



# The Rights Detectives Mission update

**AUTHORISED ACCESS**

### *Acknowledgements*

Together (Scottish Alliance for Children's Rights) would like to thank the amazing Rights Detectives Daniel, Emma, Oscar, Ramiza, Safiyah and Vange for all their hard work in carrying out the investigations that make up this report. Thanks also to the children and young people across Scotland who took part in the investigations, all organisations who supported the work, Together staff and Scottish Government for funding the project.

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## Part 1 – The approach

### Introduction

Together (Scottish Alliance for Children's Rights) has been commissioned by Scottish Government to support the 'Children and Young People Lived Experience Board' which will help inform the development of a new Human Rights Bill for Scotland. The group, known as 'The Rights Detectives', is made up of six children aged 11-17, supported by Together and the following member organisations:

- Aberlour Children's Charity (1 Detective);
- Children in Scotland (2 Detectives);
- Scottish Youth Parliament (1 Detective);
- SNAP Inverness (1 Detective); and
- Who Cares? Scotland (1 Detective).

The Rights Detectives form one of three 'Lived Experience Boards' in response to recommendation 27 of the National Taskforce for Human Rights Leadership report: *"The Scottish Government should adopt an innovative and human-rights based approach towards engaging the public in developing the framework, including the guidance and its implementation."*<sup>1</sup>

The role of the Lived Experience Boards is to give advice to Scottish Government about the new Human Rights Bill for Scotland, so that it has the maximum positive impact on people's everyday lives. The Lived Experience Boards are supported by organisations who have existing relationships with different groups of rights holders who might have experienced difficulty in accessing their rights. These are:

- Scottish Commission for People with Learning Disabilities (SCLD) - adults with learning disabilities;
- Human Rights Consortium Scotland (HRCS) - adults who have experienced human rights difficulties;
- Together (Scottish Alliance for Children's Rights) – children and young people.

In addition to the three Lived Experience Boards, Scottish Government is also supported by an Executive Board and Advisory Board, made up of representatives from public bodies, academics, local authorities and civil society organisations.

### Why is a children and young people's lived experience board needed?

It is important to recognise children and young people as rights holders, who should have opportunities to shape the world around them. We know that children and young people can be more vulnerable to rights breaches due to their age, evolving capacities and dependency on adults for care, support and access to services. As such, children and young people (up to the age of 18) are protected by a special set of rights under the United Nations Convention on the Rights of the Child (UNCRC), which the UK ratified in 1991.

Article 12 of the UN Convention on the Rights of the Child states that children have a right to express their views and have these taken into account when decisions are made that affect them. Involving children and young people in decision making and policy development:

- helps to ensure that their rights are upheld;

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<sup>1</sup> [National Taskforce for Human Rights: leadership report - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/national-taskforce-for-human-rights-leadership-report/pages/12.aspx)

- improves the quality of decision making;
- fosters active citizenship;
- increases children and young people's confidence and self-esteem.

The UN Committee on the Rights of the Child (UN Committee) is clear that participation must be ongoing and consistent, not be tokenistic and must try to gather representative views. It is important that children and young people are involved in decision making at both national and local level.

The UNCRC is not the only international treaty that contains essential rights protections for children. Children also have rights under treaties that apply to everyone, regardless of age. This includes treaties on: economic, social and cultural rights (ICESCR); the rights of women and girls (CEDAW); the rights of disabled people (CRPD); and the elimination of racial discrimination (CERD). As such, children and young people have a right to be involved in any work around these treaties - in addition to work relating to the UNCRC.

### **Background to the Rights Detectives**

The UK has signed up to several international human rights treaties. Some of these are already in domestic law - like the European Convention on Human Rights which was brought into our law through the Human Rights Act and Scotland Act - but others are not...yet.

The new Human Rights Bill for Scotland will bring extra human rights into law in Scotland for disabled people; Black, Brown and minority ethnic people; and women and girls – as well as the right to a healthy environment. The Bill will do this by re-affirming rights under the Human Rights Act 1998 and will include a right to a healthy environment for everyone. It will incorporate the following four international treaties:

- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
- Convention on the Elimination of All Forms of Racial Discrimination (CERD);
- Convention on the Rights of Persons with Disabilities (CRPD);
- International Covenant on Economic, Social and Cultural Rights (ICESCR).

It will also make provision for the rights of older people, to a life of dignity and independence, and strengthen equality rights for LGBTQ+ people.

### ***All Our Rights in Law***

In January 2021, Together hosted three “All Our Rights in Law” sessions online, with 11 children and young people aged between 11 and 23. The purpose of these conversations was to provide members of the National Taskforce for Human Rights Leadership with an opportunity to hear from children and young people about their experiences of their rights and their views on plans for a new human rights law for Scotland. Each event had a different theme:

- The rights of Black, Brown and minority ethnic children and young people;
- The rights of disabled children and young people;
- The right to a healthy environment.

Together developed three short briefings to support participants and their supporting organisations in preparing for the events. The aim of the briefings was to support the children and young people to learn about their human rights, the relevant international treaties and what incorporating these into Scots law could mean for them. The briefings were prepared with input from the supporting

organisations and were used as part of their preparation activities with the children and young people.

Participants in the session on environmental rights felt that the UK and Scottish Governments were not respecting their right to a healthy environment. They gave numerous examples – such as continuing to invest in fossil fuels and not doing enough to encourage individuals to change their behaviour:

*“it feels extremely worrying with the horrible effects of climate change and the fact that the government is not taking it as seriously as it should, for example, they are still investing in fossil fuels.”*

*“I would personally say that our right to a healthy environment is not respected just now, because the government is not encouraging people enough to take active travel.”<sup>2</sup>*

### *Rights Right Now!*

Following this, Together and its supporting member organisations facilitated a pilot project called Rights Right Now! (*the Interim Consortium*) during 2021-22. Rights Right Now! was made up of 14 children and young people, aged 10-18, from across Scotland who worked to influence Scottish Government’s UNCRC Implementation Programme and the work of the Strategic Implementation Board. The project aimed to support meaningful and inclusive participation of children as Scotland moves to incorporate the UNCRC. The project lasted for nine months and resulted in [a report](#) with recommendations to inform the development of the Ultimate Consortium when it comes into operation.

*“All children, disabled or otherwise need the same opportunities” [Gregor]<sup>3</sup>*

### **The Rights Detectives**

In June 2022, Together held two information sessions with the children and young people and supporting member organisations who took part in Rights Right Now! The information sessions introduced the Rights Detectives (*Children and Young People’s Lived Experience Board*) to what would be involved and how long the project would last.



Figure 1: Screenshot of Rights Detectives Session

<sup>2</sup> Together (2021). *All Our Rights in Law: Conversation events with children and young people.*

[https://www.togetherscotland.org.uk/media/1910/report\\_final\\_md\\_comments\\_ns.pdf](https://www.togetherscotland.org.uk/media/1910/report_final_md_comments_ns.pdf)

<sup>3</sup> DC Publishing (2022) *Enable July / August 2022 by DC Publishing - Issuu* (page 54-55)

The children and young people had the chance to ask questions and were offered the opportunity to become Detectives. Six children and young people decided they would like to be involved and the project started in July 2022.

Find out more about our six Detectives – Vange, Oscar, Daniel, Safiyah, Emma and Ramiza – and what they hope their work will achieve. (*see Appendix 1*)

In line with the UN Committee’s requirements, Together is committed to facilitating high quality, trauma-informed, rights-based participation work to ensure all children and young people have the opportunity to inform, shape and influence the Human Rights Bill and other laws that impact on children’s rights in Scotland.

### ‘Rights Detectives’ Participation Principles

Together seeks to ensure that all processes and activities involving children in the development of the Human Rights Bill fully adhere to Article 12 UNCRC and the UN Committee’s basic requirements for participation as set out below.<sup>4</sup> Where relevant, reference has been made to relevant articles in other international treaties that the Human Rights Bill seeks to incorporate.

The UN Committee is clear that all processes in which a child or children are heard and participate, must be:

- **Transparent and informative.** Children and young people should know that the right to be heard and listened to is the right of every child. They should receive detailed and accessible information on the scope, purpose, methods, implications and potential impact of their participation in the Rights Detectives project; (Article 7, 9 and 21 CRPD, Article 23 UNCRC).
- **Voluntary.** Children and young people should understand that expressing their views is their choice and not an obligation. They should never be coerced into expressing views against their wishes. All views presented by the children and young people must be those of the children themselves and not those of facilitators, adults, organisations or groups they work with; (Article 3(a) and 7(3) CRPD, Article 10(3) ICESCR).
- **Respectful.** Children and young people’s views must be treated with respect, both by other children/young people and adults. Children and young people of all ages should be supported to initiate their own ideas and take an active role in codesigning the materials and sessions, as well as in their participation. They must never be subjected to reprisals or intimidation for the expression of their views; (Articles 2 CEDAW, Article 7(3) and 17 CRPD).
- **Relevant.** Children and young people should be able to understand the relevance and significance of the Human Rights Bill to their daily lives, and how they can draw on their knowledge, skills, abilities and experiences to participate in the discussion through the various methods available or through alternative methods proposed by the children and young people.
- **Child-friendly.** Information and procedures related to the ‘Rights Detectives’ project — including any consultation activities, notes from meetings or any other materials — must be

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<sup>4</sup> [CRC/C/GC/12](#): Paras: 132-134.



adapted for children and young people, and should take into account the differing levels of support and forms of involvement according to their age and evolving capacities, as well as different abilities and accessibility requirements; (Articles 7 and 9 CRPD).

- **Inclusive.** Participation in the 'Rights Detectives' project must be inclusive and accessible and avoid any forms or patterns of discrimination; (Article 7 and 14 CEDAW, Article 5 CERD, Articles 3,7, 9, 21 and 29 CRPD, Article 23 UNCRC, Article 2(2) ICESCR).
- **Supported by training.** Children and young people should receive training on human rights, effective participation, communication skills (such as writing, filming, public speaking and advocacy), and how to respect each other's views. Facilitators should also be trained on the importance and benefits of children and young people's participation, as well as how to effectively prepare and facilitate their participation; (Articles 10 and 14 CEDAW, Article 7 CERD, Article 4(1)(i), 9(2)(c) and 24(4) CRPD, Article 13(1) ICESCR, Article 29 UNCRC).

**Safe and sensitive to risk.** Children and young people must be aware of their right to be protected from harm, and facilitators have a responsibility to take every precaution to minimize any negative consequence of their participation and to protect them from any form of intimidation or reprisals, or fear of such; (Articles 17 and 22 CRPD).

- **Accountable.** All partner organisations and those supporting or facilitating children and young people's participation must be committed to ensuring follow-up and evaluation. Children and young people should be informed on how their participation has influenced the discussion and any follow-up activities, and participate in evaluation processes.

### How the Rights Detectives work

A two stage approach was developed to support children and young people's engagement in developing a Human Rights Bill for Scotland.

**Stage 1:** To avoid duplication, and the common call from children and young people to stop asking them the same questions, Together established what was already known about children and young people's experiences of their rights. This was achieved through mapping previous Scottish Government and Scottish Parliament engagement with children and young people between January 2020 and June 2022, as relevant to the development of the Human Rights Bill (*see Appendix 2*).

**Stage 2:** Taking a creative and dynamic approach to developing the Children and Young People's Lived Experience Board, the idea of the Rights Detectives was born. Children and young people ('Detectives') would have the opportunity to address the gaps in knowledge through co-designing and co-delivering 'Investigative Research' with other children and young people across Scotland. Their findings would inform their feedback on each of the three 'Missions' identified by Scottish Government.

Each investigation would follow the same format:

- **'Mission'** - The Rights Detectives are given their mission - specifically the questions that Scottish Government would seek views on to inform specific aspects of Bill development.
- **'Gathering evidence'** - Together establishes what we already know from the mapping exercise that will help the Rights Detectives undertake their planning for their investigation.

- **Detectives ‘Preparation’** - The Rights Detectives meet to learn about the mission, look at what evidence they have and decide how to conduct their investigation. Together and the member organisations support the Detectives to develop a range of creative methods for consulting with a wider group of children, including identifying groups/individual children to participate in the investigations.
- **‘Investigation’** - With a co-created ‘Detective Pack’, the Rights Detectives are supported by Together to deliver between one and two creative investigations with wider groups of children and young people. All workshops are evaluated to ensure we reflect, learn and adapt based on children and young people’s feedback and experiences.
- **Detective ‘Analysis’** - The Detectives meet to share what they’ve learnt and report on the investigation’s findings.
- **‘Report’** - Together works with the Detectives and the Bill team to develop the best ways of sharing what they find out and, importantly, how they will keep the children and young people up to date with what happens as a result of taking part in this work. Based on this learning, the Rights Detectives submit a report to Scottish Government to share learning from their investigation.

### Co-design approach

The Rights Detectives project was founded on the feedback from the children, young people and supporting adults from Rights Right Now! Children and young people shared their desire for power and the ability to influence decision makers to effect ‘real’ change. They wanted a seat at the table, acknowledged as experts in their lived experience of children’s human rights, and as powerful advocates of their own and other children’s and young people’s rights.

Based on the feedback, it seemed appropriate to take a co-design approach, creating the conditions to enable the work of the Detectives to evolve and be fully shaped by themselves, as the project developed.

*“Co-design is an approach to designing with, not for, people. While co-design is helpful in many ways, it typically works best where people with lived experience, communities and professionals work together to improve something that they all care about.”<sup>5</sup>*

### Importance of Human Rights Bill consultation taking into account the Rights Detectives’ work

It is important to the Detectives that the public consultation due for release in the first half of 2023, reflects their findings and supports more children and young people to feed in their views so that the new Human Rights Bill for Scotland is known about, and helps to improve the lives of all children and young people across Scotland.

### Getting started

As part of their induction, Together and the member organisations facilitated a range of interactive activities and discussions with the Rights Detectives to build on their relationships, increase their knowledge of the Human Rights Bill and to understand the key stages and opportunities to have maximum impact in influencing the Bill.

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<sup>5</sup> Kelly Ann McKercher (2020). *Beyond Sticky Notes: Co-design for real mindsets, methods and movements*

Members from Scottish Government's Human Rights Bill Team attended each session to ensure they were listening to, giving updates and responding to any questions or recommendations the Rights Detectives had.

Detectives were provided with a **Detectives Pack** to support them in their role. This included some fun materials too! One of the Detectives suggested they should have 'spy glasses'...so we made that happen! Materials within the packs were provided with thanks to Together, the Children and Young People's Commissioner Scotland (CYPCS) and the Scottish Parliament. The packs included:

- Spy glasses;
- 'Top Secret' note pads and stickers;
- Invisible pens;
- Stationery including - colouring pens, pencils, eraser and a stress ball;
- Human Rights Defenders badges and tartan lanyards;
- CYPCS water bottle;
- Rights poem;
- And some sweet treats to keep the Detectives going through their busy work!

The packs also included the following child-friendly reports, posters and briefings to help continue to develop the Detectives' understanding and thinking around the Bill:

From Together (Scottish Alliance for Children's Rights):

- [State of Children's Rights Report 2022 \(hard copy\);](#)
- [State of Children's Rights Report 2022 \(child-friendly version\);](#)
- Human Rights Bill Briefings (child-friendly versions)
  - ✓ [The Right to a Healthy Environment;](#)
  - ✓ [The Rights of Disabled Children and Young People;](#)
  - ✓ [The rights of Black, Brown and minority ethnic children and young people;](#)
- [Human Rights: what's happening across the UK \(adult version\);](#)
- [Human Rights: what's happening across the UK \(child-friendly version\).](#)

From the Children and Young People's Commissioner Scotland (CYPCS)

- [UNCRC Red Booklet;](#)
- [UNCRC Poster in Symbols.](#)

From the Scottish Parliament (booklets)

- The Scottish Parliament and Scottish Government;
- Your Scottish Parliament;
- Your Parliament at work;
- Your Representatives;
- A Day in the Life of Holly (younger)/MSP (older).

### **Developing Our 'Detectives Code' and partnership agreements**

Building on the recommendations from Rights Right Now!, the Rights Detectives co-designed, signed and finger-printed a 'Detectives Code' for working together (*see Appendix 3*). The Code documented how they would work as a team, what they should expect from the adults in the project, and how they would use the online platform (Basecamp) (*See Appendix 4*) to share their findings and communicate with each other.

*"Everyone needs to agree what will happen. Children and adults need to work together to decide*

*what the project is (and isn't!), what it will do, who will be involved and how things will work. It should be someone's job to check that everyone sticks to this."*

*"Partnership agreements should be co-created to set out the commitments, role, responsibilities and expectations from all groups involved."*<sup>6</sup>

Individual partnership agreements were developed between supporting member organisations and Together (taking into account the specific support requirements for each Detective), and between Scottish Government and the Rights Detectives (see Appendix 5).

### Detectives' assistants profiles

There are a number of adults involved in supporting the Detectives from Together, member organisations and Scottish Government. To ensure the child/adult ratio was kept at a suitable level, each meeting would have the most appropriate adults attend. We created profiles of all the adults, so that even if the Detectives didn't see them often, they were aware of them all and their role in supporting them. These were displayed during our in-person meetings and stored in Basecamp (the online platform).



Figure 2: Detectives Assistants Profiles

<sup>6</sup> Together (2022). Rights Right Now! <https://www.togetherscotland.org.uk/media/3092/rnn19052022.pdf>

## Detectives' meetings

A series of sessions were held online/ between July and September 2022, for Detectives to explore the 'Missions' set by Scottish Government and design how they wanted to approach their investigations. Child-friendly notes were shared and stored in Basecamp after each meeting (see Appendix 6).

## Invisible pens and people

The Detectives began by thinking about which children and young people might find it difficult to access all of their rights. They used invisible pens to write down people who they thought might find it difficult to access all of their rights all of the time. The Detectives then shone UV lights on them as the rest of the group had to guess what they had written. They came up with the following list:

- Babies;
- Children from a different country;
- Children living in poverty;
- Black, Brown and minority ethnic children and young people;
- LGBTQ+ community (Lesbian, Gay, Bisexual, Transgender, Queer and other identities);
- Visually impaired people;
- Hard of hearing people;
- People from different religious backgrounds;
- Working class people;
- Young parents (especially those under 18 who are still children under the UNCRC).

## Creating our contacts

Taking account of the list above and working with co-design principles, the Detectives used Jamboard to individually, and collectively, think about who they could approach to help them undertake their investigations. The 'Creating Our Contacts' exercise encouraged the Detectives to think about who they knew personally (yellow post-its), which groups of children and young people they felt it was important to reach out to (blue post-its) and any local organisations that could help them to do this (pink post-its). This resulted in the Detectives having an extensive and diverse list of people they could potentially work with.

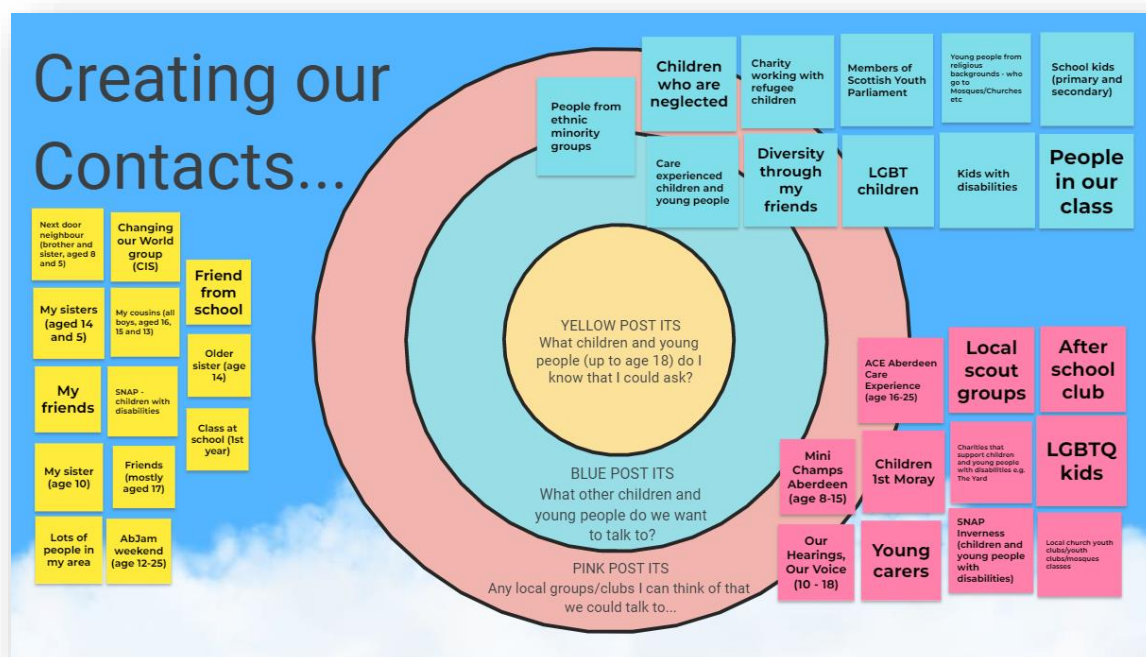


Figure 3: Screenshot of Jamboard Creating Our Circles activity



## Staged approach

At this point, the Detectives decided to take a staged approach to their investigations:

**Mission #001:** they would speak to friends, family and neighbours. This would allow them to get started in their role, building their skills and confidence.

**Mission #002 & #003:** The Detectives would broaden their investigations by deciding which groups they wanted to work with (from their suggestions above), make approaches to them and co-design and co-deliver the workshops.

## Part 2 – Our findings

### Mission #001:

Launched on the 21<sup>st</sup> of September and ran until the 20<sup>th</sup> of October 2022. As their first investigation was with family, friends and neighbours, the Detectives decided to talk to them (rather than using any activities) and chose to lead this on their own. However, they could contact either Together or their supporting organisation if they needed any help or support.

All Detectives received an investigation pack (*see Appendix 7*) which included introductory information, the mission questions and a recording template (*see Appendix 8*). Detectives decided they would keep a record of their findings in a way that worked for them e.g. note taking, voice recordings, messaging or any other visual forms.

### Questions:

1. *What would it be like to live in Scotland if it was the fairest and best place in the world for everyone?*
2. *What would be different for children and young people if Scotland was the fairest and best place in the world?*
3. *What difference would it make for children and young people if Scotland puts extra rights into Scottish law, especially rights for women and girls, disabled people, Black and Brown children and families (people from minority ethnic groups)?*
4. *What difference would it make for children and young people if Scotland put extra rights into Scottish law, so everyone has the right to a healthy environment?*
5. *What should the Scottish Government do to make sure they hear from children and young people, so their views and ideas help shape the Bill (from the beginning to the end)?*

### Surprising statistics!

Whilst the intention was for Detectives to speak to friends, family and neighbours, they ended up speaking to far more children and young people than expected. During the month-long investigation, the Detectives spoke to a total of 84 children and young people, aged 9 – 17 years old, from Highland, Glasgow, Dundee, Edinburgh, Aberdeen, North and South Lanarkshire, Aberdeenshire, Renfrewshire, Moray, East Lothian and Fife.

The Detectives used a variety of ways to connect with the children and young people. These were:

- speaking in person;
- over the phone;
- using various apps including Instagram, Discord and voice messaging on WhatsApp;
- running two workshops with two primary seven classes;
- email responses from a group of Rights Respecters (aged 9-12) in a primary school;

- one young person drew a picture; and
- one Detective even spoke to someone on the train!

The Together team, member organisations and Scottish Government are incredibly proud of the Detectives and what they achieved in their first investigation. The Detectives received a letter of thanks from the Minister for Equalities and Older People, Ms Christina McKelvie MSP, in acknowledgement of their incredible work (see Appendix 9).

## Findings

### Rights for all

Children and young people frequently spoke of a Scotland where *“everyone had equal rights, was treated fairly and with respect, where there would be less discrimination and rules would be fair”* and people *“would feel more equal and accepted.”* One child said *“lots of things would be different because you would be included and people would be happy.”*

*“People would be nicer, there would be no bullying, no racism and everyone’s rights would be upheld. It would make Scotland a fair and happy place to grow up.”*

*“It would make the country much better with no discrimination”*

*“It would feel right to everyone, and no-one would feel like things are left at a disadvantage in any aspect of their life relative to living in Scotland.”*

Similar to the findings in the mapping exercise, children and young people were able to identify a range of groups who were at increased risk of not having their needs met. This included children and young people who are disabled, care experienced or on the edges of care, affected by poverty, identify as LGBTQ+, have mental health difficulties or live rurally and have lack of access to public transport. Many children will have intersecting identities across these groups.

One young person highlighted that whilst a new Human Rights Bill would hopefully create equity in Scotland, we have a duty to ensure we support others to have their rights upheld.

*“maybe we should remember that not every country has these rights and we should not forget we have to work for theirs too.”*



*“Lots of people would want to come here and everyone would be getting everything they need. It would be a more diverse country. More like a place you would want to be.”*

*“You’d feel proud to be Scottish”*

Figure 4: Drawing from a young person in Inverness

The Detectives' evidence echoes the non-discrimination provisions across the four treaties. These seek to ensure that everyone, regardless of their background or who they are, has equal access to their human rights. For example, Article 2 ICESCR prohibits discrimination based on someone's race, colour, sex, language, religion, opinions, national or social origin, property, birth or other status. The remaining treaties set out clear prohibitions on discrimination against women and girls (Article 2 CEDAW), disabled people (Article 5 CRPD) and Black, Brown and minority ethnic people (Article 2 CERD). Discrimination can take many forms – for example, Article 1 CERD says racial discrimination can include “distinction, exclusion, restriction or preference” but importantly that countries should be allowed to take *positive* steps in relation to a particular racial or ethnic group to help them achieve equity (Article 1(4) CERD).

## Diversity

Several children and young people said new laws would make Scotland a more diverse country, whilst one participant said it gave them *“reassurance that there is recognition of the issue”*

*“It would be fair for loads of things, for people that it wasn't before.”*

*“Building trust between the authorities and people with different backgrounds to feel empowered and supported by the systems around them”*

*“Lots of people would want to come here and everyone would be getting everything they need.”*

*“It would mean that a lot more people would visit and immigrate to Scotland meaning Scotland would be more diverse and enjoyable to live in. It would be good!”*

*“It would mean that young people have the chance to work with a diverse range of peers to build friendships and connects with people of different backgrounds and cultures.”*

*“It would impact the young people of Scotland in the long term as we would grow to unlearn the prejudice taught to us by the older generations who did not have these rights in place when they were young and likely did not have the opportunity to mix with people from different backgrounds”*

However a number of children and young people were concerned this might attract a lot of people to the country and it would be harder to focus on every person. Some were unsure while others were worried that Scotland would become overcrowded.

The Detectives' findings reflect the spirit of diversity that underpins each of the four treaties. For example, the CRPD preamble celebrates the benefits that diversity and inclusion bring, noting the valuable contributions that disabled people have made and continue to make in their communities. Meanwhile, the preamble to CEDAW notes that discrimination against women and girls “hampers the growth of the prosperity of society”. The treaties also recognise the significance of intersectionality as an aspect of diversity – for example, the CRPD preamble calls for specific attention to be paid to the rights of disabled women and girls, and to disabled people living in poverty. Several treaties also speak about people's collective role in promoting and defending each other's rights (see preambles to ICESCR, CRPD and CERD) and the role of education in promoting tolerance, understanding and friendship within a diverse society (Article 13(1) ICESCR, Article 7 CERD, Article 24(1) CRPD). This clearly reflects the Detectives calls around unlearning prejudices and building friendships across cultures.



### Disabled children and young people

Participants said that changes to the law would have positive impacts for disabled people, and these rights would be *“beneficial for children and young people”*. It would create less disadvantages and *“would ensure those with disabilities have equal opportunities and are comfortable in Scotland”*.

One child felt that *“people with disabilities would get better care”* whilst another suggested that *“regular testing for those who could have disabilities”* should be more widely available.

A group of disabled young people in the Highlands expressed that *“transitions for young people leaving school were awful as there is nowhere for them to go.”* An 18-year-old young man expressed his frustration as he remained at school because there was nowhere for him to go, and he didn’t think his basic rights were being met. *“I’m not allowed to do anything in school, I can’t go anywhere without being asked....what are you doing?”*

The young people and the staff supporting them felt there were many issues for disabled people that the new Human Rights Bill needed to help with.

The CRPD seeks to uphold disabled people’s rights across a wide range of settings, including the Detective’s priority areas of participation, health and education. Article 7 CRPD sets out the specific rights of disabled children, including that governments should take extra steps to make sure disabled children have their right to be heard and that their views are considered and taken seriously. The CRPD sets out lots of other rights that disabled people of all ages have – including the right to be included in their communities (Article 19), the right to accessible information (Article 21), to an inclusive education (Article 24), to be fully involved in political and public life (Article 29) and to rest, play and leisure (Article 30).

### Black, Brown and minority ethnic children and young people

In several of the Detectives’ findings, children and young people said they hoped the Human Rights Bill would result in *“combatting racism in Scotland”* and society would be more inclusive and accepting of other religions. One young person said they hoped Scotland would show that it *“cares for all its citizens”* and that the political parties would represent the diverse population of the country.

One young person suggested having inclusivity in the children and young people’s local and national forums, for example the Scottish Youth Parliament having 10% of MSYP’s from Black and minority ethnic backgrounds.

CERD aims to end racial discrimination in all of its forms. It puts a duty on governments to review and amend their own laws, policies and practices, but also to act against discrimination by *“any person, group or organisation”* (Article 2(1)(d)). This wide duty reflects the Detectives’ priority that Scottish Government should demonstrate that it cares for *all* its citizens – including those who are treated unfairly by members of the public – rather than the government or a public body. Article 51 sets out the right to equal political participation, reflecting Detectives’ calls around representation in political parties and the Scottish Youth Parliament.

### Women and girls

Primary seven children in East Lothian hoped that the new Human Rights Bill would mean there would be gender equality and *“no sexism”* in Scotland. One child said *“Girls can do anything boys can do”* whilst another said *“boys and girls should play together and have equal access to sports”*.

A young person from the Highlands said *“It would make Scotland a better place overall with less disadvantages, especially for women as things like pay gaps would be taken away.”*

It was also pointed out that women and girls sometimes don't always have the same opportunities to share their views and opinions. *"Women and girls should have their voices heard a lot more often, just as much as men and boys."*

Safety was raised as an issue, with one participant saying people would *"not be scared of night especially, women and girls."* Several children and young people mentioned period poverty, *"as period products are expensive and some people may struggle to afford them, it would help a lot of people if they were to be free and provided by the government."*

CEDAW seeks to address many of the challenges facing women and girls that the Detectives identified. It calls on governments to take extra steps to ensure women and girls experience their rights to the same level as men and boys (Article 4) and to address gender stereotypes (Article 5). In relation to the Detectives' calls around schools and activities, Article 10 requires governments to end gender inequality in education, including girls' access to sport and physical education. It also says that schools should update textbooks to make sure these don't reinforce stereotyped roles for men and women. CEDAW also contains articles relating to Detectives' findings on eliminating the gender pay gap (Article 11) and ensuring women and girls' equal participation in public and political life (Article 7). The treaties also recognise intersectionality – with the CEDAW preamble<sup>18</sup> recognising the particular challenges faced by women and girls living in poverty, while the CRPD calls on governments to take action to end gendered violence and abuse of disabled people (Article 16).

## Environment

Children and young people identified that if the right to a healthy environment was put into law, Scotland would be a *"cleaner place to live with less air pollution"* using cleaner fuels and more sustainable food sources. A young person talked about vandalism being a problem in their area and stated that the parks were never cleared up. One participant felt that caring for the environment *"could lead the way for further social change, making people love their country more, encouraging self-expression and stopping climate change."*

Participants stated that children, young people and adults living in Scotland would be much healthier. People would have better physical health by being more active and having greater access to nature and the outdoors. One child thought there should be a law against adults smoking/vaping in households with children, *"Should it not be the case that it's illegal for parents to smoke/vape with their children because it makes it likely the kids will smoke?"*

A number of participants said it would make a huge difference to people's mental health, especially children and young people, creating *"happier and more comfortable children in Scotland."*

*"People would be more positive and less negative. People would be less angry about things. The environment would be more of a talking point and more important."*

There is no specific treaty on the right to a healthy environment, yet the Detectives' findings reflect provisions in the four treaties relating to health and participation. For example, Article 12 ICESCR sets out the right to the highest attainable standard of physical and mental health, specifying that full realisation of this right requires "improvement of all aspects of environmental and industrial hygiene". Pollution and climate change requires global action, but it needs local action too – for example Article 14 CEDAW emphasises that woman and girls in rural areas have a right to participate in rural development planning.

## Healthy, happy and safe

Safety was mentioned by numerous children and young people, especially in relation to children's experiences of bullying. There was a strong feeling that extra laws in Scotland would create a safer, happier and healthier place to live, where children and young people would feel heard and treated as equal citizens rather than 'future' members of society. '

*'It would make our country more safe, it would be safer because there would be less problems'*

*"I am safe, I am healthy, I am included, SHANARRI is supposed to be for all children and young people."*

*"it would make people feel safer, with more freedom, less abuse [physical and verbal] and less people being exposed to drugs."*

One young person talked about safety and *"people not fearing for their lives"* in terms of reduction in crime, bullying and social unrest. They felt there would be less protests about rights.

The Detectives' findings around safety link closely to provisions on non-discrimination (see above), dignity and protection from harm. For example, Article 17 CRPD sets out disabled people's right to physical and mental integrity on an equal basis with others. Article 16 sets out disabled people's right to be free from all forms of violence, and talks about the importance of age- and gender-sensitive support for people who have been harmed. Article 5(b) CERD sets out Black, Brown and minority ethnic people's right to be free from all forms of violence, regardless of who is the perpetrator. The Detectives' findings around health map broadly into provisions across the four treaties on equal access to physical and mental health services (Article 12 ICESCR, Article 12 CEDAW, Article 5(e)(iv) CERD, Article 25 CRPD). Article 12 CEDAW is clear that this right encompasses not just access to healthcare but also to counselling, support and information. Article 25 CRPD provides the most detail, including that health services should be accessible, affordable and as close as possible to people's communities.

## Education

Children and young people understood the importance of everyone knowing of and having the right to a high level of education, and opportunities outside of school."

*"Everyone would have the right education. Rights would be respected more and possibly no need for Rights Respecters if we [children and young people were] automatically respected"*

*"All children would get access to what they needed to help improve their performance in their education and they would be listened to"*

One participant hoped that *"children would be inspired by education and what they are learning as the future generations who will have a big role in societal decision making."*

Children and young people shared examples of times when their human rights were not respected and they were treated differently from other pupils in the class. One young person talked about school behaviour policies and the discrepancies in if, when and why pupils are sent out of class.

*"These types of situations meant some pupils were missing lessons, and their right to an education was being breached".*

Each of the four treaties contains provisions on equal access to education (Article 13 ICESCR, Article 10 CEDAW, Article 5(e)(v) CERD, Article 24 CRPD). Some of the treaties go into greater detail about the aims of education or how it should be delivered. For example, Article 13 ICESCR and Article 24 CRPD echo the Detectives' concerns around their rights not being respected in school, saying that education should be directed at the full development of their personality/potential, their sense of dignity, their rights and fundamental freedoms. Article 24 CRPD sets out that education must be inclusive for disabled children, including access to extra support and that teachers should have special communication training. Article 14 CEDAW is clear that education can mean both formal and informal learning – reflecting the Detectives' recognition that important learning often takes place outside of the classroom, such as in youthwork contexts.

### Accessible travel

A number of young people in rural communities said they were unable to take advantage of the new free bus travel scheme due to the lack of accessible public transport - making it very difficult for some pupils and students to access education. One young person shared that a friend lives an hours walk away from the nearest bus station, and they can't get to college as they end up being late due to poor transport links.

Several treaty provisions are relevant to the Detectives' findings on transport. Article 14(2)(h) CEDAW sets out a specific right to transport for women and girls in rural areas. Article 9 CRPD places a duty on governments to make sure roads, transport and public spaces are accessible for disabled people, to ensure they can participate fully in all aspects of life.

### Poverty

Poverty and poor living conditions was also raised as a rights issue – especially due to Covid-19 and the cost-of-living crisis. This is adding pressure to families who are struggling to provide food, clothing, and warmth for their children. Some young people who are in kinship care said they needed bursaries and free bus travel *“that works”* to enable them to claim their right to an education. Some of the children and young people identified that poverty increases stress and worry and affects both physical and mental health.

One participant noted the importance of *“not having to worry about their parents having money.”*

ICESCR sets out what governments must do to meet children's basic needs and help them reach their full potential. This includes the right to nutritious food, clothing, and safe housing (Article 11); the right to the highest attainable standard of physical and mental health (Article 12); and to financial and other forms of support for individual and families (Articles 9-10). Other treaties look at poverty in the context of other intersecting identities, for example CEDAW and CRPD (particularly Article 28) reflect on the issues affecting women and disabled people who are living in poverty.

### Voting rights for children and young people

Finally to conclude the Detectives findings on Mission #001, a number of the children and young people said they should have voting rights as a way of having some influence over policy decisions that affect them, including many of the above issues.

*“I think you should be able to vote in P7 because that's when you started getting educated about it.”*

*"I think when you are in S1 or a bit older because then you are not influenced by your parents and you have mental capacity to do your own research."*

*"Some adults don't even bother voting, they don't research but we are getting into politics young."*

The Detectives' calls reflect provisions in CRPD, CEDAW and CERD on equal participation in political and public life, including the right to vote and stand in elections (Article 29 CRPD, Article 7 CEDAW, Article 5(c) CERD).

### **Mission #002**

Launched on the 25<sup>th</sup> of November and is ongoing at the time of publishing this report (to take account of Christmas holidays and exam timetables in December/January). Mission #002 started with the Detectives themselves, exploring and answering the questions posed by Scottish Government.

### **Questions:**

1. *Can you think of some examples when children and young people's rights might get broken?*
2. *How would a child or young person know their rights weren't respected?*
3. *What do you think should happen if children or young people's rights are broken?*
4. *Who should help?*
5. *What should they do?*
6. *What do you think should happen if things don't change?*

In earlier meetings, Detectives identified a range of activities they could use with other children and young people during Mission #002. Detectives worked with Together's Rights and Participation Lead and their supporting organisations to co-design workshops (*see Appendix 10*), that would be appropriate for the groups they had chosen to work with. Again, Detectives decided how best to record their findings.

To date, 19 children and young people, aged 11 – 18 years old from Highland/Inverness, Edinburgh, East Lothian, Aberdeen and Moray have taken part in Mission #002. However as noted above, there will be further responses in the Detectives final findings to Scottish Government.

### **Can you think of some examples of where/when children or young person's rights might get broken?**

#### **Schools**

Children and young people frequently named school as a place where they might not be able to access all of their rights. A number of participants gave examples where they felt their own, or their friends' rights had been broken. One child talked about witnessing pupils being horrible and unkind to a friend in the playground *"because of their background,"* and making fun of them because *"they sound different."*

One young person shared an example of a teacher not stepping in when pupils were being transphobic. The Depute Head Teacher was notified and gave a *"warning to the whole class and talked about what is a hate crime."* One of the participants said that schools should *"have more diversity and inclusivity stuff on the walls as it's all quite outdated."*



Figure 5: Jamboard from Detectives session

Other children and young people said teachers were sometimes responsible for them not being able to access their rights and gave a number of examples. One child talked about how a teacher *“couldn’t control the class”* and when a pupil asked,

*“why do we have to do teamwork when that has nothing to do with [the task]?” The teacher shouted and the pupil was put out of the class...but they were just asking a question.”*

One participant also talked about *“teachers judging children [and young people] on attendance rather than the work they are actually doing.”* Whilst another highlighted access to justice in that some children and young people experience behaviour policies in different ways;

*“some pupils are sent out of class after two warnings, while others are sent out after none, meaning they are missing lessons.”*

Young people from rural communities raised the lack of accessible and reliable transport as a recurring issue which disrupted their right to an education and other services, whilst one child in Edinburgh said their journey to school could be dangerous as *“the pavements were rundown and not safe to walk on.”*

After school clubs were also mentioned, with one child saying there was a lack of choice/activities for the older children and sometimes they had to play with the very young children *“when they want to play with their friends.”*

### At home and in communities

Children and young people were aware of their right to be protected from all kinds of harm, including drugs and alcohol and one child felt there should be more education about these things at an early age.

There was a common thread of adults not respecting children’s rights and this was noted in a variety of settings including in shops, where *“limits are put on the number of young people allowed in at a time, and they have to leave their bags outside.”*

*“At home, when a parent shooshes you!”*



*“At sports coaching session or something similar, adults might disrespect children and make them do things they don’t feel comfortable with.”*

*“When speaking to MSPs on panels.”*

*“In government decisions, children might not be asked their opinions.”*

### **How would a child or young person know their rights weren’t respected?**

Children and young people recognised *“people would need to know their rights – otherwise they would just think that it is normal.”* One young person said it was important to *“know what the policies should be.”* whilst another felt,

*“you don’t need to know all the details of all of your rights, but just that gut feeling that you are being disrespected.”*

Many of the children and young people said it was vital that **all** adults understood rights, and their role in promoting, protecting and respecting them.

*“need to re-educate adults who break rights – so they know policies and know about children’s rights.”*

Parents, carers and teachers were identified as adults who could help children and young people know about rights, however one young person said *“half the time it’s the teachers that are disrespecting your rights.”* Another young person said Aberlour children’s charity had been important into helping them know much more about their rights.

Both children and young people said schools should support children to learn more about their rights and what to do if any of them are broken.

*“Schools in general, should take things out of the curriculum and add in more about rights. You only get one lesson on rights in school.”*

*“When children and young people know their rights, they might be in a better position to help.”*

One participant suggested that schools could *“make people think about their rights in the classroom”* through having class charters and making boards and displaying them in the school hall. On a wider scale, one young person suggested that government should run awareness raising campaigns through social media platforms like Tik Tok.

### **What do you think should happen if children or young people’s rights are broken?**

Children and young people were in general agreement that it depended on *“what kind of right it is,”*

*“Teachers should be made aware if they break rights – there should be consequences.”*

*“ If school breaks rights, then the child or parent could press charges, whether there’s a fine or something?”*

*“If it’s serious then involve the police. But if it’s not so serious then talk to them and explain what is wrong etc, then use more serious options if needed”*

One participant highlighted the importance of the child or young person's voice in decision making, even when their rights had been broken *"if a parent is using illegal drugs, the child or young person should have a say about if/how they have contact with them."*

*"as long as adults know they've broken rights, they don't have to say sorry as it can be awkward for the child."*

### **Who should help, what should they do and what should happen if things don't change?**

Participants were able to identify a range of people who should help when people's rights are broken. This included children and young people themselves – possibly with support from *"a safe /trusted person to help them to speak up."* One young person talked about the importance of role modelling,

*"It should be a lead by example situation, so teachers, MSPs etc should be respecting rights and showing that in action, learning from times when they make mistakes."*

Some children suggested that family, parents/carers or year heads and teachers should help. One young person said it *"depended as you needed to 'trust' the adult."* A young person from Highland said,

*"Head Teachers should have less work to do, and then they would have time to talk to the children and young people in their schools."*

A range of other adults were suggested including support for learning and development staff in college/universities, third sector organisations including Advocacy organisations/workers and your local Member of Scottish Parliament (MSP). A number of children and young people felt it was important that a range of consequences and actions were available, and could be applied if needed, including one young person view *"if things don't get better – sack them!"*

*"In the UNCRC we have covered all bases now we have to have a better enforcement of these rights and laws."*



### Part 3 – Initial recommendations

#### What should the Scottish Government do to make sure they hear from children and young people, so their views and ideas help shape the new Human Rights Bill?

- Employ someone's whose specific role is to collate children and young people's views through further mapping of all consultation responses and participation projects across Scotland. Take action on what children and young people have already said about their experiences of rights.
- Offer a wide range of ways for children and young people to respond to gaps in knowledge/ consultations including via voice messages, drawings, survey and easy access forms (both online and in paper format), interactive games for younger children and through age-appropriate social media campaigns and platforms.
- Engage directly with children and young people through schools, community groups, colleges, universities, uniformed organisations, local youth & community groups, Scottish Youth Parliament, Children's Parliament, local authorities, focus groups and civil society organisations.
- Raise awareness to make sure that all babies, children, young people and adults in Scotland know about the new Human Rights Bill and what it means for them and Scotland as a whole.
- Ensure appropriate government departments (e.g. transport) are informed of the issues raised by children and young people through the consultation/passage of the Bill. Develop robust mechanisms to hold duty bearers accountable for breaches in people's human rights.
- Be open to direct communications from children and young people including through children's letters and emails. Ensure fast, accessible and child-friendly responses to children and young people.
- Consider creating a child/youth ambassadors programme to share information, feedback and ideas between children and young people in Scotland and the government.

## Conclusion

The Rights Detectives co-design approach has enabled a diverse group of children and young people to share their views about a new Human Rights Bill with Scottish government, many of whom may not have been included otherwise. The Detectives' investigations and the mapping exercise demonstrates the wealth of information, expertise and calls to action that children have offered decision makers when it comes to their human rights. Across both, children and young people repeatedly call for enhanced efforts to raise **knowledge awareness** of human rights, and that this must be accompanied by practical steps to **implement** these rights and an **accountability** mechanism to ensure these rights are upheld.

The mapping exercise has highlighted the sheer scale of participation requests that children have received. It shows that information is frequently sought on the same topics from the same children by different teams within the same organisation. This highlights an urgent need for improved communication and coordination between departments about what projects have been commissioned and what decision makers have already heard from children.

Recurring themes include children whose rights are most at risk, access to justice, the right to be heard and the right to access information. Within these, one area where there may be scope for further engagement was children's notions of *informal* justice and what a child-friendly complaints system should look like. Detectives will explore this further with children and young people in their upcoming Missions, to identify where what they think needs to be done to access to justice, either through powers within the bill or through government processes or guidance.

## Appendices

- Appendix 1 – [Detectives' profiles](#)
- Appendix 2 – [Mapping report of Scottish Government and Scottish Parliament engagement with children and young people between January 2020 and June 2022](#)
- Appendix 3 – [Detectives Code](#)
- Appendix 4 – [Detectives guide to using Basecamp](#)
- Appendix 5 – [Partnership agreement between the Rights Detectives/Together \(Scottish Alliance for Children's Rights\) and Scottish Government](#)
- Mission 6 – [Child-friendly notes from Detectives meeting](#)
- Mission 7 – [Mission #001 investigation pack](#)
- Appendix 8 – [Detectives recording template](#)
- Appendix 9 – [Letter of thanks from Minister for Equalities and Older People](#)
- Appendix 10 – [Co-designed workshop/session plan](#)

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