



ar n-èisteachdan, ar guth our hearings, our voice

**Response to the Scottish Government Consultation on
Incorporation of the United Nations Convention on the Rights
of the Child into Scots law – 28 August 2019**





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Background Information

Our Hearings, Our Voice is an independent board for children and young people in Scotland who have experience of the Children's Hearings System. The Board is for children and young people aged 8-18.

The aim of Our Hearings, Our Voice is to enable children and young people to effect positive and meaningful change, through supporting them to influence decision makers and service providers involved in the Children's Hearings System. The key focuses are to help create shared understanding and long term improvements in the Hearings System based on children and young people's experiences.

The Board has three key functions as follows:

- To identify and recommend improvements across the system.
- To scrutinise and support the work of partners across the Children's Hearings System.
- To hold the Children's Hearings System to account.

In November 2018, the first 12 Board Members were appointed from across Scotland. This is the first group of young people to be appointed and they have committed to their roles for a two year term, with the option to do a second term (or up until they are 18 years of age).

The Board is still in its initial stages of development and the project will continue to grow and engage with more children and young people who have experience of the Children's Hearings system.

You can find out more information about Our Hearings, Our Voice [here](#)





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Introduction:

The Our Hearings, Our Voice (OHOV) Project Team held a UNCRC Incorporation Engagement Session on Thursday 1st August 2019. This 3 hour session took place in Stirling and was attended by four Board Members, between 12-17 years of age, from Aberdeenshire, South Lanarkshire and Stirlingshire.

Given the complex nature of the consultation, we recognised the need to do some introductory work with the Board Members. Therefore, the session was designed to introduce children rights as human rights, gauge the young people's understanding of rights and, to explore some of the broad themes presented within the consultation document.

We used the Briefings and Facilitators Guides produced by Together Scotland and their members as the framework for developing our session outline and activities.

The 3 hour session was broken down into the four key themes (as detailed in the Together Briefings) with a range activities to explore each of the themes:

- Theme 1: Introducing Children and Young People's Rights - Floor Quiz and discussion.
- Theme 2: A World of Rights – creating your map of a rights respecting island.
- Theme 3: What happens if children's rights aren't respected – our steps to redress activity and discussion.
- Theme 4: What will the rights look like – a choice between full incorporation or a suite of rights voting activity.

Below we provide an overview of the activities and discussions that took place during the consultation session, along with indications of the relevant consultation questions the young people's views apply to.

Please note this report is drawn purely from the young people's views and does not necessarily represent the views of the Our Hearings, Our Voice Team.



Theme 1: Introducing children and young people's rights



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Floor quiz and discussion

After presenting a short introduction to children's rights as human rights, we used a "Know Your Rights?" floor quiz to gain an insight into the young people's level of understanding of their rights. We followed this with a discussion using the questions below to stimulate debate.

Do you think the UNCRC should become law in Scotland?

The young people gave a unanimous 'yes' to this question and felt it was important to have the UNCRC within Scots law. When asked why, one young person responded:

"It would make it law, more kinda like they're set in stone, as currently we don't have the same power as adults."

[OHOV Board Member]

What difference do you think full incorporation would mean for children and young people in Scotland?

The young people came up with a range of suggestions on what they thought full incorporation would mean for children and young people in Scotland. Firstly the group felt it would give children and young people guidance about what they could and couldn't do and how they should be looked after.

"It establishes what children and young people can do, how children and young people should be looked after and the resources that they have the access to."

[OHOV Board Member]

The group felt that not everyone knew about children and young people's rights in Scotland at the moment. They thought full incorporation would raise awareness of children's human rights and would help to educate all adults about what these rights are.

In their minds, full incorporation of the UNCRC into Scots law would make sure adults were more accountable for respecting, promoting and protecting their rights. One young person felt that some distinct groups of children and young people had less access to their rights being upheld than others:

"Most articles protect a portion of young people on a lot of things, however there is a lack of gender rights and gender recognition at present."

[OHOV Board Member]



Theme 2: A world of rights

Consultation questions – 13, 14, 15 and 16



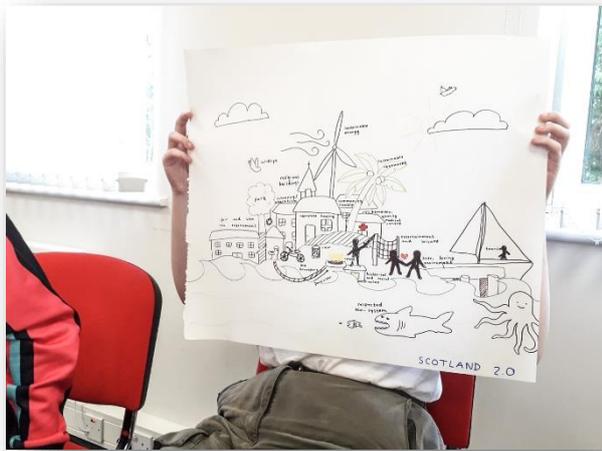
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Creating your map of a rights respecting island

For this theme, the young people split into pairs and created their ideal children and young people's rights respecting Island. The following questions were offered to stimulate their ideas:

- What would be included in your island?
- What would your island feel like?
- How would children, young people and adults treat each other?

Below are the two 'rights respecting' islands the groups created:



Each group presented their 'rights respecting island' and asked questions about each's others ideas. Whilst the islands looked quite different, both groups agreed it was important that everyone's basic rights and needs were met on their islands.

This included making sure everyone had access to:

- A wide range of good quality housing (to meet everyone's needs).
- Healthcare for all – including General Practitioners, hospitals, specialist services and improved mental health services for children and young people.
- Good schools and education for everyone.
- Emergency services including fair and safe law enforcement, fire and hospitals.
- Community facilities and activities including community centres, youth centres, places for entertainment, worship, shops, food markets and opportunities for young people to develop skills (such as driving).
- A safe and loving community where everyone's rights were respected, promoted and protected.
- Sustainable, affordable transport that allows local people to move around and enables visitors and tourism.





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One group focused extensively on creating an island that acknowledged their responsibilities in protecting the environment. They included a wide range of sustainable solutions within their island including:

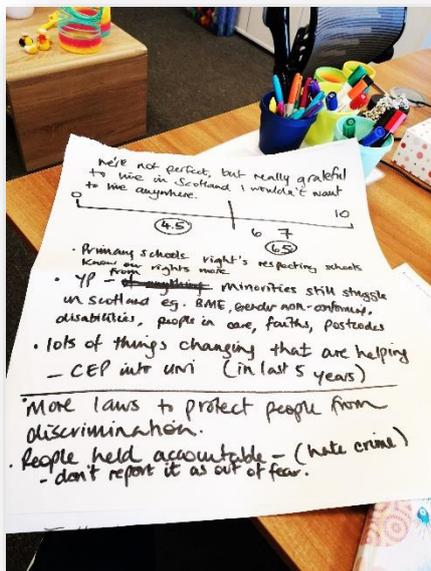
- Recycling bins and processing, creating healthy habits amongst the community.
- Supporting and protecting wildlife and the eco system.
- Eco friendly energy including eco toilets, solar panels and windmills with nets (to protect wildlife)
- Eco friendly crops, mainly vegetarian place no poaching allowed.
- Eco friendly travel including bikes.

When asked if Scotland was currently like the rights respecting islands they had created they said **“no, not at the moment.”** We wanted to explore this further so asked the young people to score out of 10 where they felt Scotland was in relation to respecting, promoting and protecting children’s rights. One group said 4.5 and the other said 6.5.

In explaining the reasons for their scores, the group that scored **6.5/10** said;

“lots of things are changing that are helping... for example care experienced people getting a place at University now if they have the right grades.”

[OHOV Board Member]



This led to further discussion, with the young people feeling their rights were more respected and protected in Scotland than in many other countries around the world.

“At the moment Rights Respecting Schools helps us know our rights more but all Primary Schools should have rights built into the curriculum.”

[OHOV Board Member]

However one young person from the group who scored Scotland **4.5/10** commented;

“Yes but young people from minorities still struggle in Scotland e.g. black and ethnic minorities, gender non-conforming sexualities, disabilities, people in care, faiths and postcodes.”

[OHOV Board Member]





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Whilst another young person responded saying:

***“We’re not perfect but I’m really grateful to live in Scotland.
I wouldn’t want to live anywhere else.”***

[OHOV Board Member]

We asked what needed to happen to turn Scotland into the ideal rights respecting island, to which the young people again had a range of suggestions around reducing stigma and discrimination, greater access to children and young people’s mental health care and an increase in community resources.

“We need a lot more mental health services and resources for children and young people to access, this includes better health care. There should also be more community services and buildings available for us to use.”

[OHOV Board Member]

“There should be more laws to protect children and young people from discrimination, for example – hate crime, some people don’t report it out of fear.”

[OHOV Board Member]

Finally in this section, **the young people agreed that that Scottish Government needed to put all these things into their plan, and that it needed to happen now.** The young people were able to identify there was an appetite for change at this point under the SNP Government and that if this didn’t go through fully within this Parliamentary session then it might not happen.

“The Scottish Government need to put these things into their plan ASAP! As given the current political climate, it needs to be this year so that it is incorporated. If it doesn’t happen now, then everything could change and then it might not happen, which is really worrying for young people in Scotland.”

[OHOV Board Members]



Theme 3: What happens when rights aren't respected?

Consultation questions – 18 and 23



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Our steps to redress activity and discussion:

During this activity we asked the young people to think about an example they might be able to relate to and understand. We asked them to imagine a young person attends their Children's Hearing and afterwards, they come away feeling their rights had not been respected or protected properly. We then tasked them to come up with all the steps the young person could take to address this, and let people know they were unhappy and wished to challenge the situation. We used the following questions to help them consider this:

- What steps do you think the young person could take?
- Is there anyone you can think of that could help the young person to make sure they could express that they didn't feel their rights were respected and protected, and challenge the outcome?

Once the young people had come up with all their suggestions we asked them to put them in order of steps – i.e. where would they start? They started with approaching:



- A trusted adult – probably a parent, carer or family member.
- Helplines (e.g. Childline, Young Scot Legal Line or the Scottish Child Law Centre).
- Children's Rights' Workers, Social Workers or Teachers/Pupil Support Workers.
- Our Hearings, Our Voice Team or a Team Leader.
- Use the organisation's Complaints Procedure.
- Community Leader.
- Children and young person's lawyer.
- Children's Commissioner.
- MP / Parliament.
- Courts.

In further discussion, the young people again were unanimous in that **yes, they should be able to seek redress through the courts** when their rights are not respected, promoted or protected. The young people understood that it would be in extreme cases, and that they may need to go through a lot of different steps before an adult, or organisation would be able to take their case to court. However they felt it was an important option that would help;

“Make sure adults [working in public services] are accountable for children's rights.”

[OHOV Board Member]



Theme 4: What will rights look like?

Consultation questions – 12



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Copy 'n' Paste or Pick 'n' Mix voting activity

To introduce this section, we talked about how children's rights were closely linked together, and that they were for all children and young people all over the world. We briefly covered the topic of reserved and devolved decision making, to help the young people understand the implications of both the 'Copy and Paste' or a 'Suite of Rights' options being proposed by the Scottish Government for UNCRC incorporation.

We had a limited amount of time on this exercise but the young people were asked to consider and comment on both options:

For the Copy and Paste option, the young people felt that this level of full incorporation would mean:

- more positive benefits for children and young people as this would protect all of their rights and not just some of them.
- keeping Scotland in line with all the other countries who had already fully incorporated the UNCRC into their laws.
- more security as the Scottish Government would have less control over changing children and young people's rights.

For the Suite of Rights option, the young people felt that this level incorporation would mean:

- Children and young people would miss out on reserved rights as the Scottish Government would say that they don't have control over these decisions, and so could ignore them.
- This decision would need input from children and young people from all over Scotland to make sure that the rights that are important to them are protected.

At the end of the discussion we held a vote which resulted in a split vote of 2 votes for full incorporation (Copy & Paste) and 2 votes for Suite of Rights (Pick & Mix).

