

## **Rights at risk**

### **Video transcript**

I'm Juliet Harris, director of Together (Scottish Alliance for Children's Rights). I'm here to talk to you about the steps you can take to support children and young people whose rights are most at risk.

Before we start, it might be useful to reflect on some of the terms I'll use throughout this presentation.

The UN Committee on the Rights of the Child (known as the UN Committee).

This is an independent expert body that monitors how well countries, including Scotland, fulfil their obligations under the UN Convention on the Rights of the Child (the UNCRC).

Concluding Observations.

These are the recommendations issued by the UN Committee after reviewing a country's implementation of the UNCRC. They highlight both successes and areas that need to be improved.

General Comments.

Published by the UN Committee, General Comments provide in-depth explanations of specific rights or themes within the UNCRC, almost like an 'instruction manual' on how to take forward a children's human rights approach in different areas.

Intersectionality.

This concept helps us understand how overlapping identities, such as race, gender, sexuality, and disability, can influence experiences of discrimination and marginalisation. Infants, children and young people whose rights are at risk can have intersecting identities. For example, a child living in poverty might also be a young carer, might have a parent or carer in prison, and might have experienced a bereavement.

You will hear me use these terms throughout this presentation.

The UNCRC places non-discrimination at its core. The right to non-discrimination, UNCRC Article 2, includes the right for all children and young people to have all the rights set out in the UNCRC, and asserts that no child should be discriminated against. It's essential that Article 2 is taken into account when thinking about any of the other rights in the UNCRC.

For example, looking at Article 31, the right to recreation, leisure, and play. If we think about Article 2 in relation to Article 31, how do we make sure that all children and young people have the right to recreation, leisure, and play? And how can we make sure that no individual infant, child or young person is discriminated against when this right is realised?

Discrimination includes both direct and indirect discrimination.

Direct discrimination might occur if a school refuses to accept a disabled child. Indirect discrimination might include situations like school trips being conditional on good attendance records, potentially discriminating against disabled children or young carers.

Both direct and indirect discrimination are explicitly prohibited by both the UNCRC and the Equality Act 2010. The Equality Act includes specific “protected characteristics” which are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. UNCRC Article 2 includes protection from any discrimination arising from a child or parent or carers’ colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth, or other status. “Other status” could include living in poverty, being a young carer or any other circumstance that puts a child’s rights at risk.

We also need to consider formal and substantive equality, and equity. Formal equality involves adopting laws, policies and practices that treats everyone the same. Substantive equality is about the outcomes of these laws, policies and practices. Achieving substantive equality means that these laws, policies and practices have to recognise the additional support needed by children and young people whose rights are at risk and must aim to achieve equity, where all children and young people have all their rights respected.

Achieving equity is an essential part of taking forward a children’s human rights approach. We know from experience that many groups of children whose rights are at risk don’t experience equality in their rights. These might include children and young people who have care experience, are young carers, are Gypsy/Travellers, or children with a parent or carer in prison. With a children’s human rights approach, we need to consider the different needs of different children and identify where some might need additional support to have their rights realised.

The UN Committee's 'General Comments' include a lot of helpful information on how to take forward a children's human rights approach for children whose rights are at risk, including disabled children, indigenous children, women and girls, adolescents, and children in the justice system.

To support infants, children and young people whose rights are at risk, it is essential that they are involved and their views taken into account at every stage. Children recognise that some of their peers are at increased risk of rights breaches. They have told us:

"Everyone's different and everyone needs different things. So no one can really say 'Well, that'll help' because some people might not be able to do that. So it'd be neat to kind of ask people what they need."

Children have also emphasised that it is important to start from an understanding of equity, not just equality, and to recognise how intersectionality influences their ability to access certain rights. They tell us they are the experts at being children; they can tell us what they know about rights being at risk. They can help us create solutions that help meet their needs and prevent breaches of their rights.

As well as taking children's views into account, another important aspect of protecting children whose rights are at risk is through data collection and monitoring. Unless we know which groups of children and young people are most likely to be disproportionately or negatively affected by a decision, we can't effectively address their needs.

A children's human rights approach means identifying those children and young people whose rights are at risk and working with them and their families to understand the impact of decisions on them. This should never just be a one off. We need to continually check that our actions have protected and respected their rights, and adapt our approaches as necessary.

We worked with children and young people to get recommendations from the UN Committee on what more needs to be done to embed a children's human rights approach in Scotland. Children and young people spoke directly to UN Committee members and significantly influenced the recommendations made – resulting in nearly 200 recommendations from the UN Committee to further children's rights. We call this Scotland's to do list for children's rights.

Some of these recommendations include:

- Establishing clear pathways for children to seek justice in cases of discrimination.

- Encouraging the reporting of hate crimes.
- Implementing targeted anti-bullying measures.
- Addressing negative stereotypes of children.
- Implementing targeted policies to combat racist and xenophobic activities, and eliminating discrimination.
- And, conducting media campaigns to change social norms and behaviours.

In taking forward any of the recommendations, we need to think about which infants, children and young people are most affected, whose rights are at risk, and what extra steps we need to take to ensure their rights are protected.

We've worked with Together members to create some 'Top Tips' on what we should all be doing to identify and address where children's rights are most at risk. These tips include:

- Shaping data collection by what needs to be known, rather than what data is available (but do use what is available, where it suits).
- Developing collaborative approaches to data collection, analysis, and monitoring which include children.
- Ensuring data builds a comprehensive picture, with children and young people's views and experiences expressed in their own words, as well as quantitative data.
- Using children's rights indicators to analyse data.
- Sharing resources and toolkits that challenge discriminatory practices.
- Utilising networks to promote anti-stigma and discrimination training.
- Using spaces which children and adults regularly use to raise awareness of how to challenge discrimination.
- And, being mindful of language to avoid compounding negative attitudes and stigma.

To end it's worth spending some time reflecting on these Top Tips, and actively considering how we can embed a children's human rights approach in our work with children and young people whose rights are at risk. I'll finish with some reflective questions that I encourage each of you to contemplate. Thank you.

- What extra steps are you taking to make sure children whose rights are at risk are involved in your work?
- What can you do to make sure there's an environment where children whose rights are at risk are able and confident to get involved?

- Is your organisation gathering data that shows the extent to which children whose rights are at risk are involved in your work?
- Do you need to amend or update any of your policies or procedures to make sure that all children and young people have an equal chance of having their rights protected, respected and fulfilled?

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Also available in this series:

Child Rights Budgeting

Child Rights Impact Assessments

Visit the Together website for more information

[www.togetherscotland.org.uk](http://www.togetherscotland.org.uk)

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