



# Seminar Series 2017

## Implementing and monitoring the UN Convention on the Rights of the Child (UNCRC) in Scotland

### Seminar Two - the UNCRC in Practice

Monday 20<sup>th</sup> March 2017

SUII, University of Strathclyde, Collins Building, 22 Richmond Street, Glasgow G1 1XQ



# Welcome and context

## Fiona Jones Chair, Together

**The UNCRC in Practice**

Monday 20<sup>th</sup> March 2017

SU11, University of Strathclyde, Collins Building, 22 Richmond Street, Glasgow G1 1XQ



# Welcome

## Tam Baillie, Children and Young People's Commissioner for Scotland

**The UNCRC in Practice**

Monday 20<sup>th</sup> March 2017

SU11, University of Strathclyde, Collins Building, 22 Richmond Street, Glasgow G1 1XQ



# Welcome & seminar overview

**Fiona Ross MSYP &  
Mahnoor Shah MSYP**

**The UNCRC in Practice**

Monday 20<sup>th</sup> March 2017

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# Council of Europe Child Participation Assessment Tool and international experience

**Gerison Lansdown,  
International expert on children and young  
people's participation**

**The UNCRC in Practice**

Monday 20<sup>th</sup> March 2017

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Implementing and monitoring the UN  
Convention on the Rights of the Child (UNCRC)  
in Scotland

Gerison Lansdown  
Glasgow 20<sup>th</sup> March 2017

# Council of Europe developments

- CoE Recommendation CM/Rec (2012)2 on participation of children under 18 years
- Recognition of Article 12 both as a fundamental right and as a general principle of the UNCRC
- Recognition that Article 12 is linked with all other articles of the UNCRC and in particular:
  - General principles, articles, 2,3 and 6
  - Evolving capacities, article 5
  - Broader civil rights, articles 13,14, 15, 16, 17

# CoE Definition of participation

*'individual or groups of children (have) the right, the means, the space, the opportunity and, where necessary, the support to freely express their views, to be heard and to contribute to decision making on matters affecting them, their views being given due weight in accordance with their age and maturity.'*



# Child Participation Assessment Tool

- Decision to produce a tool to support implementation of the Recommendation
- Draft Tool prepared in collaboration with member States
- Piloting process undertaken in 2016 in 3 countries – Ireland, Romania and Estonia
- Identified the guidance and support needed
- Detailed guidance for governments provided including:
  - Fact sheet
  - Frequently asked questions
  - Guidance note on collecting evidence
  - Roadmap providing timetable and process

# Aim of the Child Participation Assessment Tool

To enable countries to undertake a baseline assessment of current implementation

To help identify measures needed to achieve further compliance

To provide benchmarks to measure progress over time

To strengthen monitoring and accountability

# Structure of Assessment Tool

## 10 Indicators

- Structural indicators eg laws and policies
- Process indicators eg training, measures to implement policies
- (no outcome indicators)

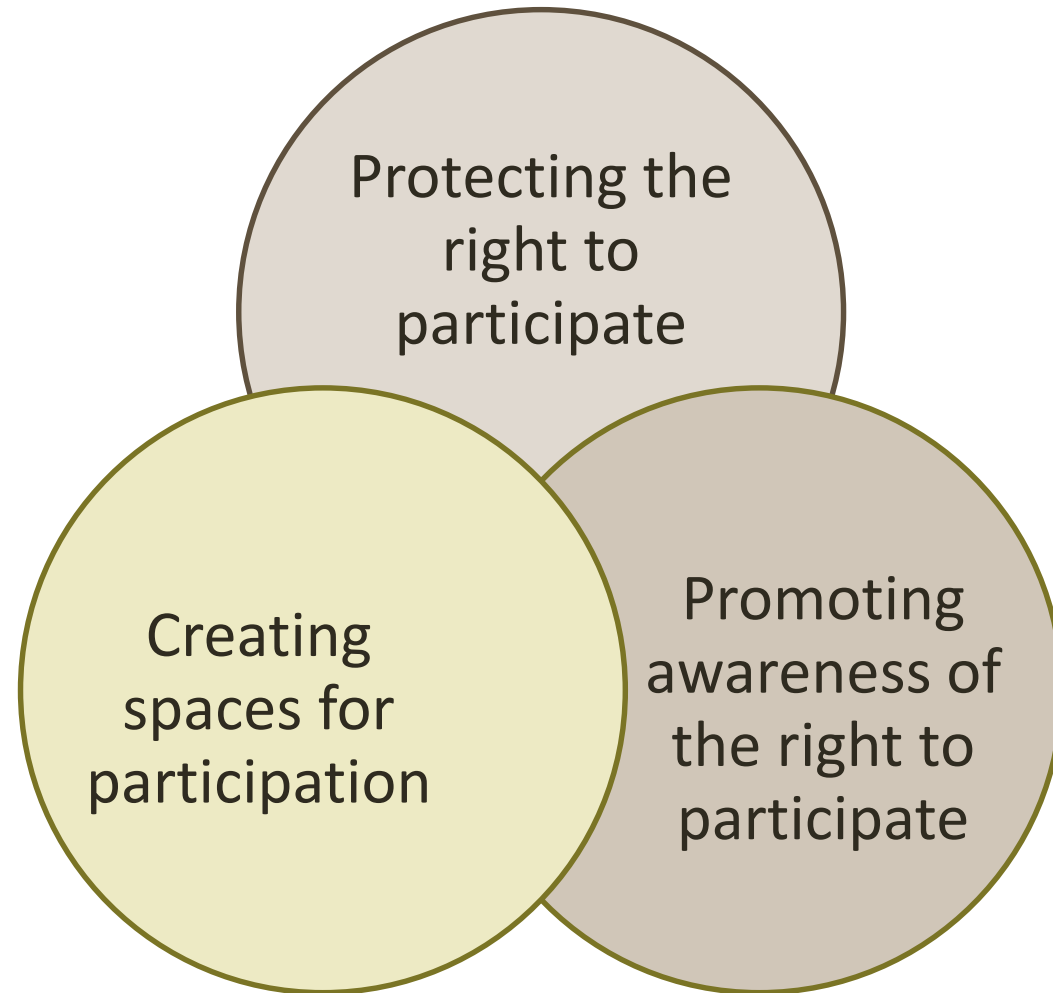
## Data sources

- Constitutions, laws, policies, strategies
- Qualitative research, Eurobarometer surveys, NGO reports
- Monitoring reports, CRC Concluding observations

## Assessment criteria

- Graduated criteria from 0-3
- Aim to enable tracking of progress
- Need for disaggregation

# The 10 indicators fall into 3 clusters



# Protecting the right to participate

1. Legal protection for children's right to participate is reflected in the national Constitution and legislation
2. Explicit inclusion of child participation in a cross-sectoral national strategy to implement children's rights
3. An independent children's rights institution is in place and protected by law
4. Existence of mechanisms to enable children to exercise their right to participate safely in judicial and administrative proceedings
5. Child friendly complaints procedures are in place

# Promoting awareness of the right to participate

6. Children's right to participate in decision-making is embedded in training programmes for professionals working with and for children
7. Children are provided with information about their right to participate in decision-making

# Creating spaces for participation

8. Children are represented in forums, including through their own organisations, at school, local, regional and national governance level.
9. Child-targeted feedback mechanisms on public services are in place
10. Children are supported to participate in the monitoring of the UNCRC and CRC shadow reporting, and relevant CoE instruments and conventions

## **EXAMPLE: Indicator 4 - Existence of mechanisms to enable children to exercise their right to participate safely in judicial and administrative proceedings**

### **Definition**

Children who come into contact with the justice system should be informed of their rights, have free access to a lawyer, be heard and taken seriously, and have decisions affecting them explained in a way that they can understand. These provisions should be available to children in criminal justice proceedings, family law proceedings care and protection proceedings, immigration proceedings

### **Data Sources**

Key legal and policy instruments; UNCRC monitoring reports and concluding observations; European Commission for the Efficiency of Justice monitoring reports on efficiency and quality of justice; Eurobarometer surveys; FRA and European Commission forthcoming data on Child Friendly Justice.

### **Assessment criteria**

0= No direct access to the courts for children  
1= Rules and procedures to ensure access to information on rights, to free access to a lawyer, and to be heard in judicial proceedings and to have decisions explained to them in a way they can understand are being applied in one of the judicial or administrative settings listed.  
2= Rules and procedures to ensure access to information on rights, to free access to a lawyer, and to be heard in judicial proceedings are being applied in at least two of the judicial or administrative settings listed.  
3= Full implementation of the Council of Europe Child Friendly Justice guidelines has been achieved in all of the specified judicial and administrative settings.



## **EXAMPLE: Indicator 5 – Child-friendly individual complaints procedures are in place**

### **Definition**

Complaints procedures are mandated by law, and are child-friendly and easily accessible to all children in a range of contexts, notably in schools and education settings, care and protection, health, criminal proceedings, family law proceedings, immigration proceedings. To be child-friendly, a complaints procedure must be safe and accessible, provide information in accessible formats, create effective referral and feedback mechanisms.

### **Data Sources**

National law; Legal and policy instruments in the field of family law, education, health care, juvenile justice, social welfare, housing, immigration; Qualitative research available

### **Assessment criteria**

0= No complaints or feedback mechanisms in place in any of the areas specified

1= Child-friendly complaints procedures are in place in two of the areas specified.

2= Child friendly complaints procedures are in place in four of the areas specified

3= Child friendly complaints procedures are mandated by law and easily accessible to all children across all of the areas specified. Children are provided with information about their right to complain and receive help and support to pursue a complaint in accordance with their age and capacity.

# Conclusion

- Over 25 years since CRC adoption by UN and only limited progress globally in development of indicators on participation
- CoE Recommendation insufficient without tools for implementation
- Will be a resource for governments, researchers, and civil society
- Will also facilitate reporting to the Committee on the Rights of the Child
- CoE currently supporting Italy, Bulgaria and Latvia to implement the Tool
- The challenge is to utilise it as a means of building societies in Europe which respect children's rights and take children seriously



# Teas & coffees

**The UNCRC in Practice**

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# Workshop - Rights in Practice: A rights-based approach to Bullying

## The Children's Parliament

The UNCRC in Practice

Monday 20<sup>th</sup> March 2017

SUII, University of Strathclyde, Collins Building, 22 Richmond Street, Glasgow G1 1XQ



# CHILDREN'S PARLIAMENT

2017 SUII Seminar Series

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

@creative\_voices

# Children's Parliament

- ▶ We work with children from their early years through middle childhood to early adolescence.
  - ▶ Children's human rights (to be **healthy, happy and safe**) and **the idea of human dignity** are at the heart of everything we do. Our interest is in children's voices and effective participation at **home**, in **school**, and in the **community**.
  - ▶ We use creative and participatory approaches. Our work recognises the effort we need to make to engage all children and to learn from their insight. **"The Committee is concerned that children's views are not systematically heard in policymaking on issues that affect them"**. (UNCRC Concluding Obs 30a)
  - ▶ We model how we want others to be with children; we provide training and support.
  - ▶ **We love and value children. It's all about relationships.**
- ▶ The UK should: **"Establish structures for the active and meaningful participation of children and give due weight to their views in designing laws, policies, programmes and services at the local and national levels, including in relation to discrimination, violence, sexual exploitation and abuse, harmful practices, alternative care, sexual and reproductive education, leisure and play. Particular attention should be paid to involving younger children and children in vulnerable situations, such as children with disabilities"** (Concluding Obs 31a)

## CHILDRENS RIGHTS ARE HUMAN RIGHTS

Children's human rights are:

- ▶ Universal
- ▶ Inalienable
- ▶ Indivisible
- ▶ Shared

Rights are shared ~~these~~ universal/out do  
adults understand? That's controversial!  
our rights are  
US kids ~~we're~~ invisible/~~so~~ don't  
treat us like we're invisible  
Our rights are inalienable, so don't try to  
take them away because you'll fail

By  
T-J

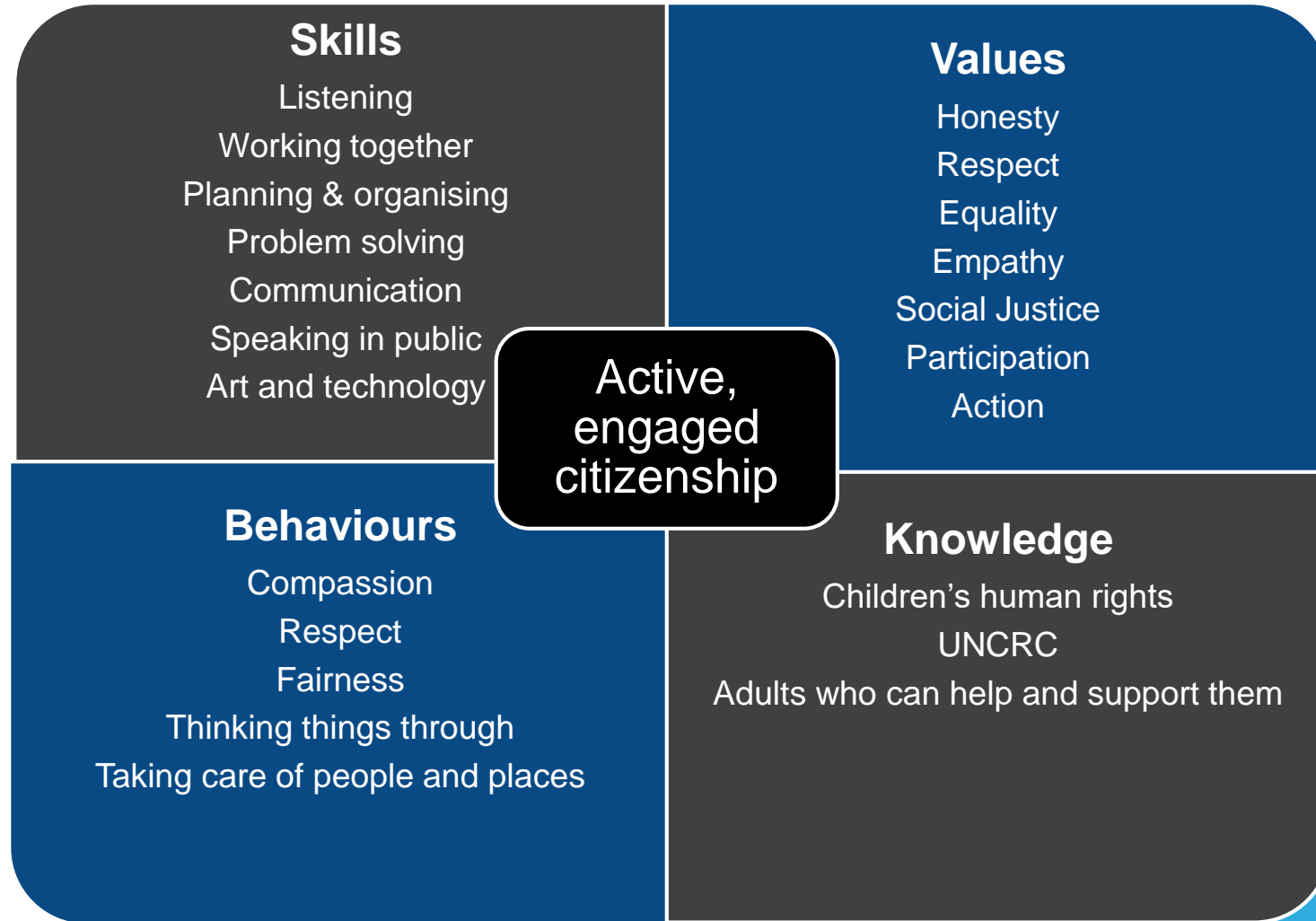
## Children's Parliament: Connections with Nurturing Approaches

- ▶ Create a safe space/place to be.
- ▶ Eat together and share news.
- ▶ Take time.
- ▶ Play together.
- ▶ Encourage listening.
- ▶ Encourage everyone to verbalise how they feel.
- ▶ Understand that all behaviour is communication.
- ▶ Understand and pay attention to points of transition and change.
- ▶ Adults model the behaviour we seek from children: adults are caring, respectful and they listen.
- ▶ Ensure a good ratio of adult to child participation.





Through our community programmes, projects and consultations children learn:



## How do we do this in practice? IMAGINING ABERDEEN

Children's Parliament has been working with Aberdeen City's 4 Attainment Challenge schools, engaging P4, 5, 6 children in whole class and small group workshops (300 children aged 8 to 11 years old).

- ▶ Community reports capture the child's lived experience.
- ▶ Senior officials and elected members engage throughout.
- ▶ 20 children become Imagineers and represent the work of their peers in a mural and film.
- ▶ The Imagineers share their work, asking adults: **What can you do to help deliver the Lighthouse messages?**
- ▶ The work is central to development of the Children's Services Plan.

Imagining Aberdeen blog: <https://bit.ly/ImaginingAberdeen>

Bramble Brae school/community: <http://bit.ly/1WBaTlb>

Manor Park school/community: <http://bit.ly/1TWYrhW>

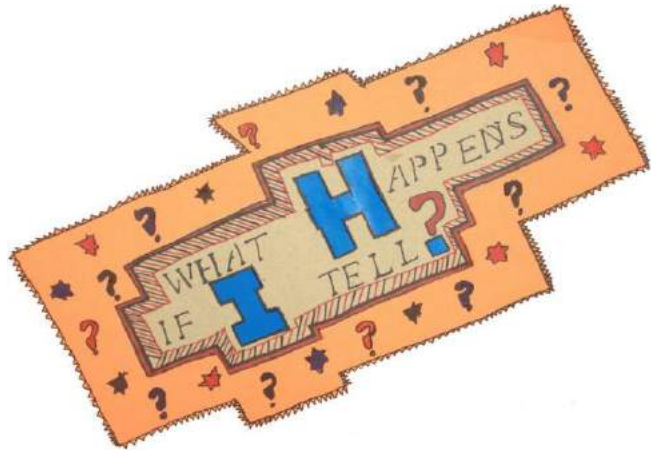
Riverbank school/community: <http://bit.ly/1TdFD0G>

Tullos school/community: <http://bit.ly/1slCgsq>

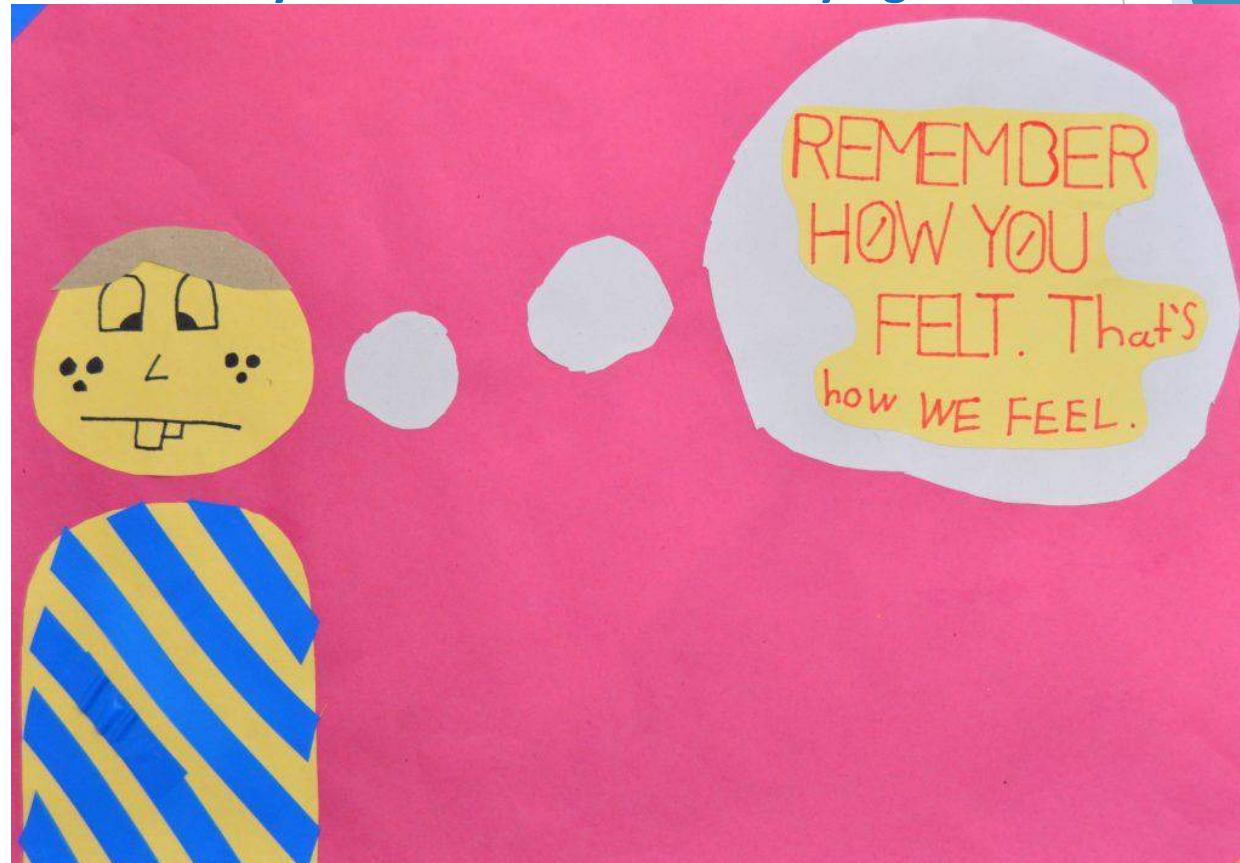
Imagining Aberdeen film:

<https://blogs.glowscotland.org.uk/glowblogs/imaginingaberdeen/imagining-aberdeen-film/>





The UK needs to:  
“intensify its efforts to tackle bullying and violence”.



# The Unfearties

Children's Parliament is 21 this year. To mark this special birthday, we are creating an inspiring and brave band of *Unfearties* - individuals who are not feart, are making a difference in children's lives, and who are willing to speak up for, and stand alongside, children.



## An Unfeartie...

- Listens to children.
- Views children as capable and an asset to their communities.
- Strives to ensure children's voices are heard.
- Challenges infringements of children's human dignity.
- Helps children learn the values of honesty, empathy, respect and social justice.
- Promotes greater awareness + understanding of children's rights.
- Speaks up about their Unfeartie role and spreads the message about how to sign up.

**Help us create homes, schools and communities in Scotland where children are seen and heard as a matter of course.**

**To join our band of Unfearties visit:  
[childrensparliament.org.uk/unfearties](http://childrensparliament.org.uk/unfearties)**

- ▶ **“Where, after all, do universal human rights begin? In small places, close to home - so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighbourhood he lives in; the school or college he attends; the factory, farm, or office where he works... Unless these rights have meaning there, they have little meaning anywhere.” Eleanor Roosevelt**

Dr Colin Morrison

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

[colin@childrensparliament.org.uk](mailto:colin@childrensparliament.org.uk)



# Workshop - 1,000 Voices Campaign

## Who Cares? Scotland

**The UNCRC in Practice**

Monday 20<sup>th</sup> March 2017

SUII, University of Strathclyde, Collins Building, 22 Richmond Street, Glasgow G1 1XQ



**Alicia Santana**  
Development Assistant  
**Charles Mcfarlane**  
Policy Assistant  
**Lynzy Hanvidge**  
Policy Ambassador



# Workshop Objectives

After today you will have,

- an **insight** into the **Scottish care system**
- a clearer realisation of what **Who Cares? Scotland** does
- a **recognition** of the **different participation methods** Who Cares? Scotland uses and how they link together
- an **understanding** of the **development of 1000 Voices**
- a **realisation** of how your organisation can **support 1000 Voices**



**1000  
VOICES**



# Who Cares? Scotland

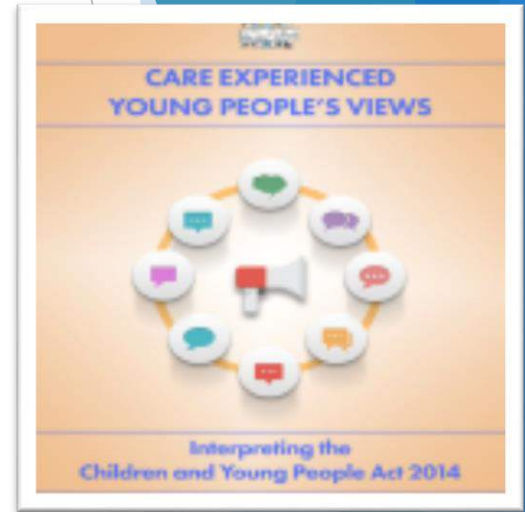


Who Cares? Scotland works with children, young people and adults with experience of care

- We help them **spea**k out with our **independent advocacy**
- We help them **come together** with our **group work**
- We **secure and strengthen their rights** with our **policy and training**
- We ensure that their qualities and successes are **recognised across society** with our **campaigns**



# Who Cares? Scotland's Recent History





# QUIZ



**How many looked after children and young people are there in Scotland?**

A - 15,404

B - 50,404

C - 25,404



# QUIZ

**What placement type do most children and young people in care experience?**

- A - Foster Care
- B - Residential Care
- C - Kinship Care



# QUIZ

**What did the Children and Young People (Scotland) Act 2014 introduce?**

- A -Return to Care
- B -Incorporation of the UNCRC
- C - Continuing Care



# QUIZ

**Why do most children and young people enter the care system?**

- A- Because they have committed a crime
- B - Because they have experienced neglect & abuse
- C - Because their parents don't love them



# QUIZ



**What percentage of care experienced young people go straight from school to higher education?**

**A - 39%**

**B - 19%**

**C - 4%**



# QUIZ

**Which subject do care experienced children and young people excel at in school?**

- A - Maths
- B - Creative Writing
- C - P.E.







# QUIZ

What percentage of care experienced young people are classed as not being in a positive destination 9 months after leaving school?

A - 61%

B - 31%

C - 21%



# QUIZ



**What do most children in care want to be when they grow up?**

- A - Doctor
- B - Vet
- C - Teacher



# QUIZ



In which month is National Care Leavers week?

- A - February
- B - July
- C - October



# QUIZ

**When is Care Day?**

- A - 17<sup>th</sup> February
- B - 17<sup>th</sup> April
- C - 17<sup>th</sup> October

# Independent Advocacy



- Advocacy is an **equal partnership** between young people and their Who Cares? Scotland worker.
- The worker develops a **trusting relationship** with the young person, and helps them to have their say and understand what they want to say.
- Advocacy is a way of helping children and young people **understand their rights**

# Independent Advocacy



# Care Council

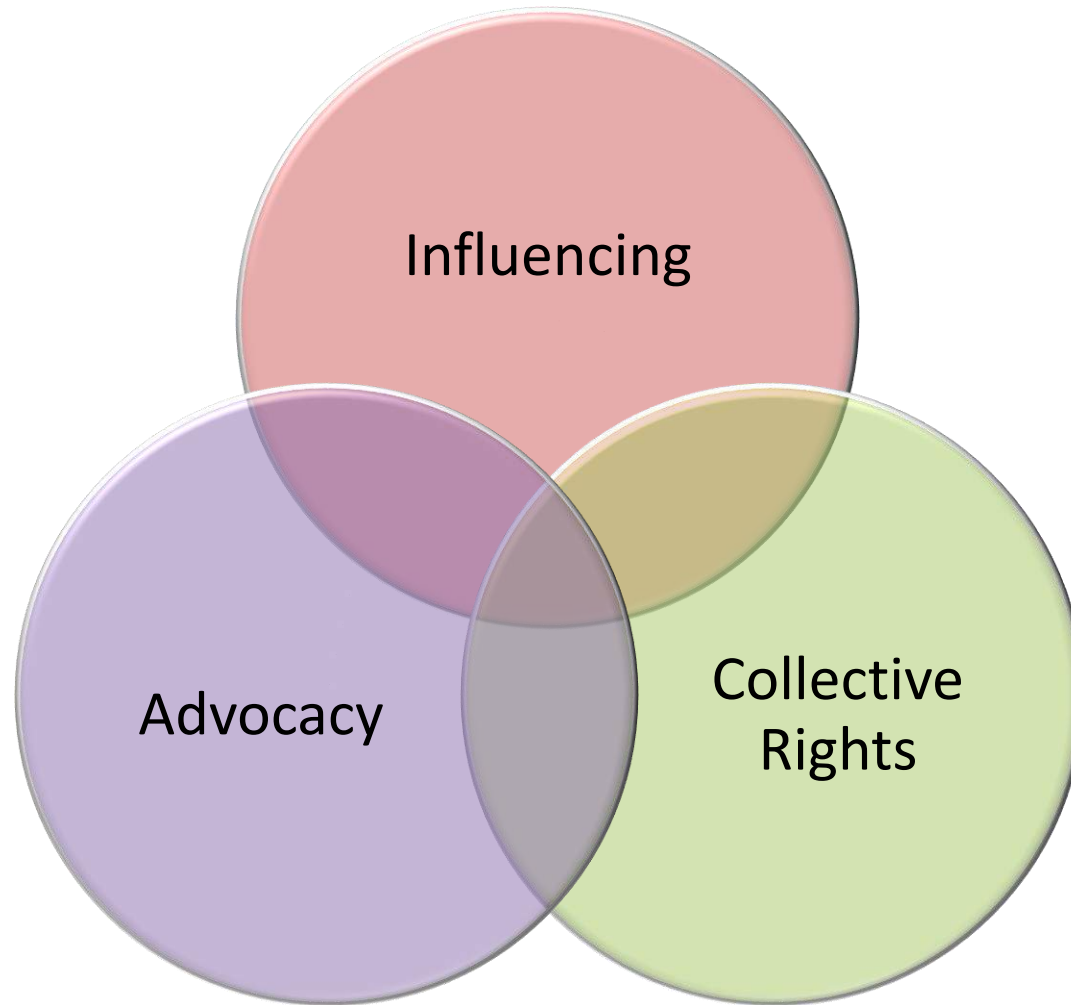


# Group Work





# How do our participation methods feed into each other?



# A BRIEF HISTORY OF 1000 VOICES

Dec 2015



We developed the 'listen to 1000 voices' manifesto



We trained MSPs and party researchers on experiences of care



All main party leaders committed to 1000 voices



Opportunities to engage with the First Minister e.g. Who Cares?



Detail around how 1000 Voices will operate alongside the review



Fiona Duncan appointed as chair of review



Internal discussions began to inform our 1000 Voices activity



The FM launched her commitment and met our young people

Mar 2017

Sept 2016

# 1000 VOICES



- Email Lynzy, [hello@whocaresScotland.org](mailto:hello@whocaresScotland.org)
- Young person can become a **Family Member** of Who Cares? Scotland
- You can become a **Friend** of Who Cares? Scotland
- Follow us on Twitter, **@WhoCaresScot**

# 1000 VOICES



What are your hopes for 1000 Voices?

# Challenge Questions

1. Why is it important for there to be different types of participation opportunities for care experienced children and young people?
2. What can you do to support 1000 Voices?





# Lunch

## 1.00 - 1:45

**The UNCRC in Law**

Friday 10<sup>th</sup> February

SUII, University of Strathclyde, Collins Building, 22 Richmond Street, Glasgow G1 1XQ



# Cathy McCulloch

## Co-Director of the Children's Parliament

**The UNCRC in Practice**

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# Workshop: Putting Article 12 into practice and UNCRC reporting

## The Scottish Youth Parliament

The UNCRC in Practice

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What is the one  
recommendation you would  
work on?

# About SYP

The democratically elected voice of  
Scotland's young people...

The Scottish Youth Parliament represents young people all over Scotland aged 12-25.

- We were established on the 30<sup>th</sup> June 1999, making us one day older than the Scottish Parliament.
- Elections are held every 2 years, and young people from all over Scotland can stand as candidates to become MSYPs.



# SYP and rights



- ▶ Support full incorporation of UNCRC into Scot's law
- ▶ We embody UNCRC Article 12:  
'Young people have the right to express their views freely and have their opinions listened to in all matters affecting them'
- ▶ We exist to provide a national platform for young people to discuss issues and campaign for change

# Youth Led Structure



## Conveners Group

Conveners of Subject Committees meet to direct policy and campaigns



## Board of Trustees

Chair, Vice Chair, 1 Conveners Group representative and 4 MSYPS, Provide strategic direction for the organisation



## Advisors

Experienced leaders from business & public sectors provide advice to Board of Trustees



## Subject Committees

MSYPS meet in Committees to discuss specific policy issues



## Procedures Group

MSYPS with an interest meet to monitor SYP policies and procedures



## SCOTTISH YOUTH PARLIAMENT

Up to 200 MSYPS, 14-25 years old Elected Representative voice of young people in Scotland



# The External Affairs Committee & Brexit

## Two-strand approach



- 1) Engaging with young people to research their thoughts, concerns and priorities
- 2) Engaging with the Culture, Tourism, Europe and External Affairs Committee in the Scottish Parliament

# Engagement with young people



<https://www.youtube.com/watch?v=2ft1dZ7GBig>

# Engagement with Scottish Parliament







# Engaging with the UN Committee on the Rights of the Child: young people's voices

# Hosting the UN taskforce





# Giving evidence to the UNCRC



# UN Concluding Observations

- Rigorously invest in child and adolescent mental health services
- Set up clear accountability mechanisms for the eradication of child poverty
- Raise the minimum age of criminal responsibility in accordance with acceptable international standards.





What UN Concluding Observations particularly apply to your organisation/sector?

How could you involve children and young people in taking forward/implementing these Concluding Observations?

# Challenge Questions

How would you ensure a balance between engaging with older young people (ie; 16 and up) in an age-appropriate way without being patronising?

After working on a project with young people, how would you make sure that the young people know how their voices/views are being used? How would you ensure continued engagement?





# Teas and coffees

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# Children and young people's questions

## Gerison Lansdown

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# Challenge questions

## Scottish Youth Parliament

1. How would you ensure a balance between engaging with older young people (ie; 16 and up?) in an age-appropriate way without patronizing them?
2. After working on a project with young people, how would you make sure that the young people know how their voices/views are being used? How would you ensure continued engagement?

## Who Cares? Scotland

1. Why is it important for there to be different levels of participation opportunities for care experienced children and young people?
2. What can you do to support 1000 Voices?

## Children's Parliament

1. We can ...
2. We will ...

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# Interactive table session

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# Key messages

## Tam Baillie, Children and Young People's Commissioner for Scotland

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# Closing remarks and close

## The Children's Parliament, Who Cares? Scotland, The Scottish Youth Parliament

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