

AIMS AND SCOPE OF THIS REPORT

This short report aims to present a "snap-shot" view of the impact that the implementation of the convention has had on the lives of young people in Scotland. The issues raised are reflective of our own personal views and experiences and those of other young people in our local communities and are recorded in order of those most frequently referred to.

Article 12 in Scotland is aware that this report is not representative of the views of all Scottish young people, however, we do believe that the strength and depth of the concerns raised are worthy of further investigation.

For ease of reference the report is structured in a manner reflective of the UK Government and Alternative NGO Reports.

GENERAL MEASURES OF IMPLEMENTATION

Article 42

"The duty to make the principles of the Convention widely known, by appropriate and active means, to children and adults alike"

Our research indicates that young people in Scotland have a limited awareness and understanding of their "rights".

With the exception of young people who have had contact with Local Authority Social Service Departments, have been in trouble with the Police or have been referred to The Children's Hearing System the majority of young people we speak to have never heard of the Convention.

We find it disappointing that only those young people who are considered "troubled" or "troublesome" are directly informed of their rights.

We welcome the Scottish Executives attempts to produce information on the Convention for distribution to all Scottish young people. However, it has to be said that the information is not widely available and neither is it in a format which is attractive to young people.

RECOMMENDATIONS

We ask the Scottish Executive to accept that current levels of awareness and understanding of the Convention amongst young people are unacceptably low, and that appropriate steps require to be taken to ensure that all Scottish young people can access information relating to the Convention.

We suggest that this can best be achieved by introducing the Convention to the personal and social education curriculum in schools and a nation-wide campaign through the various media that young people access: Television, Local Radio, the Internet, billboard advertising, posters on public transport and the production of young person friendly "credit card" style leaflets.

GENERAL PRINCIPLES

Article 12

"The right of a child to express an opinion freely and to have that opinion taken into account in any matter or procedure affecting them"

The Scottish Executive and Local Authorities have introduced a number of opportunities (The Youth Parliament, Youth Fora, Pupil Councils) for young people to "have their say". Whilst we welcome these developments we are not convinced that "committee" type structures are the best way of reaching those young people most excluded from Scottish society. We believe that much more work is required to ensure that all young people are afforded the opportunity to actively participate in democratic processes at all levels of society.

Our research failed to identify any meaningful evaluation of these initiatives. Anecdotal evidence indicates that while welcomed in terms of *"anything is better than nothing"*, these "committee" type of structures are perceived (by those on the peripheries) as elitist and tokenistic.

Further more, young people frequently question the value of their input:

"We are consulted to death yet there is little evidence that action is taken in response to the issues and concerns we raise".

RECOMMENDATIONS

We ask the Scottish Executive to ensure that systems are established to effectively monitor and evaluate the outcomes of current participatory structures and to make these findings available to young people throughout Scotland.

We suggest that the Scottish Executive look at alternative and innovative ways of encouraging young people to participate in democratic processes for example: face to face interviews in town centres, inter-active T.V. surveys via popular music channels.

EDUCATION, LEISURE AND CULTURAL ACTIVITY

Article 28

"The right to an education on the basis of equality of opportunity"

and

Article 29

"The duty of the government to direct education at the development of the child's personality, talents and mental and physical abilities to their fullest potential, and the development of respect for human rights and fundamental freedoms"

Young people frequently refer to the over use of "sin bins", detentions and short-term exclusions by teachers, and the lack of the right to appeal against such decisions.

"When I said I didn't think I was in the wrong and I had the right to challenge his (the teacher) decision to send me to the behavioural support unit he said, who's been filling your head with that rubbish? ... You'll do what I tell you".

The absence of written guidelines for such punishments makes it difficult, and sometimes impossible, for young people to challenge the decisions taken.

" I asked the headteacher for a copy of the school's guidelines on referrals to the behavioural support unit so that I could appeal against a decision to send me there. There were no guidelines ... I was told that sendings were at the individual teachers discretion and that he (the headteacher) stood by his staff and the decisions they made".

Young people describe these types of punishments as at best, ineffective, and at worst humiliating, a breach, in their view, of Article 28 of the Convention: *"school discipline should be administered in a manner consistent with the child's human dignity"*. There is no evidence that they act as a deterrent or encourage young people to review their "behaviour" within the school setting. A number of young people with experience of these types of punishments said that they served only to further erode the already poor relationships that they felt they had with school staff.

" I got good standard grades and I wanted to stay on at school and do my highers, but I think the school saw me as a troublemaker because I was always challenging them, they either sent me to the support unit or ignored what I said. It wears you down, I got fed up with it and left when I was 16."

Our research, and that of other NGOs working with young people, highlights major concerns about pupil/teacher relationships. Many young people feel that there is a lack of respect for them as individuals and that there are limited opportunities within the school setting for them to voice their opinions and to have those opinions taken into account. Pupil councils are seen as tokenistic, issues raised by pupils are generally only actioned if they are in line with the views of school staff.

School development plans refer to an "Ethos" of equality and fairness and positive pupil/staff relationships. Yet young people report little evidence of this policy in day to day practice, despite the fact that the UN Committee in its response to the UK Government's First Report recommended that: *"...teaching about children's rights should be incorporated into the training curricular of professionals working with or for children"*.

RECOMMENDATIONS

We welcome the Scottish Executive's commitment to reducing the number of school exclusions. However, the over use of "sin bins" and detentions as evidence for exclusion and as a means of punishment for perceived breaches of school rules remains a major concern for many young people. We urge the Scottish Executive to establish systems that ensure an open and transparent right to appeal process for young people within the school setting.

Evidence suggests that school staff have little, or no, knowledge or understanding of the Convention and how this impacts on their professional practice. To address this deficit we urge the Scottish Executive to identify awareness of the Convention as a core skill requirement of trainee and existing school staff.

BASIC HEALTH AND WELFARE

Article 24

"The right to the enjoyment of the highest attainable standard of health and the right of access to health care services that meet their needs".

And

Article 17

"The right to access information and material from a diversity of sources, especially those aimed at the promotion of his or her social, spiritual, and moral well being and physical and mental health".

The rights of lesbian, gay, bi-sexual and transgender young people to access information and services relevant to their needs are severely limited by negative stereotyping and confusion over the legality of offering advice or information to this community of young people.

The repeal of Section 2A of the Local Government Act 1986 (Section 28 of the Local Government Act 1988) is welcomed by lesbian, gay, bi-sexual and transgender young people. However, confusion still remains and the majority of Local Authorities have yet to introduce the needs of this community to their sex education programmes in schools.

Advice and information services are difficult to identify and reach, particularly in rural areas where provision is practically non-existent.

"The most difficult bit was telling my parents I was gay... and then having no one to talk to about their reactions. In a rural area there is only your doctor or your teachers... but you don't want to talk about your sexuality with them".

Young people are critical of the methods used to deliver sex education in schools. They describe the use of videos and worksheets or slide shows of sexually transmitted diseases, which take up the whole session and leave no time for discussion, as dull, boring and irrelevant.

Comments indicate that teachers are not the best people to deliver sex education, as they often appear embarrassed or uncomfortable with the subject. Young people would prefer to see youth or health workers involved in the provision of sex education programmes in schools.

RECOMMENDATIONS

We urge the Scottish Executive, without delay, to develop a monitoring system, that ensures that the health needs of all young people, irrespective of sexual preference, are addressed fairly and appropriately as an integral part of the personal and social education programme in schools.

We ask the Scottish Executive to undertake a review of sex education provision in schools with particular reference to the skills of those responsible for its delivery and its relevance to the current needs of young people.

SUMMARY

The UK Government ratified the Convention in 1991, yet still few people have heard of it.

Information about the Convention is not widely available and is generally only delivered directly to those young people considered "troubled" or "troublesome" and whom the Authorities have a statutory duty to inform.

Current opportunities to participate in democratic processes, although welcome, are perceived to be elitist and tokenistic and they fail to reach those young people most excluded from society.

Poor pupil/staff relationships, the over use of "sin bins" and detentions, the right to appeal against such decisions and the perceived lack of respect for young people as individuals reflect a lack of knowledge and understanding of the Convention amongst school staff.

Sex Education Programmes in schools are considered dull, boring and irrelevant and they fail, in terms of sexual preference, to address the needs of all Scottish young people.

CONCLUSIONS

We commend the positive steps the Scottish Executive has taken to address the basic welfare rights of those young people who are most in need and their efforts to involve young people in policy development through consultation. We welcome these developments and view them as necessary to ensure that action concerning young people, taken by local and national governing bodies and social welfare services, takes account of their best interests.

The majority of action taken by the Scottish Executive in response to the Convention focuses primarily on the survival and protection rights of young people: The Children Act (Scotland) 1995, Disclosure Scotland, and Proposals for a Children's Commissioner (The Executive view of the potential role).

There is little evidence of attention to development and participation rights and action that has been taken, The Scottish Youth Parliament, Youth Fora and Pupil Councils, has failed to engage the interest of those young people most likely to benefit from such provision.

THE WAY FORWARD

As a youth led NGO, committed to promoting the Convention, Article 12 in Scotland would welcome the opportunity to work in partnership with the Scottish Executive to address the issues raised in this report.

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