

Children's rights in Scotland and the UN Convention on the Rights of the Child (UNCRC)

Seminar 1: The law and children's rights

Four events were held in 2017 to find out more about children's rights and decide what needs to be done to make Scotland a better place for children. People coming to these events learned more about the UNCRC and how to support children's rights. People who came to these events have lots of different jobs in places like children's charities, Scottish Government, schools, universities, and councils. Some children and young people also came to the events to talk to adults – and each other - about their views and opinions.

5 important messages from Seminar 1:

1. **Children's rights** are things every child should have or be able to do. All children have the same rights. There is a set of rights for children from all over the world which is called the UN Convention on the Rights of the Child – or '**UNCRC**' for short. It includes rights to education, to good health, to living happily with your family and to giving children a say over many decisions.
2. A good way to make sure that children can have these rights is to **make the UNCRC the law!** This would mean that politicians, teachers, doctors and nurses and even people who make decisions about cars and playgrounds would always have to make sure that they help children have their rights. It would also mean that **children could question decisions made** if their rights are not being respected.
3. In Scotland, *some* rights from the UNCRC are in law for *some* children, *some* of the time. Lots is still missing. The people who came to Seminar 1 want to change this. Most of them think that ***all* the UNCRC should be in law for *all* children, *all* of the time.**
4. To make this happen, politicians in the Scottish Parliament need to know that **making all of the UNCRC the law is good for everyone**, including children, young people, their parents and everyone else living in Scotland.
5. One way to help politicians understand how important it is to **make the UNCRC law** is to show them other countries who have already done it, like Norway and Spain. Another way is to **make sure that everyone knows about children's UNCRC rights** – and this includes talking to children like you!

What is the UNCRC?

The United Nations Convention on the Rights of the Child, or the UNCRC, is a list of all the rights that children and young people all over the world should have. These rights affect all areas of children's lives like health, education, family life, and protection from violence. The UNCRC also gives some groups of children particular protection, like children with disabilities or children who have had to move to another country to escape war.

About Seminar 1

At seminar 1, experts from Wales and Ireland spoke about how children and young people's rights can be made into a law that all have to obey to improve children's rights. This is called 'incorporation' of the UNCRC.

What is incorporation?

Incorporation of the UNCRC into law helps to make sure that lots of things happen:

- Children and young people's rights have to be respected by everyone, including judges, politicians, teachers, doctors, nurses, the police, social workers.
- Every law that the government makes must reflect children and young people's rights and meet the standards set out for children's rights in the UNCRC.
- The government must make sure that everyone knows about and understands children and young people's rights – everyone including children and young people, parents and anyone who works for children.
- If children's rights haven't been respected, children and young people can go to court to ask a judge for help in solving the problem. For example, if the children of a family are taken into care and they would like to stay with their brothers or sisters, then the children could say so.

Why is incorporation important?

Incorporation of the UNCRC into law is important because:

- More people learn about children and young people's rights. This includes politicians and people that work for the government who make lots of decisions that affect children, on things like schools, hospitals, buses, families and playgrounds.
- Adults have to speak to children when they make decisions that affect them and listen to what they have to say, *before* making their decisions.
- Children and young people are seen as people who have their own rights and views about things, instead of people that need to be looked after by adults.
- Children can complain if they think their rights haven't been thought about, and ask for things to change.

Is the UNCRC the law in Scotland?

Not completely! In 2014, the Scottish Government introduced a new law called the Children and Young People (Scotland) Act 2014. The Act contains some positive things for children and young people's rights, the politicians but the Scottish Government decided not to use it to make the UNCRC law in Scotland. This means that even if the Scottish Government don't think about children and young people's rights, children and young people can't complain in a court.

The Act says that places like hospitals, councils, and schools need to write a report every three years about what they are doing to make children's rights better in Scotland. However, they could write a report that says they haven't done anything to help children's rights. The report might be written in a way that children and young people could find difficult to understand.

The Act might make some things better for children, but it misses out many important problems that some children have.

What is happening in other countries?

A lot of governments have used the UNCRC to improve children and young people's rights in their country. For example, in Wales, government politicians must consider the UNCRC when making laws because they have the 'Rights of Children and Young Persons (Wales) Measure 2011'. This law means that politicians have to think about children's rights when they are creating new laws and about how these laws will affect children and young people. This is a stronger law than the one in Scotland. Countries like Norway and Spain have done even better and have incorporated most of the UNCRC into their laws. Not many countries have incorporated all of the UNCRC into law

What should happen next in Scotland?

In Scotland, it is important that we make more people aware of children and young people's rights – a lot of people still don't know about them! The TV, internet, and newspapers can help with this. It is important to work together if we want to improve children's rights. We need to find the best way to use the UNCRC to make sure it benefits children and young people in Scotland as much as possible. One of the best ways would be to **make the UNCRC the law!**

The events are being organised by a charity, [Together \(Scottish Alliance for Children's Rights\)](#), and two universities, the [Centre for Research on Families and Relationships](#) at the University of Edinburgh, and the [Centre for Child Wellbeing and Protection](#) at the University of Stirling. Money for the events has been donated by [Scottish Universities Insight Institute](#).

Together (Scottish Alliance for Children's Rights) is a charity in Edinburgh which does lots of different things to improve children's rights in Scotland. This includes making sure more people know about children's rights and trying to make sure that politicians and the Scottish Government listens to the opinions of children and young people when making decisions about their lives. Together has nearly 350 members across Scotland. Members include other charities, as well as teachers, social workers, youth workers and nursery workers who support children's rights. Together works with the members to help them learn more about children's rights. The members help Together by giving them information about different things – like schools, hospitals and even the police - which Together uses to convince the government to improve children's rights.