

Organisation :

Salvesen Mindroom Centre

UN Convention on the Rights of the Child Bill

1 Will the Bill make it easier for children to access their rights?

Please enter your response in the box provided. :

On its own the Bill is an important step on the way to children being more able to access their rights. It sets up processes for consultation and impact assessment and provides a check that the principles of the UNCRC are taken account of in relation to children and young people. To be most effective, it should be accompanied by practical measures such as education about their rights and advocacy for children and young people. Those with additional support needs (ASN) in particular may require additional supports to understand, voice a view and access their rights. There should be a requirement on public authorities to make materials available in accessible formats when providing information about rights under the UNCRC.

The role of the Children and Young People's Commissioner Scotland (CYPSCS) is vital to ensure rights are accessed.

With the ASL Act, children and young people have the right to make reference to the Tribunal but there's still a long way to go in making it child-friendly so it is important to make rights violations much easier to challenge from the outset. Children and young people will require support to access their legal rights where this involves a court of law, including through the provision of legal aid.

2 What do you think about the ability to take public authorities to court to enforce children's rights in Scotland?

Please enter your response in the box provided. :

This is essential: without it, the Act will not advance children's rights. However, the costs to public authorities and the resource that could be required should not be underestimated. Therefore, this duty should be fully resourced and we suggest ringfenced funding. We are aware of numerous cases in our own caseload, particularly with regard to education where children's rights are not being observed. For example, the UNCRC requirement that education should be directed towards the development of the child's personality, talents and mental and physical abilities to their fullest potential is already enshrined in Scots legislation but is not an enforceable right.

3 What more could the Bill do to make children's rights stronger in Scotland?

Please enter your response in the box provided. :

The framing of the Children's Rights Scheme will be most important. If it is only advisory, it will not have the effect of ensuring children's rights are respected.

Pre-judicial intervention would be effective, quicker and cost-saving. In addition, any legal forum where children and young people can argue that their rights have been violated must be established in an accessible and child-friendly way.

4 If you work for an organisation or public authority, what resources do you need to help children and young people access their rights?

Will you require additional resources or training to implement the Bill, for example to make or respond to challenges in court?

Please enter your response in the box provided. :

Information in accessible formats that explain to children what their rights are, how to access them, and how to access support to have their rights respected.

It's important we focus on children and young people's involvement in challenging situations when their rights are not respected and that the processes are accessible to children and young people, especially those with ASN, including learning difficulties. Training and information materials will be essential so that we can always be sure to spot any (potential) breach of the Act and to advise children and young people on how to require their rights to be respected.

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1 Are there any relevant equalities and human rights issues related to this Bill, or potential barriers to rights, that you think we should look at?

Please enter your response in the box provided. :

There could be a conflict between parents and children who are seeking to access/enforce their rights. The potential for family conflict, and how to safeguard children and young people in that situation, is an area that should not be overlooked.

2 What are your views on the provisions in the Bill that allow the courts to strike down legislation judged to be incompatible with the UNCRC?

Please enter your response in the box provided. :

Opt to not answer

3 What are your views on the Children's Rights Scheme and the requirement on public authorities to report?

Please enter your response in the box provided. :

It is important to ensure children with ASN or from marginalised groups, are supported to contribute to the consultation on the scheme.

s 15 ought to be strengthened – at present there are no sanctions, and no direction on how/where report is published. The report ought to be published and made accessible – with accountability for non-observance. It would be helpful if there was an option for reports to go to a higher authority, for example the CYPSC and be backed up with a requirement for further action e.g. request supplementary information if judged reports fall short. Resources would be needed for listed authorities to produce reports and for the oversight of the reports.

For example, Accessibility Strategies (under the Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002) were initially submitted to the Scottish Government and subject to review but after 2 rounds of reporting this practice was discontinued and the progress towards full accessibility was greatly reduced. So, the reports need to be meaningful and we recommend a regime for sanctioning non-compliance and failure to produce a report that actually demonstrates progress.

4 Is there anything else you want to tell us about the Bill?

Please enter your response in the box provided. :

We fully support the intentions of the Bill and urge the Scottish Government to ensure the rights of children and young people with additional support needs, including those with hidden disabilities such as learning difficulties, are fully considered. This is essential to ensure that the rights of those children and young people are not left out of account.