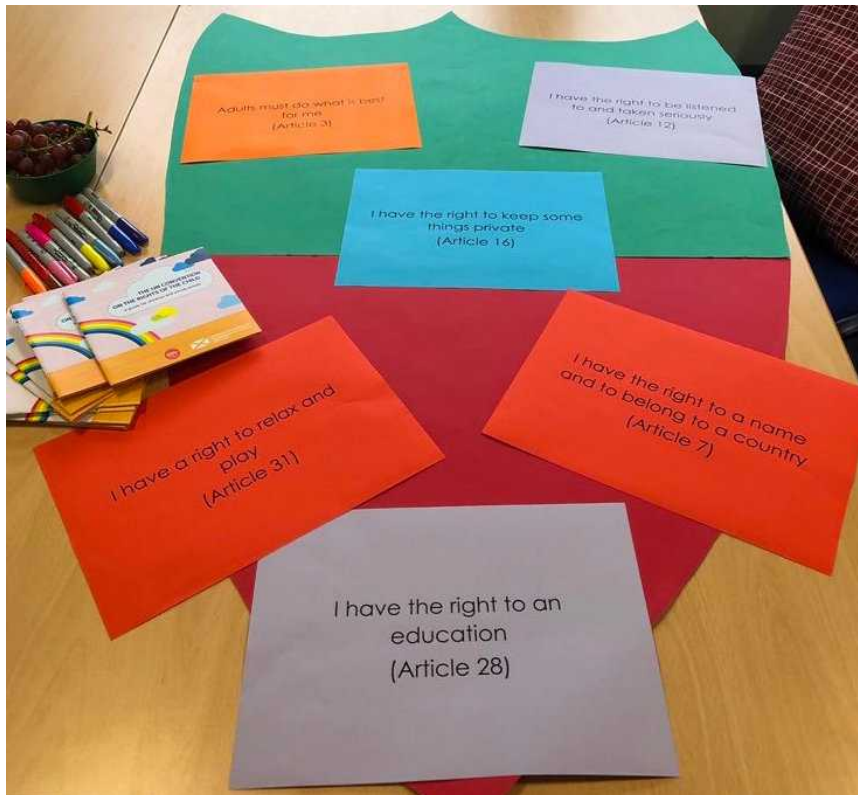


**Children and Young People Consultation on the Incorporation of
The United Nations Convention on the Rights of the Child (UNCRC)**



**Children in Scotland
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1. Background

In April 2019 the First Minister committed to incorporate the United Nations Convention on the Rights of the Child (UNCRC) within the current parliamentary session. The exploration of UNCRC incorporation into domestic law was stated in both the 2017-18 and 2018-2019 Programme for Government.^{1 2} The commitment to incorporating the UNCRC into domestic law will have positive impacts on children's rights in Scotland.

A formal consultation on incorporating the UNCRC into domestic law in Scotland was launched by the Scottish Government in May 2019 and closes on 28 August 2019. Children in Scotland welcomes the Scottish Government's commitment to engaging with children and young people as part of this consultation process. Children in Scotland highlighted in our response to the Consultation on *Progressing Children's Rights in Scotland- An Action Plan 2018-21* that children and young people should be meaningfully involved in the policymaking process.³

To help support the engagement work surrounding the Scottish Government's consultation on *Incorporating the UN Convention on the Rights of the Child*⁴ Children in Scotland hosted a children's rights discussion day in July 2019 with 20 children and young people from across Scotland.

Key themes were selected from the consultation paper and identified as areas for consultation and engagement. The selection of these themes was guided by discussions with partners from across the children's sector and as a result of previous engagement work carried out by Children in Scotland. Key discussion themes identified:

¹ <https://www.gov.scot/publications/nation-ambition-governments-programme-scotland-2017-18/>

² <https://www.gov.scot/programme-for-government/>

³ https://consult.gov.scot/children-and-families/childrens-rights/consultation/view_respondent? b_index=60&uuId=898659094

⁴ <https://www.gov.scot/publications/childrens-rights-consultation-incorporating-uncrc-rights-child-domestic-law-scotland/>

- Legal mechanisms for incorporating the UNCRC into domestic law
- Right to remedy and redress
- Children's Rights Scheme.

In this consultation we worked with 20 children and young people aged between 8 to 21. Children and young people came from across Scotland including Aberdeen, Inverness, Dumfries, Gourock and Orkney. The children and young people had a range of different lived experiences, needs and interests. The group had different levels of experience of participating in engagement opportunities, 60% of whom Children in Scotland had not engaged with previously.

Participants had a range of experience and knowledge of children's rights. For example, some of the group have been part of UNICEF Rights Respecting⁵ groups and rights defender's groups at school. Others had limited experience of discussing children's rights.



Summary

The findings from this engagement work and report have been used to inform Children in Scotland's response to the Scottish Government consultation. The report will also be shared with members of Children in Scotland to help inform their consultation responses and ensure that the voices and experiences of children and young people are included within current discourse.

The main findings from this discussion day were:

⁵ https://www.unicef.org.uk/rights-respecting-schools/resources/teaching-resources/?sisearchengine=284&siproduct=Campaign_%2A%2ARRSA-Rights-Broad

- **The UNCRC should be directly incorporated into domestic law.**
- **Children and young people should be able to speak to someone if they feel their rights have not been respected and should be supported through this process.**
- **Ongoing and meaningful engagement with children and young people is integral for the protection and realisation of children's rights.**
- **Rights awareness should be universal and should be delivered to: children, parents, duty bearers and policymakers.**
- **Education settings should actively encourage and empower children to engage with their rights.**
- **Child Rights Wellbeing Impact Assessments (CRWIA) should be undertaken and laid with any new bill presented to the Scottish Parliament.**

2. About Children in Scotland

Giving all children in Scotland an equal chance to flourish is at the heart of everything we do.

By bringing together a network of people working with and for children, alongside children and young people themselves, we offer a broad, balanced and independent voice. We create solutions, provide support and develop positive change across all areas affecting Children in Scotland.

We do this by listening, gathering evidence, and applying and sharing our learning, while always working to uphold children's rights. Our range of knowledge and expertise means we can provide trusted support on issues as diverse as the people we work with and the varied lives of children and families in Scotland.

3. Our Approach

Article 12 of the United Nations Convention on the Rights of the Child (UNCRC) states that children have the right to have a say and be taken seriously in all decisions which affect them.

The UN Committee on the Rights of the Child describes participation as: *'...ongoing processes, which include information sharing and dialogue between children and adults based on mutual respect, and in which children can learn how their views and those of adults are taken into account and shape the outcome of such process'*. In line with this, Children in Scotland's participation and engagement work seeks to engage children and young people in meaningful, ongoing dialogue and enable them to have effective and fulfilling participation, thus ensuring that their voices influence the decisions and practices of policymakers and practitioners.

This approach is core to all of Children in Scotland's work. Our work is underpinned by our Principles and Guidelines⁶, which meaningfully support the participation of children and young people. The guidelines underpinned the planning, development and delivery of the children's rights discussion day.

4. Methodology

The discussion day involved working with children and young people in a child-centred, creative and participative way, supported by the use of different methods.

Due to the technical nature of the consultation paper, Children in Scotland worked in partnership with organisations across the children's sector to share and develop clear and consistent approaches to direct engagement work. Accessibility and inclusion were of central focus during early planning stages. Children in Scotland shared methods and approaches to engagement as part of Together's Incorporation Subgroup. The session framework was informed by Together's UNCRC Facilitator briefing⁷.

The session was split into two sections and questions related to the three themes of the consultation paper. The first section involved exploring and building the groups' understanding of children's rights, the UNCRC and how children currently experience those rights. The second section of the day involved exploring themes identified from the consultation paper.

To help children and young people feel fully supported to take part in the discussion day, careful consideration was given to individual needs and methods were developed accordingly. The children and young people drew up a group agreement to encourage a safe and healthy time working together. Additionally, characterisation was used to help the children explore children's rights in a depersonalised way.

Other methods used included: icebreakers and 'getting to know you' activities; role play and freeze frame exercises; discussion groups; dot voting; videos; circles of support and arts and crafts.

⁶ <https://childreninscotland.org.uk/wp-content/uploads/2017/11/Principles-and-Guidelines-FINAL.pdf>

⁷ https://www.togetherscotland.org.uk/media/1326/crc_children_consultation_draft_final-v2_pdf.pdf



5. Limitations

The group involved in this consultation was small, therefore the results cannot be viewed as representing those of all children and young people. Meaningful engagement with children and young people takes time, particularly for younger aged groups and those with additional support needs. We understand that the consultation period has been restricted due to the commitment to incorporate within the current parliamentary session. We recommend that consultation is continued as an ongoing process to ensure that all children and young people have opportunities to engage in this process.

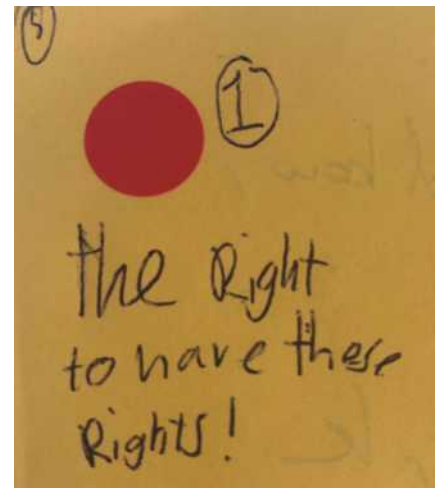
Whilst this consultation was small, the findings gathered do illustrate the authentic views and preferences of children across Scotland. The commonality across some of the views expressed indicates that these findings offer useful evidence to inform the consultation on UNCRC incorporation.

6. Findings and analysis

6.1 Exploring understanding and awareness of children's rights

We began with a conversation about children's rights, this led on to discussion about how children comprehend the law. The group showed a general awareness and understanding of both children's rights and the law.

Some of the group explained that children's rights could be described as **"guidelines"** which people need to follow and that **"every child has them"**. Members of the group showed an awareness of the UNCRC and were confidently able to discuss individual articles. Rights were perceived as being interconnected; they couldn't be taken away.



We heard that children found out about their rights from a range of different sources including through schools, colleges and the media. Most of the participants attended or had previously attended UNICEF Rights Respecting Schools.

Overall, there was a feeling that there was inconsistency and a **“massive disparity”** in terms of children and young people’s knowledge and awareness of their rights.

Exploring the legal context

Discussion of the question **‘what is the law?’** followed the discussion about rights. On consideration the children felt that the law was **“rules made by the government”** that should not be broken.

Some of the group recognised that this doesn’t always happen as they **“can be broken but shouldn’t be”**. The children we spoke to recognised that different nations had their own laws that might differ from one another. Additionally, they had different levels of understanding of the various devolved and reserved matters where the Scottish Government can and cannot create laws.



6.2 How do children experience their rights?

The right to know about the United Nations Convention on the Rights of the Child (UNCRC)

Throughout the day the group shared how they experience and enjoy their rights. They discussed rights that felt within and outwith their reach.

It was felt that the right to know about the UNCRC was out of reach for many children and young people. The group expressed that whilst they had an awareness of the UNCRC this was not the case for many children and young people. More should be done to promote children’s rights.

“Not everyone knows about the UNCRC. To improve this they should tell more people about it and do special assemblies about the UNCRC in schools.”

“Government could raise awareness of children’s rights.”



The right to an education (Article 28)

Further discussions revealed that the right to education played an important role in supporting children to understand their rights:

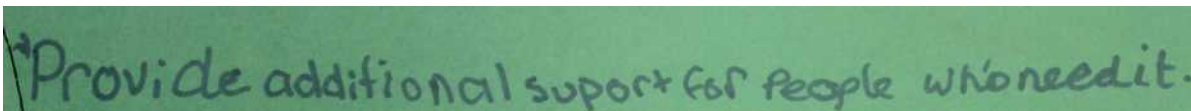
“Important in helping you to get other rights.”

“if you’re educated you know your rights, and it gives you a better start in life.”

Concerns were expressed about whether all children were getting the right support with their education. The group emphasised that barriers exist for children with additional support needs and that more needs to be done to make sure they receive the correct support.

“Some people don’t get the type of education they need.”

“Government could put more things in place for people with support needs/accessibility needs.”



The group recognised that within school environments there is a **“lack of emotional support”**. This was an area of concern for many children and young people.

The right to be heard and taken seriously (Article 12)

Children felt that their views and opinions should be listened to and respected. This formed a key thread throughout the discussion day and it was highlighted that children and young people should have more opportunities to share their views and experiences.

“Adults should respect children’s opinion.”

“You should listen to me because I have rights.”

“Children and young people are experts in their own experience.”

They felt that this right was met to some extent. Participants acknowledged that the children's rights discussion day was an opportunity for their voices to be heard. However, some expressed that their voices are not heard within educational settings. Pupil Councils were only seen as effective some of the time. One suggestion was for schools to host assemblies specifically focused children's rights.

The right to relax and play (Article 31)

Initially the group felt quite confident that their right to play was within reach. Further discussion revealed that there are discrepancies linked to age. The group noted that younger children had more opportunities to engage in play but as they progress through school these opportunities become fewer with the focus primarily on literacy and numeracy.



“We need more time to relax and play at school.”

The right to an identity (Article 8)

The right to an identity felt within reach to some extent. While the group expressed that they have opportunities to be themselves without fear of judgement, it was suggested that this was perhaps not the case for all children and young people. For example, the group felt that the right to an identity might feel more difficult to realise for someone from the LGBTQI+ community.

6.3 UNCRC model of Incorporation

To explain and discuss the different models of incorporation included within the Scottish Government consultation we used the metaphor of a football league and the rules that underpin it. The term 'rules' is used to refer to 'rights.' This section relates to questions 4 to 12 of the consultation paper.

After careful consideration the group were of the general opinion that the 'rules' should be the same for everyone. There should be flexibility to make small adaptations to suit the individual context of each country.

They recognised that it would be 'fair' for all rights holders if every country operates under the same system. Using the same rules was perceived as providing **"consistency internationally"**. It would be beneficial to use the same model as they would be **"measurable and comparable to other countries"**. This would mean that courts and other bodies could look to situations in other countries to help when making decisions.

Regulation would be easier if everyone was using the same rules. If the same model was applied, then it would be **"easier to spot faults"** and to manage. Additionally, this would mean that a country is accountable to a regulatory body. In the context of the consultation paper this finding supports question 4 and the role of the UN Committee on the Rights of the Child. The group felt that there should be an outside body which monitors and is **"able to say if something is wrong"**.

The group acknowledged that there could be some advantages of adapting rights to suit a country's context. For example, rights could be more tailored to the country in question. However, concerns were raised that a country could create rights that would be in their own interests and could disadvantage certain groups, suggesting it would be **"easier to manage"** if everything is the same. Additionally, Article 41 was discussed. It was argued that the UNCRC already allows countries to establish laws which enhance the current UNCRC.

"Would have to be over and above UNCRC due to Article 41 – they would be able to do this regardless by having laws over and above the UNCRC."

"Some parts could be strengthened to make them more appropriate to current times."

Overall, the group expressed that they could enjoy the benefits of adaptation by direct incorporation and then a building on those rights to suit the Scottish context.



Recommendations

The Scottish Government should directly incorporate the UNCRC into Scottish domestic law.

Serious consideration should be given to the General Comments and observations provided by the UN Committee on the Rights of the Child.



6.4 Protecting children's rights

Characteristics of a duty bearer

We explored the relationship between the rights holder and duty bearer. There was consideration of the skills, qualities and resources a duty bearer should have in order to help protect and ensure that rights are being upheld.

Initial discussions surrounding who protects children's rights revealed that many children perceive their parents and carers as being the key people to defend their rights. Parents and carers were viewed as duty bearers rather than rights holders. Some even considered parents and carers as having a dual role. Reference to the role of the family and parents in supporting children's rights is interwoven throughout the UNCRC. e.g. the preamble to the UNCRC, Articles 3 and 5. As a result, the Scottish Government and other public bodies should highlight the role that the UNCRC plays in supporting parents and families as highlighted in Together's briefing *Parenting and the United Nations Convention on the Rights of the Child (UNCRC)*.⁸

Further discussions revealed that duty bearers can include the Scottish Government, local councils and professionals within police, education and health. As part of a programme of rights awareness children and young people should receive more information on the role and responsibilities of duty bearers, how to identify them and access them. This will ensure that children are aware that duty bearers are responsible for respecting, promoting and realising their rights.

We believe the learning from the partnership between Glasgow City Health and Social Care Partnership with Who Cares? Scotland could be used to support future awareness raising activity surrounding the role of a duty bearer.⁹ An e-learning resource was developed to support health and social care professionals to understand their role as a corporate parent and the impact that a good corporate parent can have. The voices of care experienced young people shared their experiences as part of the training materials.

Listening to children and young people

Members of the group were clear that duty bearers should speak to children and young people to find out their views. This is in line with Article 12 of the UNCRC. It was important for duty bearers to be authentic and show genuine interest in speaking to children and young people:

“They care about children and young people.”

⁸ https://www.togetherscotland.org.uk/pdfs/UNCRC_parenting_23-04-2018_FINAL.pdf

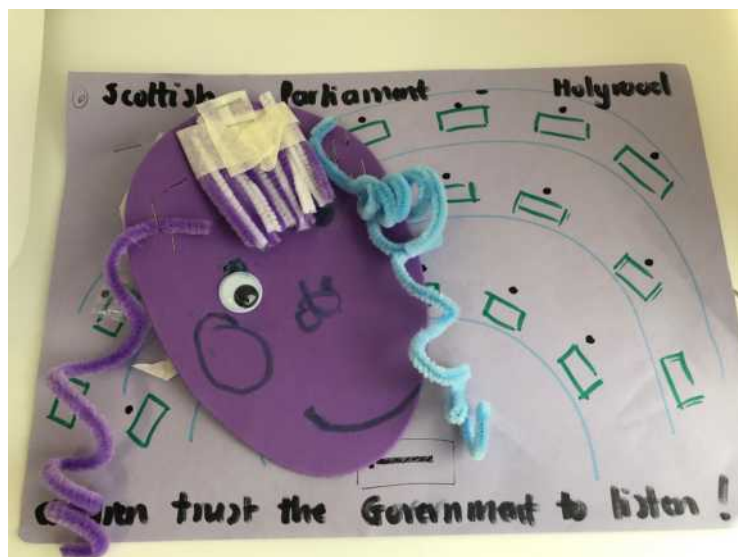
⁹ https://www.togetherscotland.org.uk/pdfs/2017_Online_V11.pdf

“...to listen to and want to meet young people.”

They highlighted that children should be able to engage with duty bearers in an accessible way. There should be a variety of different ways for children to do this. This was important for different groups including children with additional support needs.

It was suggested that children could be reached through schools, the media and organisations who routinely work with children and young people. The methods of engagement will be dependent upon the role of the duty bearer and environment in which they operate. However, the group also noted that there should be anonymous ways of providing feedback including: **“should be able to ask questions without fear of judgment”**. It was suggested that children and young people should be able to have a say on who is a duty bearer. Children emphasised that it was important that duty bearers were **“Kind, they like to help”**, suggesting that personal qualities were important.

It was key that a duty bearer was committed to implementing change based on what they heard from children and young people. Some of the group had expressed frustration around previously sharing their views and emphasised there should be **“actions not words”**. One example highlighted was the climate change protests, where young people had been voicing their concerns but were unable to see any real change.



Influence and resource

We heard from some of the group that they were concerned that duty bearers didn't have enough influence to ensure that children's rights could be protected. Duty bearers were identified as needing:

“Political support to allow decisions to be made.”

“Influence to make things happen in the world.”

One of the young people discussed ‘**red tape**’ and other restrictions which could act as a barrier. Funding was discussed as another obstacle which could prevent policies which might support the realisation of children’s rights.



“The government doesn’t have the money to get it wrong, so should invest in listening to CYP to get it right.”

Family Support

Duty bearers were perceived as having a role in supporting families as a means of helping children to fully enjoy their rights. For example, it was suggested that parents should receive parental guidance from the very beginning to help them support their children.

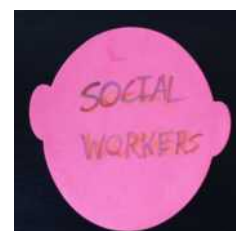
“Duty bearer to help people through family support.”

Identifying sources of support for children’s rights

The group considered people, places and sources of support that help protect and defend children’s rights. Sources of support are important because they help to keep children safe, allow them to fulfil their potential, give them a voice and ensure they are respected and represented.

Within the school environment teachers were identified as key protectors of children’s rights. However, other staff were identified as ‘unrecognised’ defenders, and these included: janitors, librarians, cleaners and kitchen staff. Participants identified a range of people across children’s lives who have a responsibility for upholding and protecting children’s rights.

Community sources were wide-ranging and included: family, health professionals, social workers, emergency services, politicians, youth workers and child rights officers.



“Everyone in the community has a responsibility to uphold children’s rights.”

Politicians and political leaders and the government were highlighted as key sources of support for defending and upholding children’s rights. Additionally,

charities, lawyers, advocacy workers and the Children and Young People's Commissioner, Bruce Adamson, were mentioned.



Who should children speak to if they feel their rights are not being upheld?

Following on, the group explored the question of to whom they would speak if they felt their rights were not being protected. This section is relevant for questions 18 and 23 of the consultation paper.

The young people were clear that children should be able to tell someone if they felt that their rights were not being respected. As with the duty bearer exercise it was important for children and young people to speak to someone with whom they have a relationship and someone who **“you trust”** e.g. parents, people within the community and the police. Teachers were highlighted because of their relationship to children:

“job is to look after you.”

“Trained on how to deal with it.”

“(You) trust the people you see everyday.”

Teachers and other identified adults should receive additional training on how to manage a situation when a child feels that their rights have not been respected.

Additionally, the group indicated that charities would be able to help because they help **“children (to) protect their rights”**. Charities were perceived as being independent because:

“They are not connected to areas you have problems with.”

The group suggested that some charities should be specifically set up for the purpose of supporting children to speak up to those responsible if they feel their rights have not been respected. The UN Committee emphasises the importance of children being able to access **“child-friendly information, advice, advocacy, including support for self-advocacy, and access to independent complaints procedures and to the courts with necessary legal and other assistance.”**¹⁰ In response to the Family Law Review we outlined child-friendly ways in which children and young people can meaningfully express their views during court cases.¹¹

We are aware that there are a number of well-established organisations that can support children and young people when they feel their rights have been violated either through action or inaction. The Scottish Government and other public bodies should do more to promote the services available to children and young people.

Recommendations

Teachers, social workers, people who work for the council, politicians and other individuals should receive advice and training on how to support a child when they feel their rights have not been respected.

The Scottish Government should explore additional funding for independent charities or advocacy services to help support children when they feel that their rights are not being upheld.

6.5 Defending children’s rights

The group considered different themes and considered ways in which rights could be better protected.

Community and Safety

Having more awareness and knowledge of concerns surrounding the local area and where you live was identified. Increased funding for police and community policing was discussed. Creating safer spaces for children and young people was another key consideration.

Health

Access to healthcare was the key concern discussed. Concern was expressed about children’s access to healthcare within rural areas.

¹⁰ UN Committee on the Rights of the Child (2003), General Comment 5: General measures of implementation of the Convention on the Rights of the Child (CRC/GC/2003/5), paragraph 24

¹¹ https://childreninscotland.org.uk/wp-content/uploads/2018/09/Family_Law_Review.pdf

“Improve availability and standard of rural areas and help them access healthcare more easily.”

“Ensure everyone can receive care regardless of background, finances or choices.”

Prevention was discussed, and we heard that there should be affordable access to healthier foods for all.

Leisure and Play

The incorporation of play into education was one way the children's rights could be protected. As discussed earlier, some children felt the right to play was not being upheld in the context of education. Solutions presented included:

“Do more lessons outside learn through play.”

“Giving children more free opportunities to take part in sport and leisure activities.”

6.6 Children's Rights Scheme

The following section relates to questions 13 and 16 in the consultation and concentrates on the promotion of rights-based policy processes by national government.

Who needs to learn about children's rights and why?

The children and young people were clear that rights awareness needs to be universal. Emphasis was placed on rights awareness within education settings. The young people felt that rights awareness needed to extend to community level. This would mean reaching beyond those with children and young people in their job title/remit. The following groups were highlighted:

- Children – **“Because it is their right.”**
- Teachers – **“So they can protect them.”**
- Parents – **“to know if their children are being supported.”**
- Politicians – **“they can enforce them.”**
- Duty bearers – **“to enforce them.”**

Significant emphasis was placed on the role and responsibility of duty bearers in receiving training on children's rights:

“(Training should be) compulsory for duty bearers at all levels within the organisation, regardless of whether their work is with CYP or not. For example, Head of NHS, paediatric nurse and NHS cleaner should all receive training.”

Policymakers and decision-makers were highlighted groups that should be required to have training because of the effects that decisions can have on children's rights.

“Decision-makers and policymakers need to know about the UNCRC so they can assess the impact of decisions on children's rights.”

What should rights awareness training cover?

Members of the group were clear that a minimum level of knowledge about children's rights, including the rights applicable to all children, was required. Additionally, training would need to cover the protection of rights and what to do if rights are not being upheld. Duty bearers would require specific training on their role and responsibilities. This has been outlined in section 6.4.

“How these rights can be enforced – why these are needed.”

“What to do if they aren't getting their rights met.”

“Awareness and people make sure rights aren't infringed.”

Rights awareness and the curriculum

The children and young people reiterated that children should have an understanding and awareness of their rights. Supporting children to understand their rights was advantageous because it helped children to feel empowered. The Human Rights Defender campaign¹² was highlighted as a positive example of rights awareness and empowerment. The Scottish Government should explore how it can expand on this work and support adults and children and young people to become human rights defenders.

“CYP need to know about their rights so that they can speak out when they are not being upheld.”

Embedding children's rights into the curriculum and integrating rights into general teaching was suggested by the group. We acknowledge that children's rights are currently within Curriculum for Excellence and are referenced within experiences and outcomes.¹³¹⁴ However, we would note that many rights, as described in the experiences and outcomes, are linked with responsibilities. Children's rights are unconditional and are not dependent on or a reward for the fulfilment of responsibilities.¹⁵ Therefore we

¹² <https://rightsdefenders.scot/>

¹³ <https://education.gov.scot/Documents/All-experiencesoutcomes18.pdf>

¹⁴ Rights are referred to in the following areas: Health and Wellbeing, Social Studies, Religious and Moral Education,

¹⁵ <https://www.unicef.org.uk/rights-respecting-schools/wp-content/uploads/sites/4/2018/10/Myths-and-Misconceptions.pdf>

believe that experiences and outcomes should be reviewed. Additionally, there should be greater emphasis on teaching children about the UNCRC and the rights that they are entitled to. For example, this could be integrated into Personal and Social Education.

We also heard that children and young people felt they should play more of an active role in rights awareness:

“Should use lessons as a forum to feed in all year.”

“Move from just teaching about it to finding out how children think their rights are being met.”

“When decisions being taken there should be hustings to find out what people think.”

Children and young people should feel empowered to engage with their rights and share their views if they feel they are not being met. The UN Declaration on Human Rights Education and Training calls for governments to improve human rights learning, training and information.¹⁶ Again, we would highlight the work of the Human Rights Defenders campaign. One of the recommendations within **Promote.Protect.Defend** is to “**Embed human rights and human rights defenders education in children and young people’s learning**”.¹⁷ The report highlights that children want to learn more about the UNCRC and are calling for human rights education.

Additionally, it was highlighted that resources would need to be adapted to suit different ages and stages. For example, younger age groups should have the opportunity of finding out about their rights. It was important that rights awareness should start as early as possible through interactive activities and games. Rights awareness should continue and be a focus of further education.

¹⁶[https://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/UnitedNationsDeclarationonHumanRightsEducationandTraining\(2011\).aspx](https://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/UnitedNationsDeclarationonHumanRightsEducationandTraining(2011).aspx)

¹⁷<https://www.cypcs.org.uk/ufiles/PromoteProtectDefend.pdf>

Recommendations

A range of different rights awareness raising resources should be created for public bodies, parents and carers and practitioners to increase knowledge and awareness of the UNCRC.

Active rights awareness programmes should be co-designed and developed with children and young people to ensure that young people are learning about their rights in a way that suits them best.

Children and Young People's Participation

Children's participation in decision-making was viewed as fundamental to fulfilling and upholding children's rights and they should play a significant role in the development of a Scottish Children's Rights Scheme. This aligns with recommendations made in A Draft Children's Rights (Scotland) Bill produced by the Incorporation Advisory Group convened by Together (Scottish Alliance for Children's Rights) and the Children and Young People's Commissioner Scotland.¹⁸

incorporation of UNCRC came from CYP, and CYP have the right to be heard in decisions that affect them.

Accessibility was a key concern for the children and young people we spoke to. Children would prefer options for how they give their views when decisions are being made. It was important that lots of different groups of children and young people could share their views. However, engagement with young people needs to be **'meaningful'**. In addition to having UNCRC awareness embedded within the curriculum, the group suggested different ways of engaging and supporting children and young people with their rights:

- **Social media campaign** – “they don't have to go anywhere, it appeals to young people.”
- **Animations** – “Have space for young people to input their ideas.”
- **Webpage** – “There should be an online platform for children to speak up.”
- **Video** – Children being able to submit videos/vlogs on issues that are important to them. For example, “Brexit” “plastic pollution” and “subject choices.”

¹⁸ <https://www.togetherscotland.org.uk/media/1200/childrens-rights-scotland-bill-2019.pdf>

Child Rights and Wellbeing Impact Assessments (CRWIA)

The CRWIA was considered as an opportunity for policy/decision-makers to carefully think about the impact of their decisions, both at national and local level. Undertaking CRWIA can help further children's rights through policy and legislation and mitigate negative impacts. We heard that CRWIA could help decision makers **"to think beyond their budget silo"**. It was suggested that this should be **"compulsory"** for duty bearers and an area for consideration for other groups working with children and young people. It was highlighted that CRWIAs do not focus on articulating to children the impact a policy or decision could have on their rights.

"Yes (they should be used) but might not show children how their rights are being affected."

Children and young people felt that they should be involved in consultation surrounding the development of CRWIAs. However, this should be done in a supported way with the help of charities and the third sector. The group highlighted organisations who could engage children in this process these including **Children in Scotland, Young Scot** and **Scottish Youth Parliament**.

Recommendations

We recommend that Scottish Ministers should engage with children and young people on the development of a Scottish Children's Rights Scheme.

We recommend that Child Rights and Wellbeing Impact Assessments (CRWIA) should be undertaken and laid with any new Bill presented to the Scottish Parliament.

Further consultation work with children and young people should be undertaken to explore how to meaningfully involve them in the development of Child Rights and Wellbeing Impact Assessments (CRWIA)

7. Conclusion

"Incorporation of the UNCRC came from CYP. CYP have the right to be heard in decisions that affect them."

Direct incorporation of the UNCRC into domestic law was advocated by children and young people. Direct incorporation was perceived as being:

- fair for all rights holders
- provided consistence internationally
- and easier to regulate.

The children's rights discussion day revealed that ongoing and meaningful engagement with children and young people was at the heart of children's rights being protected and upheld. Children should be able to access duty bearers and share their views in an accessible way. They should be able to speak to someone if they feel their rights have not been respected and should be supported through this process.

Rights awareness should be universal and should be delivered to: children, parents, duty bearers and policymakers. Rights awareness within education settings should be active and empowering for all children and young people. CRWIAs should be undertaken when any new bill is presented to parliament and children and young people should be engaged in this process.

8. Full list of recommendations

The Scottish Government should directly incorporate the UNCRC into Scottish domestic law.

Serious consideration should be given to the General Comments and observations provided by the UN Committee on the Rights of the Child.

There needs to be greater education and awareness about the role of duty bearers and the relationship they have to rights holders, this should encompass both children and their families.

Teachers, social workers, people who work for the council, politicians and other individuals should receive advice and training on how to support a child when they feel their rights have not been respected.

The Scottish Government should explore providing funding for independent charities or advocacy services to help support children when they feel that their rights are not being upheld.

A range of different rights awareness raising resources should be created for public bodies, parents and carers and practitioners to increase knowledge and awareness of the UNCRC.

Scottish Ministers should engage with children and young people on the development at review of a Scottish Children's Rights Scheme.

Child Rights and Wellbeing Impact Assessments (CRWIA) should be undertaken and laid with any new Bill presented to the Scottish Parliament.

Further consultation work with children and young people should be undertaken to explore how to meaningfully involve them in the development of Child Rights and Wellbeing Impact Assessments (CRWIA)

Active rights awareness programmes should be co-designed and developed with children and young people to ensure that young people are learning about their rights in a way that suits them best.