



The Scottish Parliament
Pàrlamaid na h-Alba

UNCRC (Incorporation) (Scotland) Bill Consulting with Children (8-12 years) Facilitator Guide

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About this guide

This guide is for adults to help them plan engagement sessions with children around the [United Nations Convention on the Rights of the Child \(Incorporation\) \(Scotland\) Bill](#) ('the Bill').

The Bill was introduced to the Scottish Parliament on 1st September 2020. It aims to make children's human rights under the UNCRC part of Scots law. The Scottish Parliament's Equalities and Human Rights Committee wants to know what children and young people think about the Bill. This follows a 2019 consultation in which children played a key role.

The guide brings together suggestions from our members and divides these into key themes related to incorporation. Each theme sets out the key concepts, describes what children said in the 2019 consultation and the extent to which this is reflected in the Bill. Each theme includes ideas for related activities and questions.

- Theme 1: Introducing Children and Young People's Rights
- Theme 2: A World of Rights
- Theme 3: What Happens when Children's rights aren't respected?

You do not need to cover all the themes, but rather pick those which are of most interest to the children you work with. The only exception is Theme 1, which should always be covered first.

Submitting children's views

The Equalities and Human Rights Committee is keen to receive pictures, BSL videos and photos to inform its consultation. As such, the Committee would welcome pictures created through the activities or photos of these to be sent to them. The Committee would also welcome children's written views on what they thought when they were doing the activities. Please don't send photos of children or anyone else. This is to protect people's privacy. You can find other helpful information on the Committee's webpage including a presentation from the Parliament's Education team as an additional resource for schools:

<https://www.parliament.scot/parliamentarybusiness/CurrentCommittees/115977.aspx>

The deadline for views is **20th November 2020**. You can submit your views by clicking on this URL: [parliament.scot/childs-rights](https://www.parliament.scot/childs-rights)

Children's participation

It is important to make sure that children feel supported to share their views and that their experience is both positive and meaningful. Dedicate time to establishing a welcoming, positive relationship with the children involved by building in time for introductions and warm-up games. Break up the session with breaks, small group activities and energizers and regularly check-in with the children to see how they are feeling and getting on. This is especially important to remember when using digital tools such as group video calls to facilitate children's participation, as the nature of screen-based activities can result in participants disengaging or switching off.

It's important to remind children that their participation is voluntary and that they can choose to opt out at any time. It's also important to emphasize that there are no right or wrong answers – it's their feelings, thoughts and opinions that matter.

You might like to review and reflect on the Children and Young People's Commissioner Scotland's [Seven Golden Rules of Participation](#) prior to and throughout your consultation with children.

Ending Your Consultation Event and Feedback

"What happens after participation work is just as important as what happens during it"

A recurring message we hear from children is that they want to be included throughout the whole process of policy development and decision making. Following engagement events, every effort should be made to inform children how their views have been carried forward and what has happened as a result. This ensures that participation is a two-way, respectful dialogue.

This could mean emailing or calling your event participants or their parents/carers and providing them with a copy of your event notes, report or a summary of your consultation response. It could also mean following up with them at different stages of the Bill to let them know how their suggestions have been taken into account.

This resource was created with support from:

Together (Scottish Alliance for Children's Rights)

Children's Parliament

Children in Scotland

Theme 1: Introducing Children and Young People's Rights

All engagement sessions should spend some time on this theme before moving on to any others. This theme will help children understand:

- What is a right?
- What is the UN Convention on the Rights of the Child (UNCRC)?
- What is the law and who makes it?
- What does incorporation mean?
- What have children already said about incorporation?
- What is the UNCRC (Incorporation) (Scotland) Bill?

What is a right?

Every child has rights. Rights are what children need to grow up happy, healthy and safe. All adults should make sure they support children to get their rights. Governments are responsible for making sure children's rights are respected.

For example, all children have the right to education. This means that the Scottish Government has to make sure that every child has the chance to go to school and can learn how to read and write. If children can't get to school, or if children aren't being helped to learn how to read and write, then the government isn't respecting their right to education.

What is the UNCRC?

UNCRC stands for the United Nations Convention on the Rights of the Child. This is an international document that lots of countries have agreed to follow. It explains what rights children have, and what the governments of the world need to do to respect them. It includes things like the right to education, health, family life, and protection from being hurt or treated unfairly.

The United Kingdom (including Scotland) signed up to the UNCRC 29 years ago, making a promise to respect children's rights.

At the moment, children's rights are seen as "guiding" but they aren't part of the law yet. This means that the UK and Scottish Government *should* make sure that teachers, doctors, social workers and the people that make decisions know about children's rights and respect them. However, there's no law to make sure that this definitely happens or to help children if their rights aren't respected.

Ideas for activities

UNCRC card game: UNICEF has lots of ideas of card games that children can play with their UNCRC child-friendly icons. [You can download them here.](#)

Draw your rights: ask children to each pick a right and draw what it's like when it's being respected and when it's not. Ask children to think about how they feel when this right is and isn't being respected. If using an online video call to facilitate this activity, you might like to use the 'whiteboard' function or encourage the children to draw on paper using materials at home and then hold up their drawing for all to see. It's important to capture children's explanations of their drawings as well as the image itself, to ensure the interpretation is in the children's own words.

What is the law and who makes it?

A law is a rule that people have to follow. In Scotland, some laws are made by politicians in the Scottish Parliament and other laws are made by politicians in the UK Parliament.

The government's job is to run the country. Running the country includes making sure that schools, hospitals, the police, roads and even the environment are properly looked after. It also includes making sure that all children's rights are respected. Scotland is run by the Scottish Government. The Scottish Government has to obey the laws that have been made by the Scottish Parliament and UK Parliament. The person in charge of the Scottish Government is called the 'First Minister' and her name is Nicola Sturgeon. She can think of ideas for laws and ask the Scottish Parliament to make them.

It is a judge's job to decide if someone, or a group of people, have broken the law. Judges can even decide if the Scottish Government has broken the law.

Idea for activity

Word association quick-fire round: what 'laws' can children think of? Who makes sure that people follow the law? What happens if someone breaks the law?

Examples of laws might include:

- Wearing seatbelts in cars
- Not smoking in cinemas
- Not stealing things

This can work well both in person and online.

What does incorporation mean?

Nicola Sturgeon has said that she wants to make the UNCRC part of the law in Scotland. This is called 'incorporation'.

Incorporation is a big word but it's important for children to know about it. A UNCRC incorporation law would mean that the Scottish Government would always have to respect children's rights when running the country. It would mean that children's rights would need to be respected in schools and hospitals, by the police, and even by people who make decisions about roads, parks and the environment.

Incorporation would also mean that children can complain if they think their rights haven't been respected. Judges would be able to decide if the government has broken the UNCRC incorporation law in Scotland.

Have other countries incorporated the UNCRC?

Yes, quite a lot of countries already have a law that incorporates the UNCRC. This includes Norway, Sweden, Finland, Iceland and Spain. We know from these countries that a UNCRC incorporation law can make things better for children.

Things that change include more people learning about children's rights (including people who make decisions), adults speaking to children when they make decisions and listening to what they have to say, children are seen as people who have their

own rights and views, and children can complain if they think their rights haven't been thought about and ask for things to change.

What have children already said about incorporation?

In 2019, the Scottish Government asked children for their views on incorporation. The government wanted to know what children thought as this would help them create a plan.

[Children said it was very important for their human rights to be made part of the law.](#) They said it would make things better for their lives if this happened. For example, they said it could help keep children safe. Children also said that making the UNCRC part of the law would mean adults taking children's rights more seriously.

Children said it was important that all the rights in the UNCRC were made part of the law in Scotland and that no rights should be "left out".

What is the Incorporation Bill?

A Bill is an idea for a law that the Scottish Parliament has to look at. The Parliament checks the Bill and can make changes. The Parliament has a vote to decide if the Bill should become a law.

In September 2020, the Scottish Government set out its ideas in the *UNCRC (Incorporation) (Scotland) Bill*. This is sometimes called "the Incorporation Bill" or just "the Bill" for short.

The Bill will make children's rights part of the law in Scotland. This means the Scottish Government will need to make sure children's rights are respected. It will mean that children's rights need to be respected in schools and hospitals, by the police, and even by people who make decisions about roads, parks and the environment. The Bill also says children can complain if they don't think their rights have been respected and can take their complaint to a judge in very serious cases.

To make sure the Bill works properly, the Scottish Parliament wants to hear what children think about it. All children have the right to tell the Parliament what they think.

Idea for Activity

Balloons: You might find it helpful to talk about incorporation being a bit like having a balloon. At the moment, the UNCRC is like a balloon floating high in the sky and can be difficult for children to reach. This is because there isn't a UNCRC incorporation law in Scotland. If someone ties a piece of string to the balloon then children can reach it and pull the balloon close. A UNCRC incorporation law is like adding that piece of string - it helps to make sure that rights are made real for children.

Ask children to draw a picture of themselves and several balloons floating above them without strings. Ask them to decorate each of the balloons to represent different rights ([they can use the Commissioner's child-friendly articles](#) for ideas). Ask them to think about their experience of these rights and whether they think they

are respected. Ask them to draw strings to the rights/balloons that they think they can reach and explain why they think the others are out of reach.

Resources

Videos to support children to learn about the UNCRC (hyperlinked):

- [CRADUB, Children's Rights Alliance in Ireland background to the CRC](#)
- [UNICEF, Robots and the CRC](#)

Written/picture resources (hyperlinked):

- Children's Commissioner, [UNCRC Simplified Articles with pictures](#)
- Unicef, [UNCRC children's version](#).

Theme 2: A World of Rights

A UNCRC incorporation law in Scotland will mean the Scottish Government, politicians, teachers, doctors, social workers and the police will have to make sure children's rights are respected. They will have to think about children's rights in everything they do and try to make sure that all children have all their rights all of the time.

This theme looks at how to make this "World of Rights" a reality and asks children for their ideas. This section will help children think about:

- *What a 'perfect' rights respecting world would look like.*
- *What needs to happen in Scotland to turn it into a rights respecting world?*

What did children say in 2019?

[Children said that a new law on its own wouldn't be enough to make rights real for every child](#). They said there should also be activities to make sure everyone knows about children's rights. Some of their ideas were:

- A big campaign so that children and young people, parents and carers, teachers, social workers, doctors and all other people working with children, politicians and Scottish Government all know about children's rights.
- Training for people who work with children or make decisions that affect them
- Children should be included in these decisions and activities
- Some children need extra help to get their rights and they should be able to get this.

What does the Bill say?

The Bill says the Scottish Government will have to create a 'Children's Scheme'. This will be a big plan that includes all the things it has done to help children's rights and what it's going to do in the future to make sure people pay attention to children's rights. The plan could include things like what it's going to do to make sure everyone knows about children's rights, or to make sure children are involved in decisions.

The Scottish Government will need to update its plan every year. The Bill says that the Scottish Government should speak to children when it does this and also create a child-friendly version of the plan so children know what's happening.

Ideas for Activities

A world of rights: ask children to make big cloud style images/text of what their 'perfect' rights respecting world would look like. Ask them to think about what children and the adults around them would need to make this rights respecting world. This could include making sure people know about rights, listening to children when big decisions are made, and helping children say what they think. Ask the children how long they think it might take for people to do these things. You might want to suggest they think about it in terms of their age so...

- By the time I'm 9 years old, all my teachers should know about my rights.
- By the time I'm 10 years old, it should be the law that all my teachers respect my rights.

Shopping Trolley: similar to the above example. The children are to imagine that they have a shopping trolley, they must fill this with all things that are needed to make their 'perfect' rights respecting world. When they get to the checkout, what are all the things in their trolley?

This could be played online, using the format of the game 'When I went to the supermarket, I bought...'. Each child takes it in turns to list something, adding to the ever-expanding list set out by the previous participants.

Ideas for Questions

- Can you imagine a Scotland where all children had all of their rights all of the time? What would this look like?
- What needs to happen in Scotland to turn it into this rights respecting world? Should the government include these ideas in their plan?

Consultation paper questions

The Scottish Parliament's Equalities and Human Rights Committee has prepared some questions for younger citizens. You might find these helpful when planning your engagement session:

- What do you think adults need to help them learn about children and young people's rights and how to respect them? These adults might include teachers, social workers, the police and people who work in hospitals.
- Children and young people have different experiences and backgrounds. This means some might need more help than others to make sure their rights are respected. 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?
- The Scottish ministers and public authorities will have to show what they've done to make sure the UNCRC rights are respected. To do this, the Bill says they should speak to children and young people and listen to what they have to say. What should they do to make sure children and young people's views are heard?

Theme 3: What happens if children's rights aren't respected?

This section will help children think about what should happen if their rights aren't respected.

Incorporation means that if children don't think their rights have been respected, they should be able to complain to the adults around them who are responsible for making sure they have their rights. This could be their teachers, social workers, people who work for the council and even politicians. These people should listen to the child's complaint and change things to help make sure that children's rights are respected. In serious cases, incorporation will mean that children can complain to a judge.

What did children say in 2019?

Children said they can be worried about lots of things and want adults to listen to them and take these worries seriously. They said that making a complaint can be difficult and frightening and that they sometimes worry that adults might not listen to them or do anything to change things. Children said they want a range of people who they can complain to, including parents, carers, teachers and other adults.

Children felt it was important to be able to speak to a range of people about their worries, and that they can make complaints to a judge in serious cases. They said it was important that other adults or organisations could make complaints for children and support them.

Children also said that the government should do all it can to make sure new laws respect and promote children's rights. They thought that when a new law is introduced, the government should have to make a statement to say it respects children's rights.

What does the Bill say?

The Bill says that if a child believes their rights haven't been respected, they can make a complaint to a judge. The judge will look to see if the UNCRC incorporation law has been broken. If it has been broken, the judge can use special powers to change things. The judge can either cancel the law that doesn't follow children's rights, or the judge can tell the government to change it. Complaining to a judge can be difficult, so the Bill says other people will also be able to make a complaint – this includes the Children's Commissioner.

The Bill also says that when new laws are introduced, the government should make an announcement to say it respects children's rights.

Ideas for Questions

- If you didn't think you had one of your rights, would you like there to be somewhere to go and someone to talk to about this. Who would this be? And what do you think they should be able to do about it?
- If there was a really difficult problem that you needed to talk to a judge about, would you like someone to help you? Who would you want to help you and what could they do to help?

Consultation paper questions

The Scottish Parliament's Equalities and Human Rights Committee has prepared some questions for younger citizens. You might find these helpful when planning your engagement session:

- Will the Bill make it easier for everyone to make sure your rights, and the rights of other children and young people, are respected?
- How would you like to learn about your rights, and what you can do if they're not being respected?
- What do you think about the idea that courts could cancel a law if the court decided the law didn't respect the UNCRC?
- What else could the Bill do to make your rights and the rights of other children and young people, stronger in Scotland?

Ideas for Activities

Pathway Hopscotch: a game whereby children design a series of pathway tiles with all the steps to finding redress when their rights are violated. Ask them to think about who might help them – could it be a parent? A group of children who face the same problem? A charity that is set up to help children who are facing these problems? The Children's Commissioner – someone whose job it is to stand up for children and their rights? Then enjoy a game of hopscotch on your newly built path.

Problem Tree: A flip chart or virtual whiteboard with a 'problem tree' using post-it notes to share ideas. Like any other tree, the problem tree has three parts: a trunk, roots and branches. The trunk is the core problem. The roots represent the causes of the core problem while the branches represent its effects. Using pens the group can discuss and draw an apple on the tree which represents ideas. This activity can be completed using the 'whiteboard' function of an online video call platform. Alternatively, you can encourage children to create their own tree and share back with the other participants on the call.