



*"Working to promote the full implementation of the
UN Convention on the Rights of the Child in Scotland"*

Introduction

The Scottish Alliance for Children's Rights (SACR) welcomes the opportunity to respond to the Scottish Government document, *Improving the lives of Children in Scotland - are we there yet?* SACR has had the privilege of working with the Scottish Government and the office of the Scottish Children's Commissioner for Children and Young People (SCCYP) in organising consultation seminars and is aware of the significant body of material that these events produced.

In offering comment, SACR will focus on the specific question related to the priorities for action for the Scottish Government with some additional comment on matters that are already under consideration.

Priorities for Action

Child Poverty

SACR welcomes the numerous mentions of child poverty and measures proposed to address this in the document. SACR believes that levels of child poverty are one of the most significant barriers to realisation of children's rights in Scotland and require to be addressed if we are to attain the ambition to improve the lives of all children. For this reason we endorse policies targeted on child poverty and urge Scottish Government and UK Governments to harmonise their efforts to reduce child poverty.

In addition to this over-arching issue, there are several main areas for development that SACR would like to bring to the attention of Scottish Government.

An Action Plan for Scotland

The comprehensive Scottish Government response provides the basis for the production of an Action Plan for implementation up to the next reporting period to the UN Monitoring Committee in 2014. The document makes numerous references to existing action plans e.g. mental health p28, smoking and diet p33, inclusive education p38, and human trafficking p50. It would be useful if one of the results of the consultation was the production of an action plan for identified priority areas.

SACR acknowledges that implementation of the plan will require cross-sectoral support including national government, local government, health services, voluntary sector, private sector and other civil society bodies. It will also be helpful to identify those issues that can be tackled quicker rather than later, and those that require a more measured approach with a variety of activity from a number of different angles. It will be important to establish a system of monitoring the implementation of the action plan through the use of key indicators.

Awareness and dissemination of UNCRC

SACR suggests there is a need to increase the knowledge and awareness of the UNCRC. Although we do not have a national curriculum in Scotland there is the opportunity to consider increased awareness of the UNCRC through dissemination in education and schools. This will require a substantial awareness raising and training programme including professionals, children and young people and parents. In many instances, professionals are not aware of the UNCRC, even if they are delivering on many of its articles. Consequently they may not have the confidence to routinely incorporate it into their work. We note that there are 'no plans at present to make UNCRC a mandatory part of training for professional groups' (p5) and would be interested in participating in discussions in order to identify gaps and how these can be addressed through UNCRC training providers.

There is an opportunity with the ongoing deliberations on Curriculum for Excellence to consider how children's rights issues can be embedded in the curriculum in a much more structured way than at present. The Concluding Observations recommended that 'the state party further strengthens its efforts to ensure that all of the provisions of the Convention are widely known and understood by adults and children alike.' SACR is encouraged that, in response, the document states 'The Scottish Government is fully committed to making this recommendation a reality.' (p4) This should form one of the key aspects of any plans for more widespread dissemination and understanding of UNCRC.

Promoting a positive media image of children and young people

There is a great deal that needs to be done with regard to the promotion of a positive image and culture towards children and young people in Scotland. This will require a framework for redressing the negative images of children and young people in the media. Consideration should be given to how we can achieve a more accurate, positive and inspirational promotion of children and young people in Scotland. This is a challenging task and there are some very useful lessons to be learned from other campaigns. For instance, there has been positive work done in the mental health field, particularly the 'see me...' campaign. If we can change and influence the public perception of mental health in a positive manner, we can do the same for young people.

There is a need to have a more balanced approach to our children and young people in terms of media portrayal. SACR would be interested in discussions with Scottish Government that went beyond the review of antisocial behaviour and the Youth Justice Framework. It could usefully take a wide perspective of a range of approaches to tackle the media portrayal of children and young people.

Participation

SACR agrees with the emphasis on participation and notes that there are frequent mentions to improve on this aspect of children's rights. SACR recognises that there will be challenges in increasing opportunities for meaningful participation of children and young people. SACR believes it will require both a consolidation of existing means by which children's voices are heard, and the creation of innovative ways for them to have a stronger presence in Scotland's civic society. In particular, the views of children belonging to minority groups should be sought. SACR is aware of the time, energy and resources it requires to ensure that children and young people's

voices are effectively heard and we should be clear about the changes required to make significant progress in this area.

SACR is encouraged by the Scottish Government commitment to 'Work across Government and with external partners to ensure that children have the opportunity to participate in the development of policy and legislation (and are consulted at appropriate stages as things develop) and that the voice of the child is taken into account in relevant legislation brought forward by Scottish Government' (p10). SACR would welcome the opportunity for further dialogue with stakeholders as to how this aspiration can be progressed.

Incorporation of UNCRC into Scots Law

At present most of the UNCRC articles are expressed as duties upon others to deliver to children and young people rather than rights that can be challenged and upheld in the courts if they are not realised. To provide a firmer footing will require the Scottish Parliament to explore ways on how children's rights can be incorporated into the Scot's Law. This is a rather technical area and will take some time to achieve. Essentially it is about more firmly bedding in UNCRC into our legal structures. This may require a review of legislative proposals, and how UNCRC relates to the Scottish legal system. This could considerably strengthen the position of children's rights within Scottish culture and society.

While SACR is disappointed that 'Ministers...are not minded to incorporate UNCRC into Scots Law en bloc' (p1), we are encouraged that Scottish Government is considering rights proofing of legislation and policy development and a commitment to work with the UK government on this issue with respect to the forthcoming Bill of Rights. SACR would encourage such actions. In the absence of incorporation of the UNCRC, we would also urge the Scottish Government to assess the compatibility of existing legislation with the UNCRC in order to identify where there are potential gaps.

Other Matters

In addition to those noted above we would urge that the following are included in an action plan as we are aware that many of these matters are currently under consideration:

- General implementation through: measures to address discrimination against vulnerable groups of children, including Gypsy/Traveller children; asylum-seeking and refugee children; lesbian, bisexual, gay, and transgender children (LBGT)
- Civil Rights and Freedoms through: a reconsideration of the use of ASBOs; the use of restraint to be used as a last resort; ending of corporal punishment
- Education and leisure: reduce impact of social background on education outcomes; guarantee the right of the child to engage in play
- Special measures for: children of asylum seeking families; children in armed conflict sexual exploitation, abuse and trafficking; administration of juvenile justice, including the minimum age of criminal prosecution