staff from each organisation.

Notes from the session

The discussions and activities in each breakout room covered a range of topics. These notes use the child and young person-friendly consultation questions to draw these discussions together:

1. [What do you think adults need to help them learn about children and young people's rights and how to respect them?](#)

Participants across all groups said there needs to be improved training about rights for all people working with and for children and young people (including volunteers). This applied to all settings – including public authorities, schools, charities, and youth organisations. They felt that children and young people should be involved in designing resources and trainings about their rights:

"Teachers should be aware of rights to give children the best chance" (Participant, Children in Scotland)

“Children and young people need to be involved in developing resources and training about rights.” (Participant, Children in Scotland)

“If you need a PVG you should receive training on the UNCRC - you could send them a copy of the UNCRC with their PVG certificate” (Participant, Carers Trust Scotland)

The young people said that if more adults were interested and involved in rights then they might understand rights better and that would help young people.

They also felt it was important that parents, carers, children and young people, and society as a whole knows about and understand children’s rights.

“[The] UNCRC needs to be ‘out there’ and be known. Unless it is known about it’s just ‘there”. We need a public conversation about UNCRC and young people in Scotland.”
(Participant, Carers Trust Scotland)

2. Can you think of any groups of children and young people who might need more help to make sure their rights are respected? What help might they need?

Participants felt that certain groups of children and young people might need extra help to make sure their rights are respected. They felt children and young people in these groups were often less likely to be heard and included in decisions. Groups identified included:

- Children and young people living in poverty
- Young refugees and asylum-seekers
- BAME children and young people
- Those with care experience
- Those with no or limited internet access
- Younger children
- Disabled children and young people
- Children and young people with health problem
- Children and young people with additional support needs
- Gypsy/Traveller children and young people
- Children and young people in contact with the justice system
- Children and young people who are home-schooled
- Children and young people who’ve had a negative experience with authority figures
- Children and young people who don’t learn about their rights until they are older
- Children and young people who don’t often have their voices heard

3. What should Scottish Ministers and public authorities do to make sure children and young people’s views are heard?

Participants spoke of the importance of involving children and young people as early as possible in decision-making processes. They said they should have *regular* access to spaces where they can express their views, not just on-off events. Ongoing engagement helps to build a good relationship and made them feel more comfortable to share what they think.

“It’s good that they eventually fixed [the exam results situation caused by COVID-19], but bad that they didn’t ask young people what they thought from the start – that failure caused a lot of stress for young people.” (Participant, YouthLink Scotland)

One participant shared their experience of taking part in their local cabinet – they said this structure helped make sure young people were always asked about their views, rather than just “being the token young person in the room”. They said regular meetings helped make sure their thoughts were taken into account and acted upon.

Participants emphasized the importance of listening to children and young people from seldom heard groups. They felt there was a group of children who often were not included and that Scottish Government and public authorities would need to make extra efforts to reach out to them.

“Ask people who are affected most, ask them what their opinions are instead of speaking for them” (Participant, Children in Scotland)

Ideas for ensuring the voices of all children and young people are heard included:

- More funding for youth services
- More counsellors in schools
- Advocacy support
- Finding child and young person-friendly ways of engaging (both online and offline)
- Supporting children’s charities
- Improving awareness of children and young people’s rights

Participants spoke about the value of listening to their views and that it helps create decisions which are better for children and young people:

“[at our local youth centre] we talk about the events that are going on, and issues affecting us, we get to speak out about those things and change what’s happening in the local area”
(Participant, YouthLink Scotland)

4. Will the Bill make it easier for everyone to make sure your rights, and the rights of other children and young people, are respected?

Participants broadly felt that incorporation would make it easier to ensure children and young people’s rights are respected. Some mentioned that it could help safeguard children’s rights that would otherwise have been at risk due to the response to COVID-19. Young Carers mentioned that legal duties to support them had been relaxed, and they didn’t have much time to rest and relax as their caring responsibilities had increased. Some participants felt that the response to COVID-19 might have been better if the UNCRC had already been incorporated.

“The pandemic can be an excuse for doing or not doing something – but the UNCRC being part of the law will mean it can’t be used as an excuse for not thinking about children’s rights.” (Participant, YouthLink Scotland)

“COVID has meant there have been big discrepancies - depending on [children’s] background, age and where they live and the school they go to. If the UNCRC had already been

incorporated into law, it would have helped to address these discrepancies.” (Participant, Children in Scotland)

Members of the Scottish Youth Parliament (MSYPs) held a menti poll as part of their breakout room. The overwhelming majority agreed that the Bill would make it easier to ensure children’s rights are respected. Supporting comments included:

“100%”

“Absolutely”

“It will bring about a change in mindset”

“respect for children”

“no-one left behind”

Participants identified a broad range of reasons why incorporation would make it easier to uphold their rights. These included:

(a) Raising awareness

A young person with Carers Trust said the Bill would help make sure children and young people know their rights. They felt there weren’t enough lessons on rights at the moment and that the Bill could help change this.

Some MSYPs commented that already more people had started talking about children’s rights in a way that they didn’t before. They felt that the passage of the Bill through parliament was making more people aware of children’s rights, and that the more people who knew about rights, the better they would be protected.

(b) Not forgetting about young people and children

Some participants felt that children and young people are often forgotten about when new laws and decisions are made. They felt that making children’s rights the law could help change this:

“By having it in law, it’s much harder for young people to be forgotten about when making laws and decisions. Often young people are forgotten when it comes to human rights.” (Participant, Scottish Youth Parliament)

“When young people use their Rights to express their view it can come across as moaning, but we actually want to make Scotland a better place.” (Participant, Carers Trust Scotland)

Others spoke about issues arising from COVID-19 as examples of children and young people being overlooked, and that incorporation would help address this:

“[because of bad things that have happened for children and young people during COVID-19, there is] more and more recognition of the importance of the UNCRC and children’s rights because there have been so many issues – such as exam results – that have showed how important it is that these rights are implemented, that we really need them so that these bad things don’t happen.” (Participant, YouthLink Scotland)

(c) Children’s participation

Participants welcomed that their voices appeared to be really important in the Bill. They were excited that this Bill expects a wide range of organisations to talk, listen and consult with young people. This was particularly important to participants from Carers Trust Scotland who felt that young carers were not always listened to.

(d) Culture change and respect for children and young people

Participants said children and young people often encounter negative attitudes when they express their views:

“When young people use their Rights to express their view it can come across as moaning, but we actually want to make Scotland a better place.” (Participant, Carers Trust Scotland)

Generally, they felt that the Bill could help support a positive culture change - away from children and young people being seen as a “generation of snowflakes” towards being at the heart of decisions that affect them.

Some participants felt that by setting their rights out in law, the Bill would give children and young people “status”. It would help more vulnerable children realise what they are entitled to and make sure other people help them get this. Respect for children and young people’s rights would increase in organisations that were not already aware of them. Participants felt this would result in better engagement with children and young people and enable extra safeguarding.

“[the Bill] will help emphasise that children and young people have as much of a right to a say as anyone else in the country” (Participant, YouthLink Scotland)

(e) Mental health

Some participants commented that the positive culture change may have wider impacts, including that it could support children and young people’s mental health.

(f) Youth-led advocacy

Some felt that incorporation could also support positive culture change among children and young people. For example, it could encourage more child and young person-led movements, following on from young people’s mobilisation around climate change, Black Lives Matter, SQA results. They felt that with a legal framework behind them, children’s participation in these movements would grow.

(g) Accountability and preventing breaches

Participants welcomed that their rights would be protected by law and that Scottish Government would be held accountable if their rights were breached. They felt this would encourage Scottish Government to do extra checks to make sure their rights are less likely to be breached in the first place. Similar points were made about other decision-makers and

people with an impact on children and young people's lives, including the justice system, police, teachers and public bodies.

Young people from Barnardo's Scotland highlighted continuing care as one area where the rights of young people were not currently being respected.

5. Do you agree that the Bill should give courts the power to cancel a law if the court decided that the law didn't respect the UNCRC?

Members of the Scottish Youth Parliament discussed this issue and held a vote using mentimeter.

The majority of MSYPs (5) thought it was a good idea to give courts the power to cancel a law if it didn't respect the UNCRC. They felt Scotland needed to take a bold step in showing that it really does respect children and young people's rights and that this would demonstrate that. It would also help Scotland set a good example for other countries to follow.

Other MSYPs (2) were unsure – they said certain rights overlap and wondered how this would affect things. MSYPs noted that they held a consultation on incorporation in 2019 and that the majority of respondents had agreed that the courts should be able to cancel laws that didn't respect children and young people's rights.

6. How would you like to learn about your rights, and what you can do if they're not being respected?

Participants identified a range of ways to support children and young people to learn about their rights and what to do if these aren't respected. The key suggestions were: including rights in the school curriculum, developing child-friendly resources, youth work, and through rights ambassadors/champions. There was some overlap and interplay between these themes. Some participants emphasised that a multi-pronged approach was needed using: social media, peer learning, positive promotion of young people, work in schools, youthwork and Young Carers projects to share information about Rights.

One young person emphasised the importance of young people being supported to learn about their rights, rather than feeling forced or made to feel bad for not knowing:

"If young people don't want to know about their rights then that's ok too – don't force young people, need a culture change so we have a Scotland where young people WANT to know about their rights." (Participant, Carers Trust Scotland)

(a) Rights-based education

Several participants felt that more needed to be done to ensure children and young people learn about their rights at school. They felt there weren't enough lessons on rights currently, or that these weren't in enough detail:

"One PSE lesson isn't enough to learn about rights"

"There needs to be more about rights in the school curriculum and it should be included in PSE"

"Information about rights in schools needs to be accessible and inclusive."

Some participants noted that it was important to remember that not all young people go to school, so you might need to use other methods to reach them and make sure they are aware of their rights.

(b) Child-friendly resources

Participants emphasized the importance of child-friendly information about their rights. They said the content, language and images were all important.

“Having information is key to how you experience life” (Participant, Carers Trust Scotland)

Specific suggestions for resources included:

- An app for young carers that is friendly, easy to read and has contacts to services.
- “Child friendly UNCRC bulletins”

They said they should be involved in creating information for children and young people and informing which methods are used. This engagement should go beyond just having surveys.

“Children and young people need to be involved in developing resources and training about rights.” (Participant, Children in Scotland)

“Don’t keep sending us surveys” (Participant, Carers Trust Scotland)

The children and young people also noted that information and resources must be accessible to all children and young people – including as Easy Read, Braille, BSL, language transcribed, audio.

(c) Youthwork

Participants (particularly those in the YouthLink Scotland group) spoke of the importance of youth work in supporting them to learn about their rights and have their voices heard:

“Even if young people don’t know their rights, youthwork staff tell us about them so we understand them and aren’t left out.” (Participant, YouthLink Scotland)

(d) Rights ambassadors, champions and supporters

Rights ambassadors and champions were seen as helping raise awareness – including amongst children and young people - as well as supporting them when their rights are breached.

What can you do if your rights are not respected?

Participants described various things they might do if their rights aren’t being respected, including speaking to a neighbour, a teacher, or someone you know well. To help children and young people stand up for their rights, they might speak to a youth worker, the police, charities or the Children and Young People’s Commissioner.

The Children and Young People’s Commissioner Scotland was seen as important but participants were clear that young people need to know more about who they are and what they do.

Participants felt that more needed to be done about how the media portrays children and young people and address misrepresentations – they felt rights ambassadors, champions and supporters could help with this and support children and young people to have freedom of speech.

7. What else could the Bill do to make your rights and the rights of other children and young people, stronger in Scotland?

Suggestions included improving access to advocacy, funding for youth work and services, and wider awareness raising:

(a) Advocacy

Access to advocacy support was raised particularly in relation to care experienced children and young people and those living in poverty. Participants identified that they may not have the same access to support or the internet and so would need extra help in having their voices heard and their rights respected.

“An advocate can be a go-between person if authority figures let you down”

“Advocacy services are very important to ensure children and young people are supported to claim their rights.”

(b) Funding for youth work and youth services

Some participants noted the important role that youth work and services play in helping them learn about their rights and supporting their realization. They felt youth work and services should get more funding to support incorporation.

“you don’t realise how many opportunities bypass you until you get involved in youthwork. Youthwork makes you feel part of something and that you’re making a difference”

(Participant, YouthLink Scotland)

“Youthwork is about more than just being the token young person invited to a meeting”

(Participant, YouthLink Scotland)

“My youthworker at the council makes sure I’m not silenced in meetings – they can stand up for me when adults are ignoring what I have to say” (Participant, YouthLink Scotland)

(c) Wider awareness raising

This was a recurring theme across the sessions. Some participants suggested that an awareness raising campaign or infomercials could help.

“[The] UNCRC needs to be ‘out there’ and be known. Unless it is known about it’s just ‘there’. We need a public conversation about UNCRC and young people in Scotland.”

(Participant, Carers Trust Scotland)

Plenary

Ruth Maguire MSP and Fulton MacGregor MSP gave their comments on the session.

Fulton MacGregor MSP thanked children and young people for their strong views on how to make the Bill better. He said he heard a lot about education, digital access, care experience and hopes to take the evidence he’s heard forward to strengthen the Bill. He said that law can help make sure that rights are upheld across the country, rather than different approaches in different areas. He noted that he’d heard lots about negative public attitudes towards children and young people and that we need to change this.

Ruth Maguire MSP similarly thanked the children and young people for sharing their views. She said it was heartening to hear about what children and young people saw as positives in the Bill and hoped that incorporation would make sure children and young people aren't forgotten about when decisions are made. She explained that the views and opinions shared during the session would be treated as formal evidence in parliament and would help MSPs decide how the Bill could be strengthened and improved. She said the views would go into a report and that children and young people could get a copy of this if they wanted. She also encouraged them to send their views, notes, pictures and other ideas to the [children's citizens space](#) by 20th November 2020.