

Young people's views of the
UNCRC Committee's Concluding Observations [2016]
on the implementation of the ***UNCRC*** in the UK

I WITNESS:

THE CONCLUDING OBSERVATIONS



ARTICLE 12
IN SCOTLAND

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The Scottish Government is committed to creating a modern, inclusive Scotland which protects, respects and realises internationally recognised human rights principles.

**United Nations Convention on the Rights of the Child; list of issues in relation to the fifth periodic report to the United Kingdom of Great Britain and Northern Ireland:
Scottish Government Response, March 2016: p.2**

Rights are rights, you can't pick and choose them!

**Young Person, Article 12 in Scotland: UNCRC Concluding Observations Seminar,
Glasgow, March 25th 2017**

2018 is Scotland's 'Year of Young People'; let's use that platform to ensure that all of our young people are accessing and enjoying their full set of rights and entitlements.

Lynne Tammi, National Co-ordinator, Article 12 in Scotland

Acknowledgements

Article 12 in Scotland would especially like to thank the following young people, staff and organisations for their support and contributions to this report:

Article 12 in Scotland, Young Gypsy Travellers Lives [YGTL]

YGTL – Young Gypsy Travellers’ Lives – is a project run by *Article 12 in Scotland*. The *YGTL*’s aim is to equip young Gypsy/Travellers with the skills, knowledge and confidence necessary to identify and highlight issues relating to them and the wider Gypsy/Traveller community.

Care Visions

Care Visions is Scotland’s largest independent provider of residential services for children. They provide placements for children aged six to eighteen, specialising in working with children with more complex needs.

Glasgow Association for Mental Health [GAMH], Young Carers’ Project

Glasgow Association of Mental Health [GAMH] Young Carers’ Project is aimed at young people between the ages of 12–18 who live with an adult who has a mental health problem. The project aims to support young carers by bringing them together and maximising their opportunities to participate in social and recreational activities.

Glasgow Disability Alliance [GDA], Rights to Reality: R2R

GDA’s mission is to act as the collective representative voice of disabled people; promoting equality, rights and social justice. With over 2000 members, *GDA* is, by far, the biggest groundswell of disabled members in Scotland, if not the UK.

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BACKGROUND

What is the *UNCRC*?

The United Nations Convention on the Rights of the Child [UNCRC] is a list of 54 Articles that cover all aspects of life for young people under the age of eighteen. 40 of the Articles describe the rights that the government must make sure they have. The United Kingdom signed up to the *UNCRC* in 1991.

The *UNCRC* itself is not binding in Scotland [or indeed elsewhere in the UK] in a legal sense, however; some of the articles are reflected in Scots law, and *Scottish Government* policy and practice and it does serve to establish recognised standards that are often referred to by national and international courts and bodies in their conclusions, recommendations and decisions.

When governments [referred to as State parties] agree to put the *UNCRC* into practice, they must prepare a report for the *Committee on the Rights of the Child* after two years, and then every five years. This is known as the Reporting Process. The *Committee* is a group of adults from different countries who are experts on children and young people's rights. The *Committee* last examined the *UK Government's* record on implementing children and young people's human rights early in 2016, publishing its *Concluding Observations* on the report in June of that year.¹

Part of the Reporting Process is the Pre Session Hearing. This is an opportunity for Non-Governmental Organisations [NGOs] and Civil Society Organisations [CSOs] to present and discuss their Alternative Reports [reports which outline their views on the state of children's rights in their country and on the contents of the government report]. *Article 12 in Scotland* is one of the Scottish organisations that present Alternative Reports².

For reporting purposes, the *United Nations* considers the UK to be a single entity and therefore one single UK governmental report is presented for consideration. However, as areas such as housing, social services, health and education are devolved to the *Scottish Government*, policy makers in Scotland have a duty and responsibility to ensure that the rights of marginalised groups accessing these services are adequately being met.

Aware that the single UK report makes reference to matters affecting Scotland, England, Wales, Northern Ireland and the Overseas Territories and Crown Dependencies but, due to restrictions on length, does not allow for an in-depth view of the state of children and young people's rights in each jurisdiction, country specific reports have also been compiled and submitted to the *Committee*.

¹ Further information on the *UNCRC* and the Reporting Process can be found at: *Child Rights Connect*
- <http://www.childrightsconnect.org>

² *Article 12 in Scotland: I Witness: The UNCRC in Scotland* [2015]:
http://www.article12.org/wp-content/uploads/2015/06/IWitness2015theUNCRCinScotland_YoungPeoplesVoices.pdf

ABOUT ARTICLE 12 IN SCOTLAND

Established in 1996, *Article 12 in Scotland* is a young person focused organisation that works to promote young people's participation and information rights as set out in international human rights charters. We believe that governments, professionals, and the wider community all have a role to play in building an environment that respects, values and validates the contributions of young people.

Our work is underpinned by the principle of **free participation**: the right to participate as equal citizens at all levels of society, without fear or favour; a process that facilitates the participation of all young people on their own terms and according to their own realities, a principle that, if realised, facilitates informed choice, freedom, dignity, respect and demonstrates an acceptance that young people have the same human rights entitlements as adults.

We work to achieve this by supporting some of the most marginalised young people, such as young Gypsy/Travellers, care experienced young people and young people experiencing mental ill-health.³

About this report

In 2015, *Article 12 in Scotland* published *I Witness: The UNCRC in Scotland – Young People's Voices*: a narrative rich insight into the concerns, experiences, hopes and aspirations of five of the most marginalised groups of young people in Scotland - in their own words, on their own terms and according to their own realities; ensuring that the rights of **all** Scotland's young people are recognised, respected and promoted; without conditions attached.

This report *I Witness: The Concluding Observations* contains the views, opinions and recommendations of the young people who participated in our research processes, with regards to the *Concluding Observations* published in 2016, and the issues which *they feel* continue to impact upon their lives, and those of their families, friends and communities.

Participants

Article 12 in Scotland and their partner organisations engaged with 76 young people, from across Scotland, in a process of rights-based peer education via workshops and a seminar. Participants included: looked after young people; young carers [directly or indirectly] experiencing mental ill-health; young people with disabilities and young Gypsy/Travellers.

Methodology

Article 12 in Scotland's methodological approaches are underpinned by the principle of **free participation** - an informed process that facilitates the participation of young people on their own terms and according to their own realities.

³ Further information on the work of *Article 12 in Scotland* can be found at: www.article12.org

In recognition of the need for, and the impact of, rich primary data, the research process and subsequent report is qualitative in nature; narrative rather than quantitative or large survey based research. Whilst large scale generalised survey type research - undertaken by statutory bodies, coalitions and associations working on behalf of young people - clearly has a pivotal role to play in reporting on the state of young people's rights, giving a general picture of the situation; it cannot, and indeed should not, replace rich primary and independent methodological approaches.

Methods

Article 12 in Scotland worked with its partner organisations to gather the data used in this report. Participants were informed of their right to participate [or not] in the seminar, and various groups took part in a series of *UNCRC* peer education workshops. The following *Article 12 in Scotland* resources: 'The *UNCRC* for Beginners' [*Article 12 in Scotland*: 2009] which contains activities and information designed to educate groups on the content of the *UNCRC* and the monitoring of it, and 'Work in Progress' [*Article 12 in Scotland*: 2010] which has many tools for generic workshop development, were utilised and made available to partner organisations. Four generic workshops were subsequently developed to skill-up young people on the *UNCRC*, the Reporting Process, particularly the *Concluding Observations*, and the key principles of peer education; skills and knowledge that they in turn [if they chose to] multiplied with their peers. The workshops were also used as a tool to gather evidence and support young people to raise on-going rights issues and recommendations for change. The issues and concerns raised during the workshop activities are included in this report. Written and visual **summaries** of the key messages from the seminar can be found in the appendices section of this report, alongside an example of one of the workshops used.

Respect for participants' rights and dignity

Prior to participation, potential participants and partner agencies had the research agenda fully explained to them and informed consent was given.

When storing, processing and analysing the data collected from participants, confidentiality and anonymity of the participants was accorded the highest priority. The data collected was not used for any purpose other than to inform this report. Data collected from participants was fully anonymised, with all personally identifiable information removed.

SUMMARY

“Marginalised groups of young people can become very isolated, help make sure everyone is involved and supported!”

— Young Person, *Article 12 in Scotland: UNCRC Seminar*, Glasgow, March 25th 2017

Article 12 in Scotland recognises the meaningful ways in which the *Scottish Government* has implemented change for children and young people since the *Committee* published its *Concluding Observations* in 2008, and more recently in 2016; particularly in light of the welfare system reforms, budget cuts and limited devolved powers available during these uncertain times. We commend and endorse the *Scottish Government’s* pledge to ensure that “*Scotland is the best place in the world for children and young people to grow up*”.⁴ Nonetheless, it is clear that some of Scotland’s most marginalised children and young people continue to experience major inequalities regarding the realisation of their fundamental human rights, with the media, once again, reported as a key factor. These inequalities have been highlighted during the most recent Reporting Process and subsequent *Concluding Observations*.

The rights to live a life free from discrimination and to be respected are key rights’ entitlements; entitlements which underpin the feedback and recommendations gathered during the research phase of this report. Many children and young people continue to face discrimination, negative stereotyping and social stigmatisation on a daily basis, with marginalised young people being disproportionately affected. Barriers to the active and meaningful participation of children and young people must be removed; those in power have a responsibility to ensure that their views are taken into account [as the experts of their own realities] and enshrined in policy and practice at all levels.

Participants were emphatic in their view that their primary rights to participation, protection, development and survival are unequivocally not being met.

⁴ *The 5th UK Government Report to the UN Committee on the Rights of the Child: Scottish Government Submission*, June 2013.

THE SEMINAR

In March 2017, *Article 12 in Scotland* hosted a ‘*UNCRC Concluding Observations*’ seminar in Glasgow. The purpose of this seminar was to discuss the key, relevant issues and recommendations with each group of young people and the partner organisations who participated in the Reporting Process of our Alternative Reports. With the exception of the young people from *Polmont Youth Offending Institute*, 32 young people and 7 members of staff attended this seminar. In mixed groups of 10, participants gathered their views and opinions, and identified any issues and challenges. These groups then proposed their ‘solutions’ to the issues and challenges identified during discussion [in relation to how governments, local authorities, organisations, agencies, communities, society and so on, should work to address them].

Below is a breakdown of the *Concluding Observation* topics discussed, and the views and solutions given by the young people in attendance. A section on each group, focusing on the findings of further tailored workshops and their relevance to the *Concluding Observations*, follows on from this breakdown.

The Right to live free from discrimination

- Many children and young people continue to face discrimination and social stigmatisation on a daily basis;
- Certain groups of children and young people are particularly affected, including: Roma/Gypsies/Travellers, children and young people of other ethnic minorities, children and young people with disabilities, children and young people in care, migrant, asylum-seeking and refugee children and young people, and children and young people from the LGBTI community;
- The media plays a key role in reinforcing the discrimination and stigmatisation children and young people face.

Participants stated:

“People need to feel as if someone cares about them and loves them”; “We need to promote inclusion”; “We must do more to challenge prejudice”; “We need access to more inclusive services that everyone can access”; “We face the same barriers no matter what our situations”; “Everybody is different”; “Marginalised groups of young people can become very isolated, help make sure everyone is involved and supported”; “People should not be labelled”; “Rights are rights, you can’t pick and choose them”.

The Right to be respected

- We need to improve structures throughout society that support the active and meaningful participation of children and young people;
- Children and young peoples' views should be paid attention to, and be included in the creation of policies, laws programmes and services, at local and national levels;
- Children and young people should be included in influencing how to better shape their world, including in relation to discrimination, violence, sexual exploitation and abuse, harmful practices, alternative care, sexual and reproductive education, leisure and play;
- More needs to be done to include young children and children/young people in vulnerable situations such as children living with disabilities.

Participants stated:

“People need to feel as if someone cares about them and loves them”; “We need to promote inclusion”; “We must do more to challenge prejudice”; “Rights are more important now than ever, don’t let the current political climate erode them”; “The government should listen to what WE think about our rights”; “The views of young people must be heard, we want to participate and have our voices heard on the issues that affect us”; “Promises made by the government must be delivered”; “Young people must be confident to speak up, raise awareness and have their voices heard”; “Keep up the pressure to implement the recommendations from the Concluding Observations”; “The government need to listen to what we need”; “We face the same barriers no matter what our situations”; “Everybody is different”; “Marginalised groups of young people can become very isolated, help make sure everyone is involved and supported”; “Encourage involvement, working together is the best way to move forward”; “To learn about each other, we have to meet each other – this is how we will build a better understanding”; “Rights are rights, you can’t pick and choose them”.

1. Mental Health [young people experiencing direct or indirect mental ill-health]

- Ensure laws and policies are reviewed on mental health, with the best interests and views of young people being taken into account, particularly in relation to mental health treatment;
- Children below the age of 16 should not be hospitalised or given treatment without consent;
- Significant improvements need to be made to services so that children can be treated closer to home and not treated in facilities designed for adults;
- Immediately stop the placement of children and young people with mental health needs in adult psychiatric wards or police stations, while ensuring the provision of age appropriate mental health services and facilities.

Participants stated:

“Mental health issues must be highlighted in Scotland”; “We need to promote inclusion”; “We need access to more inclusive services that everyone can access”; “Invest in mental health services, people are more important than money”; “No child chooses to be looked after away from home/mentally ill/disabled – don’t label us”; “More money for mental health care”; “People should not be labelled”.

2. Gypsies/Roma/Travellers

- In Scotland, the government should introduce a legal duty on local authorities to provide safe and adequate sites for Travellers;
- Children and young people from the Gypsy/Roma/Traveller community should be able to meaningfully participate in decisions affecting them, particularly in relation to planning and decision making processes regarding their accommodation needs;
- There is particular concern for the continued inequality Gypsy/Roma/Traveller young people face in their access to services such as health, education and accommodation;
- Young Gypsies/Roma/Travellers continue to face discrimination and social stigma on a daily basis, including through the mainstream media.

Participants stated:

“We need to promote inclusion”; “We must do more to challenge prejudice”; “We need access to more inclusive services that everyone can access”; “People should not be labelled”, “We face the same barriers no matter what our situations”; “Everybody is different”; “Marginalised groups of young people can become very isolated, help make sure everyone is involved and supported”.

3. Administration of juvenile justice [young offenders; not in attendance]

- The number of children and young people in custody is high, with a high representation of ethnic minority children, children in care and children experiencing poor mental health;
- Detaining children and young people in custody should always be a last resort and they should never be held in the same place as adults;
- Children and young people in Young Offenders Institutions [YOI] need to have better access to services such as education and health. Mental health support for children and young people in custody is poor;
- Detaining children and young people should always be for the shortest possible period of time and should never be used as a means to discriminate against certain groups of children.

Participants stated:

“Real communication and building a relationship with the police would be helpful for young offenders”; “We need to promote inclusion”; “We need access to more inclusive services that everyone can access”; “Social workers should take a wider view”; “Some young people don’t want contact with their social worker”; “Communication with social workers needs to improve”; “Social workers look at guidelines instead of looking at the individual needs of a young person”; “People should not be labelled”.

4. Children deprived of a family environment [looked after young people]

- Ensure that when a decision is made to move young people into care, it is carried out with the best interests of that young person and only ever carried out as a last resort;
- There must be an improvement in finding placements for young people that allow contact with family members on a regular basis;
- Provide a more stable environment by ensuring young people are not moved around from placement to placement, as well as staying with the same social worker;
- Young people should be informed at every stage on plans for their care and consulted with about decisions affecting them;
- Good support should be given for care leavers, including for housing, employment or further education.

Participants stated:

“Support should happen from the first minute that a young person arrives in care, not as an afterthought”; “Communication works, we need to bridge the gap between services and peer education”; “People need to feel as if someone cares about them and loves them”; “We need to promote inclusion”; “We need access to more inclusive services that everyone can access”; “Social workers should take a wider view”; “Looked after young people need support in maintaining friendships, especially when moving areas”; “People who know the family the least, make the biggest decisions”; “Some young people don’t want contact with their social worker”; “Communication with social workers needs to improve”; “Social workers look at guidelines instead of looking at the individual needs of a young person”; “Social workers changing and leaving when the decision was wrong is a problem”; “I need support every time, if you put a price on this I experience stigma and discrimination”; “No child chooses to be looked after away from home/mentally ill/disabled – don’t label us”; “There is no point in doing risk assessments just to stop people from doing things”; “More support in the gap between leaving care and adulthood”; “Attitudes need to change towards young people in care in order to stop discrimination”; “Don’t label young people in care”; “People should not be labelled”; “Social work make the decisions and we are left to deal with the consequences”.

5. Disability, basic health and welfare [young people with disabilities]

- The government must set up strategies for young people with disabilities which make sure they are as included in society as their peers;
- The views and opinions of young people with disabilities should be heard, they should be included in all decision making processes affecting them, especially in access to and their choice of personal support, housing/access to amenities and facilities, and education;
- Inclusive education must be prioritised to ensure young people with disabilities have the same access to education as their peers. Mainstream schools must become fully accessible to young people with disabilities;
- Participation is key when setting up and designing services which will support young people with disabilities into adulthood, including shaping law, policy and programmes across all sectors relevant to them.

Participants stated:

“Communication works, we need to bridge the gap between services and peer education”; “People need to feel as if someone cares about them and loves them”; “We need to promote inclusion”; “We must do more to challenge prejudice”; “More awareness of hidden disabilities”; “We need access to more inclusive services that everyone can access”; “Social workers should take a wider view”; “Risk-assessments can be too overprotective and stop disabled people from reaching their full potential”; “Some young people don’t want contact with their social worker”; “Communication with social workers needs to improve”; “Social workers look at guidelines instead of looking at the individual needs of a young person”; “Social workers changing and leaving when the decision was wrong”; “No child chooses to be looked after away from home/mentally ill/disabled – don’t label us”; “There is no point in doing risk assessments just to stop people from doing things”; “People should not be labelled”; “Accessibility is a big issue between non-wheelchair users and wheelchair users, places may seem accessible until you try to tackle them in a wheelchair”.

Article 12 in Scotland

It is clear from the information gathered at the seminar, that all young people - from each and every group – are crying out to be listened to so that they may advocate for themselves, their peers and their communities. These young people continue to face discrimination, social stigmatisation and isolation on a daily basis, making it more essential than ever that their voices be heard.

Stigmatised and vulnerable young people must be included in decision making at all levels; they must have a say in the issues such as adequate/sensitive housing, a say in their own care, and participating in shaping the laws, policies and programmes that affect their daily lives.

Participants stated that they want to “raise awareness”, have “more community-based support”, more “support for, and to make the best use of, social media”, to become Peer Educators and to “use mainstream media for positive stories”. These young people want to speak up and speak out, and for those in power to actually listen and deliver on their promises. Every young person has the right to be respected and to live a life free from discrimination; it is only when this happens, that these marginalised young people will be able to fully enjoy their basic rights’ entitlements.

FOCUSED WORKSHOPS

Note: The narrative of each workshop includes the relevant concluding observation/s and recommendations.⁵

YOUNG GYPSY/TRAVELLERS

Inequality, discrimination, harassment and abuse are all themes which coexist with being a member of the travelling community; indeed, it has long been apparent that young Gypsy/Travellers are currently facing unacceptable levels of inequality, discrimination, harassment and abuse in every aspect of their lives.

The identity of Gypsy/Travellers can take many forms: some families are constantly on the road, some only travel for part of the year and others live in 'bricks and mortar' houses. Gypsy/Travellers are recognised by the *Scottish Government* as an ethnic minority; however, the discrimination this community faces on a daily basis, on all levels, is still all too common.

It is difficult to judge the exact number of Gypsy/Travellers currently living in Scotland, there are no realistic official figures and many are unwilling to identify themselves as Gypsy/Travellers. This is due not only to the mistrust of official bodies, but also for fear of negative repercussions for themselves - and members of their family - in both their personal and professional lives.

Article 12 in Scotland delivered a *UNCRC* workshop at the *Cairntow Traveller Site* to 9 young people from the Gypsy/Traveller community; a further 4 young people were unable to attend due to work commitments and participated at a later date, also learning the skills to multiply their learning further among their peers. These young people had no prior knowledge of their rights. The young people prioritised the key findings from previous *UNCRC* workshops delivered by *Article 12 in Scotland*, and they found all the issues highlighted are still relevant to them today [most of which have been addressed by the *Committee* as a result of the *Alternatives Reports of Article 12 in Scotland*, and others].

Key issues and recommendations identified by participants:

Participation: the rights that allow young people to take part in wider society and have a say in the matters that affect both themselves, and their community:

Structural inequalities are a continuing barrier for young Gypsy/Travellers, principally the lack of opportunities that recognise their contributions as active citizens; governments must ensure sincere and improved democratic participation in ways that are respectful and sensitive to the cultural rights of the Scottish Gypsy/Traveller community as a whole.

⁵ A full copy of the 2016 *Concluding Observations* can be downloaded at: <http://www.article12.org/wp-content/uploads/2016/06/UK-Con-obs-2016.pdf>

Participant's recommendations:

"We should be consulted about where sites should be"; "We should be part of the planning process to allow us to say what type of sites and facilities we want"; "There should be more opportunities for us to take part in decision making and have our voices heard"; "Local authorities should be open about what they are doing and be willing to work with us"; "We need to be listened to"; "We need the government to make sure our needs are included when they make laws"; "There should be ongoing monitoring of local authorities"; "Professionals must be trained in the UNCRC"; "We should make sure that all our young people know about their rights".

UNCRC Concluding Observations; concerns and recommendations:

- A] General Measures of Implementation [arts. 4, 42 and 44 [6]]:

- Comprehensive policy and strategy;

8. The *Committee* recommends that the State party: [c] In Scotland, ensure the full implementation of the action plan entitled Do the Right Thing [2009] and the National Action Plan for Human Rights [2013-2017].

9. In doing so, the *Committee* recommends that the State party allocate sufficient human, technical and financial resources, set up clear timelines and a monitoring and evaluation framework for the implementation of the strategy and the action plans and pay special attention to children belonging to the most vulnerable groups.

- Child rights impact assessment

10. The *Committee* recommends that the State party: [a] Introduce a statutory obligation at the national and devolved levels to systematically conduct a child rights impact assessment when developing laws and policies affecting children, including in international development cooperation; [b] Publish the results of such assessments and demonstrate how they have been taken into consideration in the proposed laws and policies.

- Coordination

11. The *Committee* reiterates its previous recommendation that the State party ensure effective coordination of the implementation of the Convention throughout the State party. To that end, the *Committee* recommends that the State party: [a] In each of the devolved administrations, overseas territories and the Crown dependencies, establish an appropriate statutory body at a high interministerial level with a clear mandate and sufficient authority to coordinate all activities across relevant sectors related to the implementation of the Convention; [b] Allocate sufficient human, technical and financial resources to the said coordinating bodies for their effective operation; [c] Strengthen coordination and evaluation of the implementation of the Convention at the national level.

- Allocation of resources

• 12. The *Committee* is seriously concerned at the effects that recent fiscal policies and allocation of resources have had in contributing to inequality in children's enjoyment of their rights, disproportionately affecting children in disadvantaged situations.

• 13. In accordance with article 4 of the Convention and targets 10.2 and 10.4 of the Sustainable Development Goals, the *Committee* urges the State party to allocate the maximum extent of available resources for the implementation of children's rights, with a special focus on eradicating child poverty and reducing inequalities within and across all jurisdictions.

In that endeavour, the *Committee* recommends that the State party: [a] Utilise a child-rights approach in the elaboration of the State budget, by implementing a tracking system for the allocation and use of resources for children throughout the budget; [b] Ensure transparent and participatory budgeting through public dialogue, including with children; [c] Define budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social measures and make sure that those budgetary lines are protected even in situations of economic recessions; [d] Regularly conduct child rights impact assessments of budget and economic decision-making processes and outcomes, including austerity measures, in areas that are directly or indirectly related to children's rights; [e] Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention.

- Independent monitoring

- 15. The *Committee* welcomes the increased independence of the Children's Commissioners in the four devolved administrations of the State party and the many initiatives that they have taken to ensure the promotion and protection of the rights of the child. Nevertheless, the *Committee* is concerned that the powers of the Commissioners for Northern Ireland and Wales are still limited and that the Commissioner for Scotland has not started exercising its mandate to conduct investigations on behalf of individual children.

- 16. With reference to the *Committee's* general comment No. 2 [2003] on general measures of implementation, the *Committee* recommends that the State party: [a] Further strengthen the independence of established Children's Commissioners, in line with the principles relating to the status of national institutions for the promotion and protection of human rights [the Paris Principles], and enable them, inter alia, to receive and investigate complaints from or on behalf of children concerning violations of their rights; [b] Allocate to the Commissioners in all jurisdictions the necessary human and financial resources in order to carry out their mandate in an effective and coordinated manner.

- C. General principles [arts. 2, 3, 6 and 12 of the Convention]

- Respect for the views of the child

- 30. The *Committee* is concerned that: [a] Children's views are not systematically heard in policy making on issues that affect them; [...]; [d] Many children feel that they are not listened to by their social workers, reviewing officers, paid carers, judges, personnel working with children in conflict with the law or other professionals in matters affecting them, including in family proceedings.

- 31. With reference to its general comment No. 12 [2009] on the right of the child to be heard, the *Committee* recommends that the State party: [a] 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; [...]; [d] Ensure that children are not only heard but also listened to and their views given due weight by all professionals working with children.⁶

⁶ UNCRC: Committee on the Rights of the Child; Concluding Observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland, 12th July 2016.

Development: what you need to grow and develop as a human being:

Gypsy/Travellers are a community living out with the mainstream. This impacts on all areas of life that those in the settled community take for granted; from education and work, to socialising and gaining educational qualifications: discrimination is rife and opportunities for young Gypsy/Travellers are sorely lacking.

Participant's recommendations:

“There should be courses where we can get qualifications related to work”; “We need decent transport links so we can get to schools, shops or socialise”; “We need more awareness-raising workshops in schools”; “We want more work placements that are designed to suit us”; “There should be courses on offer that take our culture into account”, “There should be lessons put in place to educate settled young people about our culture and contributions”; “We need schools and councils to work towards building positive relationships”; “We would like teachers to get better training about our culture and to see more Gypsy/ Traveller teachers in schools”; “We need opportunities in place to learn new skills”; “We would like more work-related learning in schools”.

UNCRC Concluding Observations; concerns and recommendations:

- H. Education, leisure and cultural activities [arts, 28, 29, 30 and 31]
- Education, including vocational training and guidance
- 72. The *Committee* welcomes the gradual closing of inequality gaps in education attainment and the decreasing use of exclusion from school. However, the *Committee* is concerned that: [a] Substantial inequalities persist in educational attainment, particularly for boys, children living in poverty, Roma, Gypsy and Traveller children, children with disabilities, children in care and newcomer children; [b] Among children subject to permanent or temporary school exclusions, there is a disproportionate number of boys, Roma, Gypsy and Traveller children, children of Caribbean descent, children living in poverty and children with disabilities and, with the exception of Scotland, only children with disabilities have the right to appeal against their exclusion; [c] Children with disabilities, in particular children with psychosocial disabilities and other “special educational needs”, are often subject to the practice of “informal” exclusion or “taught off-site” to control their behaviour; [...]; [f] Many children living in poverty, particularly boys, do not meet the expected level of language development at the preschool level, which has a negative impact on their primary education, hindering their development throughout their life.
- 73. The *Committee* recommends that the State party: [a] Enhance its efforts to reduce the effects of the social background or disabilities of children on their achievement in school and to guarantee the right of all children to a truly inclusive education in all parts of the State party, including for newcomer children without experiences of formal education. In this regard, closely monitor and, if necessary, regulate the establishment and management of academies and free schools in England and abolish the practice of unregulated admission tests to post-primary education in Northern Ireland; [b] Use the disciplinary measure of permanent or temporary exclusion as a means of last resort only, forbid and abolish the practice of “informal” exclusions and further reduce the number of exclusions by working closely with social workers and educational psychologists in school and using mediation and restorative justice; [c] Ensure that children have the right to appeal against their exclusion

and are provided with legal advice, assistance and, where appropriate, representation for those without means; [...]; [f] Taking note of target 4.2 of the Sustainable Development Goals, on access to quality early childhood development services, allocate sufficient human, technical and financial resources for the development and expansion of early childhood care and education, based on a comprehensive and holistic policy of early childhood development, with special attention to the children in the most vulnerable situations; [g] Make children's rights education mandatory.

- Rest, leisure, recreation and cultural and artistic activities

- 74. [...] The *Committee* is concerned about: [a] The withdrawal of a play and leisure policy in England, and underfunding of play and leisure policies in Northern Ireland, Scotland and Wales; [b] Insufficient places and facilities for play and leisure for children, in particular those accessible for children with disabilities and children in marginalised and disadvantaged situations, and public space for adolescents to socialise.

- 75. With reference to its general comment No. 17 [2013] on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the *Committee* recommends that the State party, including the governments of the devolved administrations: [a] Strengthen its efforts to guarantee the right of the child to rest and leisure and to engage in play and recreational activities appropriate to the age of the child, including by adopting and implementing play and leisure policies with sufficient and sustainable resources; [b] Provide children, including those with disabilities and children in marginalised and disadvantaged situations, with safe, accessible, inclusive and smoking-free spaces for play and socialisation and public transport to access such spaces; [c] Fully involve children in planning, designing and monitoring the implementation of play policies and activities relevant to play and leisure, at the community, local and national levels⁷.

Protection: the right to a safe environment, free from all forms of abuse:

Despite having recognised ethnic minority status; the Scottish Gypsy/Traveller community continues to be marginalised from mainstream society. This is, in part, fuelled by the media and poses a serious risk to the well-being of young people within the Gypsy/Traveller community; creating a barrier to positive change and bridge-building with members of the settled community, and leaving the community open to dangerous abuse, harassment and discrimination.

Participant's recommendations:

"We want our traditions and culture to be treated respectfully"; "More awareness-raising projects should be put in place to help remove tensions with the settled community"; "Social media should be properly monitored to stop negative comments – free speech should not allow people to make racist comments about us"; "Television and newspapers should use their power in a positive way and not focus on negative views of our community"; "Young people must lead awareness-raising with all professionals – such as the police".

⁷ *UNCRC: Committee on the Rights of the Child; Concluding Observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland, 12th July 2016.*

UNCRC Concluding Observations; concerns and recommendations:

- C. General principles [arts. 2, 3, 6 and 12 of the Convention]

- Non-discrimination

- [c] Many children in certain groups, including Roma, Gypsy and Traveller children, children of other ethnic minorities, children with disabilities, children in care, migrant, asylum-seeking and refugee children and lesbian, gay, bisexual, transgender and intersex children, continue to experience discrimination and social stigmatisation, including through the media.

- 22. The *Committee* recommends that the State party: [c] Strengthen its awareness-raising and other preventive activities against discrimination and stigmatisation and, if necessary, take temporary special measures.

- 23. The *Committee* recalls its previous recommendation that the State party take urgent measures to address the “intolerance of childhood” and general negative public attitude towards children, especially adolescents, within society, including in the media for the benefit of children in vulnerable situations.

- Best interests of the child

- 26. The *Committee* regrets that the right of the child to have his or her best interests taken as a primary consideration is still not reflected in all legislative and policy matters and judicial decisions affecting children, especially in the area of alternative care, child welfare, immigration, asylum and refugee status, criminal justice and in the armed forces. Furthermore, in some overseas territories, there is no legal provision to guarantee this right.

- 27. With reference to its general comment No. 14 [2013] on the right of the child to have his or her best interests taken as a primary consideration, the *Committee* recommends that the State party, in all parts of its territory: [a] Ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions and in all policies, programmes and projects that are relevant to and have an impact on children; [b] Develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration.

- D. Civil rights and freedoms [arts. 7, 8 and 13-17]

- Right to privacy

- 38. The *Committee* recommends that the State party: [a] Prohibit the use of non-statutory stop-and-search checks against children; [b] Ensure that the statutory use of the stop-and-search checks is proportionate, taking into consideration the age and maturity of the child, and non-discriminatory; [c] Regularly collect, analyse and publish data relating to the use of stop-and-search checks on children, disaggregated by age, sex, disability, geographic location, ethnic origin and socioeconomic background.

- E. Violence against children [arts. 19, 24 [3], 28 [2], 34, 37 [a] and 39]

- Violence, abuse and neglect

- [...] the *Committee* is concerned [...] [c] The lack of due respect for the views of children in responses to violence against children and in family law proceedings.

- 43. With reference to its general comment No. 13 [2011] and target 16.2 of the Sustainable Development Goals, the *Committee* recommends that the State party: [d] Give due weight to the views of children concerned in the responses to violence, including in criminal and family law proceedings.

- Harmful practices
- Freedom of the child from all forms of violence
- 48. The *Committee* is concerned that: [a] Bullying, including cyberbullying, remains a serious and widespread problem, particularly against lesbian, gay, bisexual, transgender and intersex children, children with disabilities and children belonging to minority groups, including Roma, Gypsy and Traveller children.
- 49. The *Committee* recommends that the State party: [a] Intensify its efforts to tackle bullying and violence in schools, including by teaching human rights, building the capacities of students and staff members to respect diversity at school, improving students' conflict-resolution skills, monitoring regularly the incidences of bullying at school and involving children in the initiatives and monitoring aimed at eliminating bullying; [b] In the light of the recommendations resulting from the day of general discussion on digital media and children's rights, train children, teachers and families on the safe use of information and communication technologies, raise awareness among children on the severe effects that online bullying can have on their peers and increase the involvement of social media outlets in the efforts to combat cyberbullying; [c] Take immediate and effective measures to protect children from violence by non-State actors involved in paramilitary-style attacks and from recruitment by such actors into violent activities, including through measures relating to transitional and criminal justice⁸.

Survival: having your basic needs met:

Issues such as a lack of authorised sites [which makes long-term access to services such as education and healthcare difficult], and the unacceptable abuse and bullying Gypsy/Travellers often face, has meant that members of the Gypsy/Traveller community often do not complete mainstream education, access health-care or utilise other essential services. The chronic lack of suitable, safe and culturally-sensitive housing has been raised as a key issue time and time again: the lack of decent sites are an issue of the utmost urgency.

Participant's recommendations:

"We need more flexible approaches to healthcare for our community"; "We should have good, safe places to live, whether we choose to live on a site or in settled accommodation"; "We should be able to use services and get support as easily as settled people"; "There should be an immediate increase in the number of sites"; "There should be training for health care workers to build trust and encourage Gypsy/Traveller young people to get decent medical care"; "Health-care professionals should regularly visit sites in order to build up relationships".

Participants all agreed that the main priority for them was an improvement to the quality of the sites that they live on. Participants stated that:

- The site requires to be cleaned regularly by the local council; this isn't happening and the residents have to clean the site themselves;

⁸ *UNCRC: Committee on the Rights of the Child; Concluding Observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland, 12th July 2016.*

- It takes 5-6 months to get a skip on the site, and so the residents have had to hire a skip themselves;
- The council only come out once every 5 years to clean the roads;
- The playpark hasn't been upgraded or inspected since it was installed in 2003 and it has become really dangerous; anything that has been done to improve the park has been done by residents themselves;
- Some of the residents have filled in official request forms for static caravans to be installed on the site at their own expense. They have offered to carry out any and all installation work and cover any additional costs, such as the removal and reinstating of the plot fences. The infrastructure for static caravans, such as drainage and utilities, was installed over a decade ago; there are no physical or financial reason why they cannot put static caravans on the site. Applications were submitted 18 months ago and nothing has happened and no confirmation of their requests had been received;
- The site doesn't always have hot water, and the condition of the blocks does not meet minimum standards;
- The sheds are a health and safety risk and you can hear rats in the roof;
- There are no chairs and not enough tables in the portacabin, meaning this space cannot be used to its full potential;
- It would be good to have access to computers on the site through Wi-Fi, but if you're out of range of the Site Manager's office there is no signal;
- The chalets have some dangerous materials in them such as asbestos, this is causing respiratory problems in some of the residents.

UNCRC Concluding Observations; concerns and recommendations:

- G. Disability, basic health and welfare [arts. 6, 18 [3], 23, 24, 26, 27 [1]-[3] and 33]
- Health and health services
- 58. The *Committee* is concerned at the inequality in access to health services and health outcome, negatively affecting Roma, Gypsy and Traveller children, children belonging to other ethnic minorities, migrant children, children living in poverty and in deprived areas, children in care and in custody, children living with HIV/AIDS and lesbian, gay, bisexual, transgender and intersex children.
- 59. With reference to its general comment No. 15 [2013] on the right of the child to the enjoyment of the highest attainable standard of health, the *Committee* recommends that the State party, the governments of the devolved administrations, overseas territories and Crown dependencies develop comprehensive and multisectoral strategies on child health: [a] With the allocation to the maximum extent of available resources and a robust monitoring mechanism; [b] With a strong focus on eliminating inequalities in health outcome and in access to health services; [c] Addressing underlying social determinants of health.
- Standard of living
- 70. The *Committee* is seriously concerned that: [a] The rate of child poverty remains high, disproportionately affects children with disabilities, children living in a family or household with a person or persons with a disability, households with many children and children belonging to ethnic minority groups, and affects children in Wales and Northern Ireland the most; [b] The Welfare Reform and Work Act [2016], which amends the Child Poverty Act [2010],

repealed the statutory target on the eradication of child poverty by 2020 and the statutory obligation of the Government of the United Kingdom and the Governments of England, Scotland and Wales to produce child poverty strategies; [c] Recent amendments to the Tax Credits Act [2002], the Welfare Reform Act [2012] and the Welfare Reform and Work Act [2016] have limited the entitlement to child tax credits and social benefits [the “household benefit cap” and the “bedroom tax”], regardless of the needs of the households; [...], [e] In Scotland, adequate and culturally sensitive accommodation for Roma, Gypsy and Traveller children remains insufficient.

• 71. The *Committee* draws the attention of the State party to target 1.2 of the Sustainable Development Goals, on poverty reduction, and urges the State party to: [a] Set up clear accountability mechanisms for the eradication of child poverty, including by re-establishing concrete targets with a set time frame and measurable indicators, and continue regular monitoring and reporting on child poverty reduction in all parts of the State party; [b] Ensure clear focus on the child in the State party’s poverty reduction strategies and action plans, including in the new “Life Chances Strategy”, and support the production and implementation of child poverty reduction strategies in the devolved administrations; [c] Conduct a comprehensive assessment of the cumulative impact of the full range of social security and tax credit reforms introduced between 2010 and 2016 on children, including children with disabilities and children belonging to ethnic minority groups; [d] Where necessary, revise the mentioned reforms in order to fully respect the right of the child to have his or her best interests taken as a primary consideration, taking into account the different impacts of the reform on different groups of children, particularly those in vulnerable situations; [e] Strictly implement the legal prohibition of prolonged placement of children in temporary accommodation by public authorities in England, Wales and Scotland, and enact similar legislation in Northern Ireland; [f] Take necessary measures to reduce homelessness and to progressively guarantee all children stable access to adequate housing that provides physical safety, adequate space, protection against the threats to health and structural hazards, including cold, damp, heat and pollution, and accessibility for children with disabilities; [g] In Scotland, introduce a statutory duty for local authorities to provide safe and adequate sites for Travellers, while ensuring meaningful participation of Roma, Gypsy and Traveller communities, including children, in planning and decision-making processes. [c] Addressing underlying social determinants of health⁹.

How participants intend to multiply their learning with friends, family, the wider community and professionals/policy makers:

- Make videos, possibly using *Fixers* to produce an animation/movie;
- Use social media - including, *Facebook*, *YouTube*, *Twitter* and *Instagram*;
- Sharing information with friends and family;
- Encouraging council workers and other professionals to visit sites.

Young Gypsy/Travellers, like any young person, want access to their basic rights entitlements: to be safe and secure, to have access to clean, decent housing, a good education, essential health-care and decent spaces/places to play and grow. Furthermore, they want, and are entitled to respect; young Gypsy/Travellers want to participate at all levels of society, ensuring that their rights are met in an appropriate and culturally sensitive way.

⁹ *UNCRC: Committee on the Rights of the Child; Concluding Observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland*, 12th July 2016.

YOUNG CARERS [experiencing direct or indirect mental ill-health]

There are many children and young people in Scotland today currently living with mental illness in their family; some are living with the role of carer and feel they don't have any rights [or know how to understand and access them] and remain 'hidden' from, and unsupported by, wider society. It is vitally important that these young people are recognised and assisted in order to know their rights [and what they mean for them] with increased support in order to overcome any language, religious or cultural barriers that may be in place. Young people and young carers living with mental ill-health, whether directly or indirectly, are entitled to have a voice and platform from which to fight for their rights.

Article 12 in Scotland delivered two *UNCRC* workshops with the *Glasgow Association of Mental Health [GAMH] Young Carers' Project*. 12 young people participated in these workshops, accompanied by *GAMH* workers. The young people prioritised the key findings from previous *UNCRC* workshops delivered by *Article 12 in Scotland*, and they found **all** the issues highlighted are still relevant to them today [most of which have been addressed by the *Committee* as a result of the *Alternatives Reports of Article 12 in Scotland*, and others]. Participants found it difficult in some cases to give more weight to one issue over another, emphasising the fact that all rights are important to their wellbeing.

Key issues and recommendations identified by participants:

Participation: the rights that allow young people to take part in wider society and have a say in the matters that affect both themselves, and their community.

Young carers deserve to be actively involved, valued, and to be able to have a say in the services and support that affects both the lives of themselves and their families. Many young carers feel that assumptions are made without fully understanding their home life, their role as a carer and the challenges that this brings.

Participant's recommendations:

"We need to be involved in decision making in our communities; we could be involved in planning to create safe spaces and activities we are interested in – this would also decrease vandalism"; "We need increased funding for Young Carer's projects like GAMH"; "We need increased help with work placements"; "We, as young carers, must be at the centre of what is being planned – our voices must be heard so that any support offered is relevant to us"; "We need to be taken into account and listened to when support and services are being put into place in our home situation"; "Professionals must listen to us and not treat us all the same – don't assume you know what is best for me or what I am able to achieve"; "There must be awareness-raising so that others acknowledge the range of skills young carers have"; "We need more support with caring duties and child-care responsibilities"; "We need more places and activities for young people over 12 to go and socialise safely".

UNCRC Concluding Observations; concerns and recommendations:

- A] General Measures of Implementation [arts. 4, 42 and 44 [6]]:

- Comprehensive policy and strategy;

8. The *Committee* recommends that the State party: [c] In Scotland, ensure the full implementation of the action plan entitled Do the Right Thing [2009] and the National Action Plan for Human Rights [2013-2017].

9. In doing so, the *Committee* recommends that the State party allocate sufficient human, technical and financial resources, set up clear timelines and a monitoring and evaluation framework for the implementation of the strategy and the action plans and pay special attention to children belonging to the most vulnerable groups.

- Child rights impact assessment

10. The *Committee* recommends that the State party: [a] Introduce a statutory obligation at the national and devolved levels to systematically conduct a child rights impact assessment when developing laws and policies affecting children, including in international development cooperation; [b] Publish the results of such assessments and demonstrate how they have been taken into consideration in the proposed laws and policies.

- Coordination

11. The *Committee* reiterates its previous recommendation that the State party ensure effective coordination of the implementation of the Convention throughout the State party. To that end, the *Committee* recommends that the State party: [a] In each of the devolved administrations, overseas territories and the Crown dependencies, establish an appropriate statutory body at a high interministerial level with a clear mandate and sufficient authority to coordinate all activities across relevant sectors related to the implementation of the Convention; [b] Allocate sufficient human, technical and financial resources to the said coordinating bodies for their effective operation; [c] Strengthen coordination and evaluation of the implementation of the Convention at the national level.

- Allocation of resources

• 12. The *Committee* is seriously concerned at the effects that recent fiscal policies and allocation of resources have had in contributing to inequality in children's enjoyment of their rights, disproportionately affecting children in disadvantaged situations.

• 13. In accordance with article 4 of the Convention and targets 10.2 and 10.4 of the Sustainable Development Goals, the *Committee* urges the State party to allocate the maximum extent of available resources for the implementation of children's rights, with a special focus on eradicating child poverty and reducing inequalities within and across all jurisdictions. In that endeavour, the *Committee* recommends that the State party: [a] Utilise a child-rights approach in the elaboration of the State budget, by implementing a tracking system for the allocation and use of resources for children throughout the budget; [b] Ensure transparent and participatory budgeting through public dialogue, including with children; [c] Define budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social measures and make sure that those budgetary lines are protected even in situations of economic recessions; [d] Regularly conduct child rights impact assessments of budget and economic decision-making processes and outcomes, including austerity measures, in areas that are directly or indirectly related to children's rights; [e] Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention.

- Independent monitoring

- 15. The *Committee* welcomes the increased independence of the Children's Commissioners in the four devolved administrations of the State party and the many initiatives that they have taken to ensure the promotion and protection of the rights of the child. Nevertheless, the *Committee* is concerned that the powers of the Commissioners for Northern Ireland and Wales are still limited and that the Commissioner for Scotland has not started exercising its mandate to conduct investigations on behalf of individual children.

- 16. With reference to the *Committee's* general comment No. 2 [2003] on general measures of implementation, the *Committee* recommends that the State party: [a] Further strengthen the independence of established Children's Commissioners, in line with the principles relating to the status of national institutions for the promotion and protection of human rights [the Paris Principles], and enable them, inter alia, to receive and investigate complaints from or on behalf of children concerning violations of their rights; [b] Allocate to the Commissioners in all jurisdictions the necessary human and financial resources in order to carry out their mandate in an effective and coordinated manner.

- C. General principles [arts. 2, 3, 6 and 12 of the Convention]

- Respect for the views of the child

- 30. The *Committee* is concerned that: [a] Children's views are not systematically heard in policy making on issues that affect them; [...]; [d] Many children feel that they are not listened to by their social workers, reviewing officers, paid carers, judges, personnel working with children in conflict with the law or other professionals in matters affecting them, including in family proceedings.

- 31. With reference to its general comment No. 12 [2009] on the right of the child to be heard, the *Committee* recommends that the State party: [a] 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; [...]; [d] Ensure that children are not only heard but also listened to and their views given due weight by all professionals working with children¹⁰.

Protection: the right to have a safe environment free from all sorts of abuse:

Young carers have the right to be respected as individuals. Whilst they are completely committed to their caring duties, many young carers can feel that they lack the choice, space and time to be themselves. Young carers are subject to bullying, discrimination, judgement and harassment, leaving them open to all types of abuse, crime, negative stereotyping and fear.

¹⁰ *UNCRC: Committee on the Rights of the Child; Concluding Observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland*, 12th July 2016.

Participant's recommendations:

“There should be national campaigns to challenge negative stereotypes of young people – especially in the media”; “We need more peer education to help others understand what it is like to be a young carer”; “We need increased respite care offered to us so that we can socialise and do the things other young people do”; “There should be national campaigns to raise awareness about young carers”; “Governments must be more transparent and use less jargon to allow us to understand what – if anything – they are doing to make positive changes”; “The public need to be educated on who young carers are, what they do and the issues they face”; “The government must be responsible for providing additional support and information to young carers and families experiencing mental ill-health issues”.

UNCRC Concluding Observations; concerns and recommendations:

• C. General principles [arts. 2, 3, 6 and 12 of the Convention]

• Non-discrimination

• [c] Many children in certain groups, including Roma, Gypsy and Traveller children, children of other ethnic minorities, children with disabilities, children in care, migrant, asylum-seeking and refugee children and lesbian, gay, bisexual, transgender and intersex children, continue to experience discrimination and social stigmatisation, including through the media.

• 22. The *Committee* recommends that the State party: [c] Strengthen its awareness-raising and other preventive activities against discrimination and stigmatisation and, if necessary, take temporary special measures.

• 23. The *Committee* recalls its previous recommendation that the State party take urgent measures to address the “intolerance of childhood” and general negative public attitude towards children, especially adolescents, within society, including in the media for the benefit of children in vulnerable situations.

• Best interests of the child

• 26. The *Committee* regrets that the right of the child to have his or her best interests taken as a primary consideration is still not reflected in all legislative and policy matters and judicial decisions affecting children, especially in the area of alternative care, child welfare, immigration, asylum and refugee status, criminal justice and in the armed forces. Furthermore, in some overseas territories, there is no legal provision to guarantee this right.

• 27. With reference to its general comment No. 14 [2013] on the right of the child to have his or her best interests taken as a primary consideration, the *Committee* recommends that the State party, in all parts of its territory: [a] Ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions and in all policies, programmes and projects that are relevant to and have an impact on children; [b] Develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration.

• D. Civil rights and freedoms [arts. 7, 8 and 13-17]

• Right to privacy

• 38. The *Committee* recommends that the State party: [a] Prohibit the use of non-statutory stop-and-search checks against children; [b] Ensure that the statutory use of the stop-and-

search checks is proportionate, taking into consideration the age and maturity of the child, and non-discriminatory; [c] Regularly collect, analyse and publish data relating to the use of stop-and-search checks on children, disaggregated by age, sex, disability, geographic location, ethnic origin and socioeconomic background.

- E. Violence against children [arts. 19, 24 [3], 28 [2], 34, 37 [a] and 39]

- Freedom of the child from all forms of violence

- 48. The *Committee* is concerned that: [a] Bullying, including cyberbullying, remains a serious and widespread problem, particularly against lesbian, gay, bisexual, transgender and intersex children, children with disabilities and children belonging to minority groups, including Roma, Gypsy and Traveller children.

- 49. The *Committee* recommends that the State party: [a] Intensify its efforts to tackle bullying and violence in schools, including by teaching human rights, building the capacities of students and staff members to respect diversity at school, improving students' conflict-resolution skills, monitoring regularly the incidences of bullying at school and involving children in the initiatives and monitoring aimed at eliminating bullying; [b] In the light of the recommendations resulting from the day of general discussion on digital media and children's rights, train children, teachers and families on the safe use of information and communication technologies, raise awareness among children on the severe effects that online bullying can have on their peers and increase the involvement of social media outlets in the efforts to combat cyberbullying; [c] Take immediate and effective measures to protect children from violence by non-State actors involved in paramilitary-style attacks and from recruitment by such actors into violent activities, including through measures relating to transitional and criminal justice¹¹.

Survival: having your basic needs met:

Young carers have the right to feel secure and protected; access to safe, appropriate housing, tailored support for themselves and their families, essential health-care – both mental and physical, clued-up educational staff and respite care is paramount.

“We need appropriate accommodation”; “People who need support should get it”; “We need increased, rather than decreased, benefits”.

UNCRC Concluding Observations; concerns and recommendations:

- G. Disability, basic health and welfare [arts. 6, 18 [3], 23, 24, 26, 27 [1]–[3] and 33]

- Mental health

- 60. The *Committee* welcomes the significant efforts undertaken both at the national and the devolved levels to improve mental health services. The *Committee* is nevertheless concerned that: [a] The number of children with mental health needs is increasing across the State party, including those related to alcohol, drug and substance abuse; [b] The number of child suicides has been steadily increasing in Northern Ireland in the past 10 years; [c] Children with mental health conditions are often treated far away from home [England and Scotland], do not receive adequate child-specific attention and support, are placed in

¹¹ *UNCRC: Committee on the Rights of the Child; Concluding Observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland*, 12th July 2016.

adult facilities or may even be detained in police custody owing to a shortage of places in mental health clinics; [d] The new shortened waiting period targets established or planned in England, Wales and Scotland may not be realized in practice owing to a lack of infrastructure [number of specialists and clinics/centres]; [e] The significant investments in improving mental health services will not necessarily lead to an improvement in the quality of services; [f] Therapeutic community-based services have not been sufficiently developed; [g] Children under the age of 16 years are excluded from protection under the Mental Capacity Act [2005] in England and Wales, and under the Mental Capacity Act [2016] in Northern Ireland, including with regard to medical treatment without consent.

• 61. The *Committee* recommends that the State party: [a] Regularly collect comprehensive data on child mental health, disaggregated across the life course of the child, with due attention to children in vulnerable situations and covering key underlying determinants; [b] Rigorously invest in child and adolescent mental health services and develop strategies at the national and devolved levels, with clear time frames, targets, measureable indicators, effective monitoring mechanisms and sufficient human, technical and financial resources. Such strategy should include measures to ensure availability, accessibility, acceptability, quality and stability of such services, with particular attention to children at greater risk, including children living in poverty, children in care and children in contact with the criminal justice system; [c] Expedite the prohibition of placing children with mental health needs in adult psychiatric wards or police stations, while ensuring the provision of age-appropriate mental health services and facilities; [d] Support and develop therapeutic community-based services for children with mental health conditions; [e] Review current legislation on mental health to ensure that the best interests and the views of the child are taken duly into account in cases of mental health treatment of children below the age of 16 years, in particular with regard to hospitalization and treatment without consent.

• 62. The *Committee* welcomes the publication by the National Institute for Health and Care Excellence of new guidelines for the diagnosing and management of attention deficit and hyperactivity disorder and related disorders. The *Committee* is, however, concerned that: [a] The actual number of children that are given methylphenidate or other psychotropic drugs is not available; [b] There has reportedly been a significant increase in the prescription of psychostimulants and psychotropic drugs to children with behavioural problems, including for children under 6 years of age, despite growing evidence of the harmful effects of these drugs.

• 63. The *Committee* recommends that the State party: [a] Regularly collect data on the amount and regularity of psychotropic drugs [Ritalin, Concerta, etc.] being prescribed to children, and make the data transparent; [b] Ensure that the prescription of drugs is used as a measure of last resort and only after an individualized assessment of the best interests of that child, and that children and their parents are properly informed about the possible side effects of such medical treatment and about non-medical alternatives; [c] Establish a system of independent expert monitoring of diagnoses of or related to attention deficit and hyperactivity disorders, and undertake a study on the root causes of their increase, also aimed at improving the accuracy of diagnoses¹².

¹² *UNCRC: Committee on the Rights of the Child; Concluding Observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland*, 12th July 2016.

Development: what you need to grow and develop as a human being:

Young carers can feel frustrated that their abilities and myriad roles are not understood; that professionals often do not value, involve or consider them in the decisions which affect their daily lives. Furthermore, the young person behind the carer can often be overlooked. Young carers, like any young person, need freedom, privacy and support. It is vital that these children and young people have the opportunity to associate, play and access a good standard of sensitive and flexible education in order to develop and reach their full potential.

Participant's recommendations:

“We need to have a say in everything about our education”; “We need better support in school – they need to listen to our needs and hopes”; “We need peer education in schools to help others understand the roles and responsibilities of young carers, this would help get rid of stereotypes and stop harassment at school”; “We need peer training for teachers and other professionals delivered by young carers, in order to help them identify the young carers that may not come forward themselves”; “More support with caring duties and child-care responsibilities”; “There must be awareness-raising so others acknowledge the range of skills young carers have”.

The young carers felt that the following recommendations/concerns were particularly important to them, and wanted *Article 12 in Scotland* to highlight these:

- Young carers need more readily accessible information on what services/support are available to them. They would like to take control and find out this information for themselves, rather than have organisations seek them out - as this means they can only access the specific services/support that the organisation offers;
- Schools must value the incredible skill sets of young carers; this would help to empower young carers and give them the opportunity to share their experiences. There should be systems set in place to allow for peer support;
- Schools should “encourage not force” young carers;
- Schools could facilitate meetings for the parents of young carers where the issues that they, and their children, face could be discussed;
- The teaching of rights in schools is still patchy; a strong emphasis on the *UNCRC* must be implemented for both students and staff;
- Young carers are often hidden; there should be an emphasis on finding these young people;
- Increased resources and more ‘joined-up thinking’ is required.

UNCRC Concluding Observations; concerns and recommendations:

- H. Education, leisure and cultural activities [arts, 28, 29, 30 and 31]
- Education, including vocational training and guidance
- 72. The *Committee* welcomes the gradual closing of inequality gaps in education attainment and the decreasing use of exclusion from school. However, the *Committee* is concerned that: [a] Substantial inequalities persist in educational attainment, particularly for boys, children living in poverty, Roma, Gypsy and Traveller children, children with disabilities, children in

care and newcomer children; [b] Among children subject to permanent or temporary school exclusions, there is a disproportionate number of boys, Roma, Gypsy and Traveller children, children of Caribbean descent, children living in poverty and children with disabilities and, with the exception of Scotland, only children with disabilities have the right to appeal against their exclusion; [c] Children with disabilities, in particular children with psychosocial disabilities and other “special educational needs”, are often subject to the practice of “informal” exclusion or “taught off-site” to control their behaviour; [...]; [f] Many children living in poverty, particularly boys, do not meet the expected level of language development at the preschool level, which has a negative impact on their primary education, hindering their development throughout their life.

• 73. The *Committee* recommends that the State party: [a] Enhance its efforts to reduce the effects of the social background or disabilities of children on their achievement in school and to guarantee the right of all children to a truly inclusive education in all parts of the State party, including for newcomer children without experiences of formal education. In this regard, closely monitor and, if necessary, regulate the establishment and management of academies and free schools in England and abolish the practice of unregulated admission tests to post-primary education in Northern Ireland; [b] Use the disciplinary measure of permanent or temporary exclusion as a means of last resort only, forbid and abolish the practice of “informal” exclusions and further reduce the number of exclusions by working closely with social workers and educational psychologists in school and using mediation and restorative justice; [c] Ensure that children have the right to appeal against their exclusion and are provided with legal advice, assistance and, where appropriate, representation for those without means; [...]; [f] Taking note of target 4.2 of the Sustainable Development Goals, on access to quality early childhood development services, allocate sufficient human, technical and financial resources for the development and expansion of early childhood care and education, based on a comprehensive and holistic policy of early childhood development, with special attention to the children in the most vulnerable situations; [g] Make children’s rights education mandatory.

• Rest, leisure, recreation and cultural and artistic activities

• 4. [...] The *Committee* is concerned about: [a] The withdrawal of a play and leisure policy in England, and underfunding of play and leisure policies in Northern Ireland, Scotland and Wales; [b] Insufficient places and facilities for play and leisure for children, in particular those accessible for children with disabilities and children in marginalised and disadvantaged situations, and public space for adolescents to socialise.

• 75. With reference to its general comment No. 17 [2013] on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the *Committee* recommends that the State party, including the governments of the devolved administrations: [a] Strengthen its efforts to guarantee the right of the child to rest and leisure and to engage in play and recreational activities appropriate to the age of the child, including by adopting and implementing play and leisure policies with sufficient and sustainable resources; [b] Provide children, including those with disabilities and children in marginalised and disadvantaged situations, with safe, accessible, inclusive and smoking-free spaces for play and socialisation and public transport to access such spaces; [c] Fully involve children in planning, designing and monitoring the implementation of play policies and activities relevant to play and leisure, at the community, local and national levels¹³.

¹³ *UNCRC: Committee on the Rights of the Child; Concluding Observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland*, 12th July 2016.

What makes us feel happy, healthy and safe: listening, appreciation, employment, communication, freedom, stability, mentors, health, encouragement, shelter, safety, support, happiness, fun, relationships, water, money, friendship, life, hope, having a life, education, contact, food, love and security.

How participants intend to multiply their learning with friends, family, the wider community and professionals/policy makers:

- Films, possibly using *Fixers* to produce an animation/movie;
- Social media, including: *Facebook*, *YouTube*, *Twitter* and *Instagram*;
- Sharing information with friends and family, and other members of their group;
- Activities such as producing a quiz;
- Creating art;
- *GAMH* staff delivering further workshops centred around the *UNCRC*.

Young carers experience a wide-ranging set of issues; the huge differences between the roles of young person and young carer can be extremely difficult to navigate. Recognising the responsibilities and issues faced by young carers is key in allowing them to move forward. Helping young carers to play a more active part in designing the support and services that they and their families receive is imperative to their well-being. National campaigns and peer-led awareness-raising will also help tackle the stigma and bullying faced by young carers living in Scotland today.

YOUNG PEOPLE LIVING WITH DISABILITIES

The transition from childhood to adulthood can be a tough, confusing time for any young person; however the additional and unique challenges faced by those living with a disability can make adolescence even more formidable. A lack of meaningful involvement in service planning and decision making; discrimination; barriers to participation; access to services and activities; learning beyond school; opportunities to develop employability skills; inappropriate/substandard accommodation; support during transitions and control over personal money and a lack of available support, provision and choice for themselves and their families as they move from child to adult services, can all contribute to pushing this already vulnerable group further towards social exclusion.

Article 12 in Scotland delivered two *UNCRC* workshops with the *Glasgow Disability Alliance [GDA]*. 10 young people participated in these workshops, accompanied by *GDA* workers. The young people prioritised the key findings from previous *UNCRC* workshops delivered by *Article 12 in Scotland*, and they found **all** the issues highlighted are still relevant to them today [most of which have been addressed by the *Committee* as a result of the Alternative Reports of *Article 12 in Scotland*, and others], but were pleased that the *Committee* had advised actions to cover almost all of their issues.

Key issues and recommendations identified by participants:

Participation: the rights that allow young people to take part in wider society and have a say in the matters that affect both themselves, and their community.

Reaching adulthood does not automatically improve participation levels; young disabled people feel decisions not only come down to a matter of resources, but also to preconceived ideas around their capabilities; this poses a barrier to their meaningful participation. Participants are disappointed with the lack of available support, provision and choice for themselves and their families as they move from child to adult services.

Participant's recommendations:

“We must have a say in the services and choices that affect our lives”; “We need improved facilities and services – like frequent transport with decent access – in local communities”; “We need professionals to work together to give us better experiences”; “There must be better understanding of disabled peoples’ issues so we can participate fairly at all levels of society”; “We need increased volunteering and employment opportunities”; “Councils and house builders must regularly consult with the disabled community on housing design and the issues faced within the community, such as pavements, access to cash machines and playparks”; “Participation in respite care should be optional with the personal feelings of the disabled person being the main priority – not the carers”; “Flexibility is needed as people move in and out of areas – disabled people don’t want to be separated from their communities, or worse – made homeless”.

UNCRC Concluding Observations; concerns and recommendations:

- A] General Measures of Implementation [arts. 4, 42 and 44 [6]]:

- Comprehensive policy and strategy

8. The *Committee* recommends that the State party: [c] In Scotland, ensure the full implementation of the action plan entitled Do the Right Thing [2009] and the National Action Plan for Human Rights [2013-2017].

9. In doing so, the *Committee* recommends that the State party allocate sufficient human, technical and financial resources, set up clear timelines and a monitoring and evaluation framework for the implementation of the strategy and the action plans and pay special attention to children belonging to the most vulnerable groups.

- Child rights impact assessment

10. The *Committee* recommends that the State party: [a] Introduce a statutory obligation at the national and devolved levels to systematically conduct a child rights impact assessment when developing laws and policies affecting children, including in international development cooperation; [b] Publish the results of such assessments and demonstrate how they have been taken into consideration in the proposed laws and policies.

- Coordination

11. The *Committee* reiterates its previous recommendation that the State party ensure effective coordination of the implementation of the Convention throughout the State party. To that end, the *Committee* recommends that the State party: [a] In each of the devolved administrations, overseas territories and the Crown dependencies, establish an appropriate statutory body at a high interministerial level with a clear mandate and sufficient authority to coordinate all activities across relevant sectors related to the implementation of the Convention; [b] Allocate sufficient human, technical and financial resources to the said coordinating bodies for their effective operation; [c] Strengthen coordination and evaluation of the implementation of the Convention at the national level.

- Allocation of resources

- 12. The *Committee* is seriously concerned at the effects that recent fiscal policies and allocation of resources have had in contributing to inequality in children's enjoyment of their rights, disproportionately affecting children in disadvantaged situations.

- 13. In accordance with article 4 of the Convention and targets 10.2 and 10.4 of the Sustainable Development Goals, the *Committee* urges the State party to allocate the maximum extent of available resources for the implementation of children's rights, with a special focus on eradicating child poverty and reducing inequalities within and across all jurisdictions. In that endeavour, the *Committee* recommends that the State party: [a] Utilise a child-rights approach in the elaboration of the State budget, by implementing a tracking system for the allocation and use of resources for children throughout the budget; [b] Ensure transparent and participatory budgeting through public dialogue, including with children; [c] Define budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social measures and make sure that those budgetary lines are protected even in situations of economic recessions; [d] Regularly conduct child rights impact assessments of budget and economic decision-making processes and outcomes, including austerity measures, in areas that are directly or indirectly related to children's rights; [e] Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention.

- Independent monitoring

- 15. The *Committee* welcomes the increased independence of the Children's Commissioners in the four devolved administrations of the State party and the many initiatives that they have taken to ensure the promotion and protection of the rights of the child. Nevertheless, the *Committee* is concerned that the powers of the Commissioners for Northern Ireland and Wales are still limited and that the Commissioner for Scotland has not started exercising its mandate to conduct investigations on behalf of individual children.

- 16. With reference to the *Committee's* general comment No. 2 [2003] on general measures of implementation, the *Committee* recommends that the State party: [a] Further strengthen the independence of established Children's Commissioners, in line with the principles relating to the status of national institutions for the promotion and protection of human rights [the Paris Principles], and enable them, inter alia, to receive and investigate complaints from or on behalf of children concerning violations of their rights; [b] Allocate to the Commissioners in all jurisdictions the necessary human and financial resources in order to carry out their mandate in an effective and coordinated manner.

- C. General principles [arts. 2, 3, 6 and 12 of the Convention]

- Respect for the views of the child

- 30. The *Committee* is concerned that: [a] Children's views are not systematically heard in policymaking on issues that affect them; [...]; [d] Many children feel that they are not listened to by their social workers, reviewing officers, paid carers, judges, personnel working with children in conflict with the law or other professionals in matters affecting them, including in family proceedings.

- 31. With reference to its general comment No. 12 [2009] on the right of the child to be heard, the *Committee* recommends that the State party: [a] 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 to involving younger children and children in vulnerable situations, such as children with

disabilities; [...]; [d] Ensure that children are not only heard but also listened to and their views given due weight by all professionals working with children¹⁴.

Protection: the right to a safe environment, free from all types of abuse:

Participants stated they felt that the articles of the *UNCRC* did not go far enough to fully account for the needs of young disabled people, many also call for it to protect them up to the age of 25. Furthermore, the young peoples' fulfilment of rights and opportunities were often limited due to the localities in which they live. Young disabled people consider the following as protections rights: protection from abuse, cruelty, exploitation, fraud, theft, harmful materials and increased provision for internet safety.

Participant's recommendations:

"All relevant legislation should be simple and easy to read"; "We need protection of young disabled people's rights in order to empower us"; "Raise awareness and decrease abuse and discrimination"; "We need to be empowered and supported to make choices and decisions through the support of organisations such as GDA"; "We must be able to easily access information about our rights and support should be in place to achieve this"; "We need increased awareness-raising to prevent bullying and negative stereotyping"; "The Scottish Government should continue to work with organisations such as GDA to ensure the Independent Living in Scotland Initiative is fully implemented"; "We need people to understand that it is the way society is organised that restricts our life choices"; "Protection under the terms of the UNCRC should be extended to age 25 for young disabled people"; "Adults [parents and professionals] should be able to make the right decisions for young people but not over-protect them".

UNCRC Concluding Observations; concerns and recommendations:

- C. General principles [arts. 2, 3, 6 and 12 of the Convention]
- Non-discrimination
- [c] Many children in certain groups, including Roma, Gypsy and Traveller children, children of other ethnic minorities, children with disabilities, children in care, migrant, asylum-seeking and refugee children and lesbian, gay, bisexual, transgender and intersex children, continue to experience discrimination and social stigmatisation, including through the media.
- 22. The *Committee* recommends that the State party: [c] Strengthen its awareness-raising and other preventive activities against discrimination and stigmatisation and, if necessary, take temporary special measures.
- 23. The *Committee* recalls its previous recommendation that the State party take urgent measures to address the "intolerance of childhood" and general negative public attitude towards children, especially adolescents, within society, including in the media for the benefit of children in vulnerable situations.
- Best interests of the child

¹⁰ *UNCRC: Committee on the Rights of the Child; Concluding Observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland, 12th July 2016.*

- 26. The *Committee* regrets that the right of the child to have his or her best interests taken as a primary consideration is still not reflected in all legislative and policy matters and judicial decisions affecting children, especially in the area of alternative care, child welfare, immigration, asylum and refugee status, criminal justice and in the armed forces. Furthermore, in some overseas territories, there is no legal provision to guarantee this right.
- 27. With reference to its general comment No. 14 [2013] on the right of the child to have his or her best interests taken as a primary consideration, the *Committee* recommends that the State party, in all parts of its territory: [a] Ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions and in all policies, programmes and projects that are relevant to and have an impact on children; [b] Develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration.
- D. Civil rights and freedoms [arts. 7, 8 and 13-17]
- Right to privacy
- 38. The *Committee* recommends that the State party: [a] Prohibit the use of non-statutory stop-and-search checks against children; [b] Ensure that the statutory use of the stop-and-search checks is proportionate, taking into consideration the age and maturity of the child, and non-discriminatory; [c] Regularly collect, analyse and publish data relating to the use of stop-and-search checks on children, disaggregated by age, sex, disability, geographic location, ethnic origin and socioeconomic background.
- E. Violence against children [arts. 19, 24 [3], 28 [2], 34, 37 [a] and 39]
- Torture and other cruel or degrading treatment or punishment
- 39. The *Committee* is concerned about: [d] The use of restraint and seclusion on children with psychosocial disabilities, including children with autism, in schools.
- 40. With reference to the *Committee's* general comment No. 13 [2011] on the right of the child to freedom from all forms of violence, and to target 16.2 of the Sustainable Development Goals, the *Committee* urges the State party to: [b] Abolish all methods of restraint against children for disciplinary purposes in all institutional settings, both residential and non-residential, and ban the use of any technique designed to inflict pain on children; [d] Systematically and regularly collect and publish disaggregated data on the use of restraint and other restrictive interventions on children in order to monitor the appropriateness of discipline and behaviour management for children in all settings, including in education, custody, mental health, welfare and immigration settings.
- Freedom of the child from all forms of violence
- 48. The *Committee* is concerned that: [a] Bullying, including cyberbullying, remains a serious and widespread problem, particularly against lesbian, gay, bisexual, transgender and intersex children, children with disabilities and children belonging to minority groups, including Roma, Gypsy and Traveller children.
- 49. The *Committee* recommends that the State party: [a] Intensify its efforts to tackle bullying and violence in schools, including by teaching human rights, building the capacities of students and staff members to respect diversity at school, improving students' conflict-resolution skills, monitoring regularly the incidences of bullying at school and involving children in the initiatives and monitoring aimed at eliminating bullying; [b] In the light of the recommendations resulting from the day of general discussion on digital media and children's rights, train children, teachers and families on the safe use of information and communication technologies, raise

awareness among children on the severe effects that online bullying can have on their peers and increase the involvement of social media outlets in the efforts to combat cyberbullying; [c] Take immediate and effective measures to protect children from violence by non-State actors involved in paramilitary-style attacks and from recruitment by such actors into violent activities, including through measures relating to transitional and criminal justice¹⁵.

Development: what you need to develop and grow as a human being:

Feeling included in your community is of key importance; having a safe and secure place to call home, access to essential services, support and surroundings, choices in life and love, appropriate benefits which enable young disabled people to live a fulfilling life and avoid poverty, different modes of public transport in order to suit their needs, places to safely socialise and access to education and health/respite-care are all imperative.

Participant's recommendations:

“Benefits should be increased in order to allow access to essential respite care”, “Development Support should be affordable and take into account that many people cannot afford to live, and pay for care”; “We need greater awareness and training on disability rights for education staff”; “Improved transport provisions”; “Schools need to understand why we may need time off”.

UNCRC Concluding Observations; concerns and recommendations:

- H. Education, leisure and cultural activities [arts. 28, 29, 30 and 31]
- Education, including vocational training and guidance
- 72. The *Committee* welcomes the gradual closing of inequality gaps in education attainment and the decreasing use of exclusion from school. However, the *Committee* is concerned that: [a] Substantial inequalities persist in educational attainment, particularly for boys, children living in poverty, Roma, Gypsy and Traveller children, children with disabilities, children in care and newcomer children; [b] Among children subject to permanent or temporary school exclusions, there is a disproportionate number of boys, Roma, Gypsy and Traveller children, children of Caribbean descent, children living in poverty and children with disabilities and, with the exception of Scotland, only children with disabilities have the right to appeal against their exclusion; [c] Children with disabilities, in particular children with psychosocial disabilities and other “special educational needs”, are often subject to the practice of “informal” exclusion or “taught off-site” to control their behaviour; [...]; [f] Many children living in poverty, particularly boys, do not meet the expected level of language development at the preschool level, which has a negative impact on their primary education, hindering their development throughout their life.
- 73. The *Committee* recommends that the State party: [a] Enhance its efforts to reduce the effects of the social background or disabilities of children on their achievement in school and to guarantee the right of all children to a truly inclusive education in all parts of the State party, including for newcomer children without experiences of formal education. In this regard, closely monitor and, if necessary, regulate the establishment and management of academies

¹⁵ *UNCRC: Committee on the Rights of the Child; Concluding Observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland*, 12th July 2016.

and free schools in England and abolish the practice of unregulated admission tests to post-primary education in Northern Ireland; [b] Use the disciplinary measure of permanent or temporary exclusion as a means of last resort only, forbid and abolish the practice of “informal” exclusions and further reduce the number of exclusions by working closely with social workers and educational psychologists in school and using mediation and restorative justice; [c] Ensure that children have the right to appeal against their exclusion and are provided with legal advice, assistance and, where appropriate, representation for those without means; [...]; [f] Taking note of target 4.2 of the Sustainable Development Goals, on access to quality early childhood development services, allocate sufficient human, technical and financial resources for the development and expansion of early childhood care and education, based on a comprehensive and holistic policy of early childhood development, with special attention to the children in the most vulnerable situations; [g] Make children’s rights education mandatory.

• Rest, leisure, recreation and cultural and artistic activities

• 74. [...] The *Committee* is concerned about: [a] The withdrawal of a play and leisure policy in England, and underfunding of play and leisure policies in Northern Ireland, Scotland and Wales; [b] Insufficient places and facilities for play and leisure for children, in particular those accessible for children with disabilities and children in marginalised and disadvantaged situations, and public space for adolescents to socialise.

• 75. With reference to its general comment No. 17 [2013] on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the *Committee* recommends that the State party, including the governments of the devolved administrations: [a] Strengthen its efforts to guarantee the right of the child to rest and leisure and to engage in play and recreational activities appropriate to the age of the child, including by adopting and implementing play and leisure policies with sufficient and sustainable resources; [b] Provide children, including those with disabilities and children in marginalised and disadvantaged situations, with safe, accessible, inclusive and smoking-free spaces for play and socialisation and public transport to access such spaces; [c] Fully involve children in planning, designing and monitoring the implementation of play policies and activities relevant to play and leisure, at the community, local and national levels¹⁶.

Survival: having your basic needs met:

Many participants feel they are treated differently because of their disability; experiencing discrimination on many levels throughout their lives, both as children and young adults. Young people living with disabilities can face attitudinal barriers as well as access barriers, preventing them from living their lives to the full; particularly with respect to the choice and control they have over their own lives and finances.

Participant’s recommendations:

“People who need support should get it”; “We need appropriate accommodation”; “We need increased – rather than decreased benefits”.

The young people felt that the following recommendations/concerns were particularly important, and wished for *Article 12 in Scotland* to highlight them:

¹⁶ *UNCRC: Committee on the Rights of the Child; Concluding Observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland*, 12th July 2016.

- Work places must be more sensitive to the individual needs of young people living with disabilities;
- Public transport is not nearly accessible enough;
- Some areas don't feel safe, especially in winter due to bad lighting;
- Teaching staff and medical professionals have a lack of understanding around the health issues of young disabled people, both mental and physical;
- Some members of staff at the Jobcentre do not understand unseen/hidden disabilities and declare people fit for work, even after it has been explained that they have underlying emotional and mental health issues;
- Disability Employment Advisors require more awareness-raising training in order to understand the barriers disabled young people face. One young person reported that the staff member he was dealing with was laughing as they found the report on his particular disability “funny”;
- Participants felt that the Jobcentre does not help them to meaningfully look for appropriate jobs;
- Participants felt that Housing Associations did not understand their need to feel and be safe; that it is not only the physical suitability of a property that is important, but also how the young person feels about staying in a particular situation;
- Participants want to be closer to facilities.

UNCRC Concluding Observations; concerns and recommendations:

- G. Disability, basic health and welfare [arts. 6, 18 [3], 23, 24, 26, 27 [1]-[3]and 33]
- Children with disabilities
- 56. The *Committee* is concerned that: [a] Many children with disabilities do not see that their views are given due weight in making personal decisions in their life, including choice of support and future; [b] Many children with disabilities are still placed in special schools or special units in mainstream schools and many school buildings and facilities are not made fully accessible to children with disabilities; [c] Provision of the support for transition to adulthood is often neither sufficient, timely nor well-coordinated, and does not ensure fully informed decision by children with disabilities.
- 57. With reference to its general comment No. 9 [2006] on the rights of children with disabilities, the *Committee* recommends that the State party adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and: [a] Ensure full respect of the rights of children with disabilities to express their views and to have their views given due weight in all decision-making that affects them, including on access to and choice of personal support and education; [b] Set up comprehensive measures to further develop inclusive education, ensure that inclusive education is given priority over the placement of children in specialised institutions and classes and make mainstream schools fully accessible to children with disabilities; [c] Provide children with disabilities with a comprehensive and integrated package of services for transition to adulthood, from a sufficiently early stage, by coordinating legislation, policy and programmes across relevant sectors, and ensure fully informed decisions by children with disabilities on their personal choice in the transition, by involving them in the design of services and by providing advice and information on available options.

• 57. With reference to its general comment No. 9 [2006] on the rights of children with disabilities, the *Committee* recommends that the State party adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and: [a] Ensure full respect of the rights of children with disabilities to express their views and to have their views given due weight in all decision-making that affects them, including on access to and choice of personal support and education; [b] Set up comprehensive measures to further develop inclusive education, ensure that inclusive education is given priority over the placement of children in specialised institutions and classes and make mainstream schools fully accessible to children with disabilities; [c] Provide children with disabilities with a comprehensive and integrated package of services for transition to adulthood, from a sufficiently early stage, by coordinating legislation, policy and programmes across relevant sectors, and ensure fully informed decisions by children with disabilities on their personal choice in the transition, by involving them in the design of services and by providing advice and information on available options.

• Standard of living

• 70. The *Committee* is seriously concerned that: [a] The rate of child poverty remains high, disproportionately affects children with disabilities, children living in a family or household with a person or persons with a disability, households with many children and children belonging to ethnic minority groups, and affects children in Wales and Northern Ireland the most; [b] The Welfare Reform and Work Act [2016], which amends the Child Poverty Act [2010], repealed the statutory target on the eradication of child poverty by 2020 and the statutory obligation of the Government of the United Kingdom and the Governments of England, Scotland and Wales to produce child poverty strategies; [c] Recent amendments to the Tax Credits Act [2002], the Welfare Reform Act [2012] and the Welfare Reform and Work Act [2016] have limited the entitlement to child tax credits and social benefits [the “household benefit cap” and the “bedroom tax”], regardless of the needs of the households; [d] During the period of review, the number of homeless households with dependent children increased in England and Northern Ireland, as did the number of homeless families, including those with infants, staying in temporary accommodation, in all four jurisdictions; [e] In Scotland, adequate and culturally sensitive accommodation for Roma, Gypsy and Traveller children remains insufficient.

• 71. The *Committee* draws the attention of the State party to target 1.2 of the Sustainable Development Goals, on poverty reduction, and urges the State party to: [a] Set up clear accountability mechanisms for the eradication of child poverty, including by re-establishing concrete targets with a set time frame and measurable indicators, and continue regular monitoring and reporting on child poverty reduction in all parts of the State party; [b] Ensure clear focus on the child in the State party’s poverty reduction strategies and action plans, including in the new “Life Chances Strategy”, and support the production and implementation of child poverty reduction strategies in the devolved administrations; [c] Conduct a comprehensive assessment of the cumulative impact of the full range of social security and tax credit reforms introduced between 2010 and 2016 on children, including children with disabilities and children belonging to ethnic minority groups; [d] Where necessary, revise the mentioned reforms in order to fully respect the right of the child to have his or her best interests taken as a primary consideration, taking into account the different impacts of the reform on different groups of children, particularly those in vulnerable situations; [e] Strictly implement the legal prohibition of prolonged placement of children in temporary accommodation by public authorities in England, Wales and Scotland, and enact similar legislation in Northern Ireland; [f] Take necessary measures to reduce homelessness and to progressively guarantee all children stable access to adequate housing that provides physical

safety, adequate space, protection against the threats to health and structural hazards, including cold, damp, heat and pollution, and accessibility for children with disabilities; [g] In Scotland, introduce a statutory duty for local authorities to provide safe and adequate sites for Travellers, while ensuring meaningful participation of Roma, Gypsy and Traveller communities, including children, in planning and decision-making processes¹⁷.

What makes us feel happy, healthy and safe: education, employment, socialising, shelter, transport, health and wellbeing, accessible housing, accessibility of all placements, accessible pavements, food, my own opinion, water, and friends.

How participants intend to multiply their learning with friends, family, the wider community and professionals/policy makers:

- Join organisations with similar interests;
- Make a short video, perhaps with *FIXERS*;
- Talk to people in power;
- More workshops, attending and perhaps facilitating;
- Pointing out gaps in government policy, with regards to the *UNCRC*;
- Using social media to share information;
- Volunteering with *Article 12 in Scotland*: *“I give respect where it is due. I have looked at the work you guys do and it is phenomenal”*.

Young people living with disabilities face not only physical barriers when trying to access their full range of rights, but attitudinal ones too. In order to remove these barriers it is essential that young people living with disabilities are listened to and supported, in order for them to meaningfully participate in society, at all levels and influence the policy and services that effect every aspect of their lives. Discrimination is something young disabled people face on a daily basis, with those suffering from hidden disabilities reporting additional challenges; indeed the way society is structured can pose the biggest barrier of all. It is crucial that services and professionals gain a better understanding of the issues faced by this vulnerable group of young people, so that they may live their lives to their fullest potentials.

¹⁷ *UNCRC: Committee on the Rights of the Child; Concluding Observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland*, 12th July 2016.

LOOKED AFTER YOUNG PEOPLE

Young people living in care are often some of the most vulnerable and marginalised in society, many face huge levels of stigma throughout every aspect of their daily lives – whilst simultaneously dealing with the reasons that led them to be in care in the first place, leaving them open to an increased risk of mental health problems. This can have a negative impact on not only their physical and emotional well-being, but their ability to function within society and form positive relationships. Young looked after people can also be at a heightened risk of exploitation. Many looked after young people have a complex range of rights needs, including the right to a family life, the right to participate meaningfully in decision making processes and the right to challenge decisions and voice complaints.

Article 12 in Scotland delivered two *UNCRC* workshops with young people associated with *Care Visions*. 9 young people from various settings participated in this workshop, accompanied by workers. The young people prioritised the key findings from previous *UNCRC* workshops delivered by *Article 12 in Scotland*, and they found **all** the issues highlighted are still relevant to them today [most of which have been addressed by the *Committee* as a result of the Alternative Reports of *Article 12 in Scotland*, and others], but were pleased that the *Committee* had advised actions to cover almost all of their issues. Participants found it difficult in some cases to give more weight to one issue than another, emphasising the fact that **all** rights are important to their wellbeing.

Key issues and recommendations identified by participants:

Survival: having your basic needs met:

Young people in care deserve to enjoy the same support, rights, freedoms and experiences as any other young person in society, and to live their lives free from discrimination and abuse. It is essential that there are no gaps in the advocacy provision that make these factors a reality.

Participant's recommendations:

“Ensure all young people in care can easily access their right to special care and support”; “Ensure all support is equally accessible to all young people with learning difficulties and younger children”; “More work experience opportunities for young people in care”.

UNCRC Concluding Observations; concerns and recommendations:

- G. Disability, basic health and welfare [arts. 6, 18 [3], 23, 24, 26, 27 [1]–[3] and 33]
- Health and health services
- 58. The *Committee* is concerned at the inequality in access to health services and health outcome, negatively affecting Roma, Gypsy and Traveller children, children belonging to other ethnic minorities, migrant children, children living in poverty and in deprived areas, children in care and in custody, children living with HIV/AIDS and lesbian, gay, bisexual, transgender and intersex children.
- 59. With reference to its general comment No. 15 [2013] on the right of the child to the enjoyment of the highest attainable standard of health, the *Committee* recommends that the State party, the governments of the devolved administrations, overseas territories and

Crown dependencies develop comprehensive and multisectoral strategies on child health: [a] With the allocation to the maximum extent of available resources and a robust monitoring mechanism; [b] With a strong focus on eliminating inequalities in health outcome and in access to health services; [c] Addressing underlying social determinants of health.

- Standard of living

- 70. The *Committee* is seriously concerned that: [a] The rate of child poverty remains high, disproportionately affects children with disabilities, children living in a family or household with a person or persons with a disability, households with many children and children belonging to ethnic minority groups, and affects children in Wales and Northern Ireland the most; [b] The Welfare Reform and Work Act [2016], which amends the Child Poverty Act [2010], repealed the statutory target on the eradication of child poverty by 2020 and the statutory obligation of the Government of the United Kingdom and the Governments of England, Scotland and Wales to produce child poverty strategies; [c] Recent amendments to the Tax Credits Act [2002], the Welfare Reform Act [2012] and the Welfare Reform and Work Act [2016] have limited the entitlement to child tax credits and social benefits [the “household benefit cap” and the “bedroom tax”], regardless of the needs of the households; [d] During the period of review, the number of homeless households with dependent children increased in England and Northern Ireland, as did the number of homeless families, including those with infants, staying in temporary accommodation, in all four jurisdictions; [e] In Scotland, adequate and culturally sensitive accommodation for Roma, Gypsy and Traveller children remains insufficient.

- 71. The *Committee* draws the attention of the State party to target 1.2 of the Sustainable Development Goals, on poverty reduction, and urges the State party to: [a] Set up clear accountability mechanisms for the eradication of child poverty, including by re-establishing concrete targets with a set time frame and measurable indicators, and continue regular monitoring and reporting on child poverty reduction in all parts of the State party; [b] Ensure clear focus on the child in the State party’s poverty reduction strategies and action plans, including in the new “Life Chances Strategy”, and support the production and implementation of child poverty reduction strategies in the devolved administrations; [c] Conduct a comprehensive assessment of the cumulative impact of the full range of social security and tax credit reforms introduced between 2010 and 2016 on children, including children with disabilities and children belonging to ethnic minority groups; [d] Where necessary, revise the mentioned reforms in order to fully respect the right of the child to have his or her best interests taken as a primary consideration, taking into account the different impacts of the reform on different groups of children, particularly those in vulnerable situations; [e] Strictly implement the legal prohibition of prolonged placement of children in temporary accommodation by public authorities in England, Wales and Scotland, and enact similar legislation in Northern Ireland; [f] Take necessary measures to reduce homelessness and to progressively guarantee all children stable access to adequate housing that provides physical safety, adequate space, protection against the threats to health and structural hazards, including cold, damp, heat and pollution, and accessibility for children with disabilities; [g] In Scotland, introduce a statutory duty for local authorities to provide safe and adequate sites for Travellers, while ensuring meaningful participation of Roma, Gypsy and Traveller communities, including children, in planning and decision-making processes¹⁸.

¹⁸ *UNCRC: Committee on the Rights of the Child; Concluding Observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland*, 12th July 2016.

Development: what you need to grow and develop as a human being:

It is clear that looked after young people want more control and choice over their own lives, they want to be involved in decision making processes such as panels, and to play an active, meaningful role - not simply taking part in tokenistic consultation. Young people want to be taken seriously and their opinions, needs and wants, taken into account. The young people feel there are often too many rules and regulations affecting their freedoms when in care and, whilst they understand policy is in place to protect them, they want more responsibility with regards to their own choices. While protection is well intended, it can have negative implications in relation to other rights and freedoms, such as: social interactions within the community, the right to a family life and the right to play and engage in activities. Participants feel assumptions could be made about their abilities simply because they are in care. At times it was felt that there were too many health and safety regulations, or staffing issues, stopping them from gaining valuable life experience.

Participant's recommendations:

“More resources are needed to implement and support rights education”; “More awareness-raising and training in schools around the needs of young people in care”; “All staff must be trained in the UNCRC and ensure the principles are implemented into policy and practice throughout all services for young people in care”; “More supported access to information to enter further education, training and employment”; “Develop improved participation and citizenship within early years education settings”; “More supported peer education training in schools for young people and teachers”; “More access to education which is suited to individual need”.

UNCRC Concluding Observations; concerns and recommendations:

• F. Family environment and alternative care [arts. 5, 9-11, 18 [paras. 1 and 2], 20-21, 25 and 27 [para. 4]]

• Family environment

• 50. The *Committee* acknowledges that there are good practices in the State party and the devolved administrations in providing childcare to those who need it. However, the *Committee* is concerned about the negative effect of the high cost of childcare on children and their family environment.

• 51. The *Committee* recommends that the State party and the devolved governments conduct a rigorous child rights impact assessment of the recent reduction of funding for childcare and family support and adjust the family support policy in order to make childcare services available to all those who need it.

• Children deprived of a family environment

• 52. The *Committee* is concerned about: [a] The increase in the number of children in care in England, Wales and Northern Ireland and the high rate of children in care in Scotland; [b] Cases where early intervention measures have not been carried out in a timely manner, parents have not been provided with adequate family support and the best interests of the child have not been properly assessed in the decision of taking a child into care. Children have reportedly been removed from their biological families owing to the family's economic situation or because a foster family may provide a more beneficial environment for the child; [c] The

frequent changes of social workers for children in care, and children often experiencing more than two family placements in a year, which negatively affects all aspects of their life; [d] Children placed at a distance from their biological families, which prevents them from keeping in contact, and siblings being separated from each other without proper reason; [e] The practice of children being placed in secure accommodation in Northern Ireland; [f] Children leaving foster care or residential care not receiving proper support and counselling, including on their future plans, and often having to live far away from their former carers; [g] The adoption procedure in Northern Ireland remaining outdated and not in line with the Convention.

- 53. Drawing the State party's attention to the Guidelines for the Alternative Care of Children [General Assembly resolution 64/142, annex], the *Committee* emphasizes that conditions directly and uniquely attributable to poverty should never be the sole justification for removing a child from parental care. The *Committee* recommends that the State party: [a] Intensify its efforts to render appropriate assistance to parents and legal guardians, including informal kinship carers, in the performance of their child-rearing responsibilities; [b] Ensure that the removal of children from their families is always subject to thorough investigation, is in accordance with the best interests of the child and is only used as a measure of last resort; [c] Wherever possible, find a placement for the child that will facilitate contact with his or her biological parents and siblings; [d] Ensure that secure accommodation in Northern Ireland is only used as a measure of last resort and for the shortest possible period of time, address the reasons for repeated or lengthy stays in such accommodation and develop alternatives to secure accommodation; [e] Take all measures necessary to provide stability for children in care, including efforts to retain social workers and to avoid unnecessary changes in placement; [f] Inform and consult with children from an early stage on plans for their care and transition and provide sufficient support for care leavers, including for accommodation, employment or further education; [g] Expedite the approval and enactment of the Adoption and Children Bill in Northern Ireland.

- Children of incarcerated parents

- 54. The *Committee* is concerned that, due to insufficient cooperation between the courts and the child protection authorities, a parent may be sentenced to imprisonment and directly incarcerated while his or her children are left alone without proper care.

- 55. The *Committee* recommends that the State party: [a] Ensure that child protection authorities are always informed when a person who has a child or children is imprisoned, in order to avoid situations where children are left unattended; [b] Take into account the best interests of the child as a primary consideration when sentencing parents, avoiding, as far as possible, sentences for parents that lead to their being separated from their children.

- H. Education, leisure and cultural activities [arts. 28, 29, 30 and 31]

- Education, including vocational training and guidance

- 72. The *Committee* welcomes the gradual closing of inequality gaps in education attainment and the decreasing use of exclusion from school. However, the *Committee* is concerned that: [a] Substantial inequalities persist in educational attainment, particularly for boys, children living in poverty, Roma, Gypsy and Traveller children, children with disabilities, children in care and newcomer children; [b] Among children subject to permanent or temporary school exclusions, there is a disproportionate number of boys, Roma, Gypsy and Traveller children, children of Caribbean descent, children living in poverty and children with disabilities and, with the exception of Scotland, only children with disabilities have the right to appeal against their exclusion; [c] Children with disabilities, in particular children with psychosocial

disabilities and other “special educational needs”, are often subject to the practice of “informal” exclusion or “taught off-site” to control their behaviour; [...]; [f] Many children living in poverty, particularly boys, do not meet the expected level of language development at the preschool level, which has a negative impact on their primary education, hindering their development throughout their life.

• 73. The *Committee* recommends that the State party: [a] Enhance its efforts to reduce the effects of the social background or disabilities of children on their achievement in school and to guarantee the right of all children to a truly inclusive education in all parts of the State party, including for newcomer children without experiences of formal education. In this regard, closely monitor and, if necessary, regulate the establishment and management of academies and free schools in England and abolish the practice of unregulated admission tests to post-primary education in Northern Ireland; [b] Use the disciplinary measure of permanent or temporary exclusion as a means of last resort only, forbid and abolish the practice of “informal” exclusions and further reduce the number of exclusions by working closely with social workers and educational psychologists in school and using mediation and restorative justice; [c] Ensure that children have the right to appeal against their exclusion and are provided with legal advice, assistance and, where appropriate, representation for those without means; [...]; [f] Taking note of target 4.2 of the Sustainable Development Goals, on access to quality early childhood development services, allocate sufficient human, technical and financial resources for the development and expansion of early childhood care and education, based on a comprehensive and holistic policy of early childhood development, with special attention to the children in the most vulnerable situations; [g] Make children’s rights education mandatory.

• Rest, leisure, recreation and cultural and artistic activities

• 74. [...] The *Committee* is concerned about: [a] The withdrawal of a play and leisure policy in England, and underfunding of play and leisure policies in Northern Ireland, Scotland and Wales; [b] Insufficient places and facilities for play and leisure for children, in particular those accessible for children with disabilities and children in marginalised and disadvantaged situations, and public space for adolescents to socialise.

• 75. With reference to its general comment No. 17 [2013] on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the *Committee* recommends that the State party, including the governments of the devolved administrations: [a] Strengthen its efforts to guarantee the right of the child to rest and leisure and to engage in play and recreational activities appropriate to the age of the child, including by adopting and implementing play and leisure policies with sufficient and sustainable resources; [b] Provide children, including those with disabilities and children in marginalised and disadvantaged situations, with safe, accessible, inclusive and smoking-free spaces for play and socialisation and public transport to access such spaces; [c] Fully involve children in planning, designing and monitoring the implementation of play policies and activities relevant to play and leisure, at the community, local and national levels¹⁹.

¹⁹ *UNCRC: Committee on the Rights of the Child; Concluding Observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland*, 12th July 2016.

Protection: the right to a safe environment, free from all forms of abuse:

The young people were very vocal about the issues that they face; they felt that as a group, young people were generally stereotyped – an issue which they believe continues to be fuelled and perpetuated by the mainstream media. Many participants believed that their status of being a ‘looked after’ young person brought them even further stigma. Being protected and living in a safe and healthy environment, free from abuse and neglect, is valued as one of the most important rights entitlements.

Participants stated they wanted more respect with regards to their privacy, freedom to choose who they were friends with and where they associated. Young people do not want to feel “locked up” and criminalised. Another issue raised by young people related to their privacy rights in regards to the access and monitored use of social media sites such as Facebook: young people want to feel trusted and respected.

Participant’s recommendations:

“The government must take more responsibility in tackling negative perceptions of young people in care”; “More needs to be done to tackle bullying in schools”; “Young people must have continual access to independent services and spaces in which they can learn about their rights”; “Respect for honesty and openness from people who support and care for children and young people”; “The media, television and music should be used to educate people, not reinforce negative stereotypes and be based upon real lived experiences”.

UNCRC Concluding Observations; concerns and recommendations:

- C. General principles [arts. 2, 3, 6 and 12 of the Convention]
- Non-discrimination
- [c] Many children in certain groups, including Roma, Gypsy and Traveller children, children of other ethnic minorities, children with disabilities, children in care, migrant, asylum-seeking and refugee children and lesbian, gay, bisexual, transgender and intersex children, continue to experience discrimination and social stigmatisation, including through the media.
- 22. The *Committee* recommends that the State party: [c] Strengthen its awareness-raising and other preventive activities against discrimination and stigmatisation and, if necessary, take temporary special measures.
- 23. The *Committee* recalls its previous recommendation that the State party take urgent measures to address the “intolerance of childhood” and general negative public attitude towards children, especially adolescents, within society, including in the media for the benefit of children in vulnerable situations.
- Best interests of the child
- 26. The *Committee* regrets that the right of the child to have his or her best interests taken as a primary consideration is still not reflected in all legislative and policy matters and judicial decisions affecting children, especially in the area of alternative care, child welfare, immigration, asylum and refugee status, criminal justice and in the armed forces. Furthermore, in some overseas territories, there is no legal provision to guarantee this right.
- 27. With reference to its general comment No. 14 [2013] on the right of the child to have his or her best interests taken as a primary consideration, the *Committee* recommends that the

State party, in all parts of its territory: [a] Ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions and in all policies, programmes and projects that are relevant to and have an impact on children; [b] Develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration.

- D Civil rights and freedoms [arts. 7, 8 and 13-17]

- Freedom of association and peaceful assembly

- 37. In order to fully guarantee children's right to freedom of movement and peaceful assembly, the *Committee* recommends that the State party: [a] Prohibit the use in public spaces of acoustic devices used to disperse gatherings of young people [so-called "mosquito devices"]; [b] Collect data on measures used against children, including children aged 10-11 years, to deal with antisocial behaviours and for the dispersal of crowds, and monitor the criteria and proportionality of their use.

- Right to privacy

- 38. The *Committee* recommends that the State party: [a] Prohibit the use of non-statutory stop-and-search checks against children; [b] Ensure that the statutory use of the stop-and-search checks is proportionate, taking into consideration the age and maturity of the child, and non-discriminatory; [c] Regularly collect, analyse and publish data relating to the use of stop-and-search checks on children, disaggregated by age, sex, disability, geographic location, ethnic origin and socioeconomic background.

- 40 With reference to the *Committee's* general comment No. 13 [2011] on the right of the child to freedom from all forms of violence, and to target 16.2 of the Sustainable Development Goals, the *Committee* urges the State party to: [b] Abolish all methods of restraint against children for disciplinary purposes in all institutional settings, both residential and non-residential, and ban the use of any technique designed to inflict pain on children; [d] Systematically and regularly collect and publish disaggregated data on the use of restraint and other restrictive interventions on children in order to monitor the appropriateness of discipline and behaviour management for children in all settings, including in education, custody, mental health, welfare and immigration settings.

- Corporal punishment

- 41. With reference to its general comment No. 8 [2006] on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment and its previous recommendations, the *Committee* urges the State party, in all devolved administrations, overseas territories and Crown dependencies, to: [a] Prohibit as a matter of priority all corporal punishment in the family, including through the repeal of all legal defences, such as "reasonable chastisement"; [b] Ensure that corporal punishment is explicitly prohibited in all schools and educational institutions and all other institutions and forms of alternative care; [c] Strengthen its efforts to promote positive and non-violent forms of discipline and respect for children's equal right to human dignity and physical integrity, with a view to eliminating the general acceptance of the use of corporal punishment in child-rearing.

- E Violence against children [arts. 19, 24 [3], 28 [2], 34, 37 [a] and 39]

- Violence, abuse and neglect

- 42. The *Committee* welcomes the introduction of a new domestic abuse offence to capture coercive and controlling behaviour in intimate and familial relationships, as introduced in the

Serious Crime Act [2015] in England and Wales. However, the *Committee* is concerned at: [a] The high prevalence of domestic violence and gender-based violence against women and girls, and the negative impact that those forms of violence have on children, whether as victims or witnesses; [b] The Children and Young Persons Act [1933], which defines a child as a person under the age of 16 for the purpose of the criminal law on child abuse and neglect; [c] The lack of due respect for the views of children in responses to violence against children and in family law proceedings.

- 43. With reference to its general comment No. 13 [2011] and target 16.2 of the Sustainable Development Goals, the *Committee* recommends that the State party: [a] Revise the Children and Young Persons Act [1933] in order to protect all children under 18 years from child abuse and neglect; [b] Strengthen the systematic collection of data and recording of information on violence against children, including domestic violence, gender-based violence, abuse and neglect, in all settings, and the sharing of information and referral of cases among relevant sectors; [c] Increase the number of social workers and strengthen their capacity to address violence against children; [d] Give due weight to the views of children concerned in the responses to violence, including in criminal and family law proceedings; [e] Consider ratifying the Convention on preventing and combating violence against women and domestic violence.

- Sexual exploitation and abuse

- 44. The *Committee* welcomes the measures taken to address child sexual exploitation and abuse, including the “WePROTECT” model national response and strong child and civil society participation in the development of a multisectoral action plan and relevant guidance and tools in Wales, and in the independent inquiry on the phenomenon in Northern Ireland. However, the *Committee* is concerned about: [a] Recent allegations of widespread child sexual exploitation and abuse by high profile figures, by organised gangs and in institutional settings; [b] The increasing risk of online child sexual exploitation and abuse; [c] The insufficient respect for the views of children in efforts to prevent, detect and respond to such exploitation and abuse; [d] The low rate of prosecution of child sexual exploitation and abuse.

- 45. The *Committee* recommends that the State party, including devolved governments, overseas territories and Crown dependencies: [a] Systematically collect and publish comprehensive and disaggregated data on child exploitation and abuse, including through mandatory reporting, in all settings; [b] Develop and implement comprehensive multisectoral strategies on child exploitation and abuse, including online, to ensure effective prevention, early detection and intervention, at the national and devolved levels, in overseas territories and Crown dependencies; [c] Implement the recommendations of the Marshall Inquiry into child sexual exploitation in Northern Ireland; [d] Further develop comprehensive services to support children who are victims or at risk of sexual exploitation and abuse; [e] Strengthen the capacity of law enforcement authorities and the judiciary to detect and prosecute child sexual exploitation and abuse, and grant effective remedies to the child victims; [f] Consider ratifying the *Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*.

- Freedom of the child from all forms of violence

- 48. The *Committee* is concerned that: [a] Bullying, including cyberbullying, remains a serious and widespread problem, particularly against lesbian, gay, bisexual, transgender and intersex children, children with disabilities and children belonging to minority groups, including Roma, Gypsy and Traveller children.

• 49. The *Committee* recommends that the State party: [a] Intensify its efforts to tackle bullying and violence in schools, including by teaching human rights, building the capacities of students and staff members to respect diversity at school, improving students' conflict-resolution skills, monitoring regularly the incidences of bullying at school and involving children in the initiatives and monitoring aimed at eliminating bullying; [b] In the light of the recommendations resulting from the day of general discussion on digital media and children's rights, train children, teachers and families on the safe use of information and communication technologies, raise awareness among children on the severe effects that online bullying can have on their peers and increase the involvement of social media outlets in the efforts to combat cyberbullying; [c] Take immediate and effective measures to protect children from violence by non-State actors involved in paramilitary-style attacks and from recruitment by such actors into violent activities, including through measures relating to transitional and criminal justice²⁰.

Participation: the rights that allow young people to take part in wider society and have a say in the matters that affect both themselves, and their community:

Participants feel it is imperative that the people who support them are knowledgeable and trained on the *UNCRC*. It is also important that young people have the opportunity to be supported with their rights in spaces away from where they are accommodated, via independent organisations. Many young people in care believe that their rights are primarily about their responsibilities; that in general, adults and those in authority had the power to grant their rights [or not]. Respect from adults, and efforts to engage young people and take their views seriously in decision making processes, was viewed by participants as dependent on their age or behaviour. Young people feel strongly that they have the right to have a say in the decisions which affect their daily lives; learning about their rights is important to them, indeed, if they had been supported to learn about their rights earlier they may not have experienced some of the negative processes they had been through in the past.

Participant's recommendations:

"Increased awareness for the right of children and young people to know their rights in relation to the UNCRC – to support participation in decision making"; "Setting regular goals is an important way in which young people in care can be given responsibility in order to learn to do things for themselves"; "Long-term goals should be encouraged by professionals in order to help young people in care to make a positive contribution towards their future"; "Information must be explained and documented in ways young people can understand"; "Increased rights education in mainstream and alternative education settings"; "The development of qualifications which relate to participation rights for professionals such as teachers, social workers, managers and staff in social care settings would help to enshrine the rights of looked after young people"; "More skill-based and vocational educational options"; "Ensure appropriate matching for children and young people – having looked after young people involved in staff recruitment is crucial"; "Article 12 of the UNCRC must be respected at all times, regardless of age or behaviour".

²⁰ *UNCRC: Committee on the Rights of the Child; Concluding Observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland, 12th July 2016.*

The young people felt that the following recommendations/concerns were particularly important:

- Young people need more preparation and support for when they leave their care home;
- Being in a care home feels secure, as windows and doors are locked, but when young people leave care the feeling of security is gone, and can be replaced by anxiety;
- When young people put themselves at risk in any form they should have the right to keep that private [to an extent]; it should go no further than their carer or support worker if possible;
- Care should be taken with the wording of case notes; small incidents can seem exaggerated by the language used, young people expressed concern with this practice: *“would you say your own child was aggressive when they were just in a bad mood, I don't understand why someone would write that about me”*;
- Social work must assess the suitability of every meeting with friends outside school hours, *“this is embarrassing and means we can do nothing without first having things checked out”*;
- Police checks must be run on friends and their families before young people in care can stay overnight: protection is paramount, but *“this is embarrassing”*;
- Young people in care feel they have very little opportunity to make decisions. Social workers and adults make most of the decisions – permission must be sought to do most things;
- When moving on from residential services, looked after young people must prove they are capable of living independently, if not they are forced into homeless accommodation or B&B housing. The young people feel they are being asked to prove they can succeed in an environment when failure is the expectation and the norm;
- Having to leave the care system before they are ready can lead to further problems;
- More planning around work and work placements before leaving care would be hugely beneficial and prevent young people going straight to benefits;
- Young people being asked to work for organisations in order to gain experience and not being paid is unethical;
- Increased and improved financial support;
- Electronics: if a young person is not deemed to be at risk when using electronic equipment [such as smart phones], they should be allowed access to them; shopping sites are blocked so young people cannot access shopping on line;
- Professionals working with young people's families due to issues such as abuse and neglect are not teaching the young people how to manage themselves;
- There is a huge lack of privacy;
- Organisations can exploit young people by sharing their stories;
- One young person did not think that self-harming should be reported as an incident, as this was something they did to cope and was, in their view, preferable to 'acting out' – this was something that was private. There is a strong sense that when a decision about writing an incident report is made, that workers are making a negative judgement about the young person;

- The young people felt that they had to constantly prove themselves before they were allowed to do things that young people living with their families do as a natural part of life: *"I can't even meet my friends without proving I can be trusted"*;
- The young people understood the responsibility of adults to make sure they were safe, but thought that professionals often made decisions that were more about protecting themselves than the young people;
- Stereotyping of young people in care leads to discrimination in education and work.

UNCRC Concluding Observations; concerns and recommendations:

• A] General Measures of Implementation [arts. 4, 42 and 44 [6]]:

• Comprehensive policy and strategy

8. The *Committee* recommends that the State party: [c] In Scotland, ensure the full implementation of the action plan entitled *Do the Right Thing* [2009] and the National Action Plan for Human Rights [2013-2017].

9. In doing so, the *Committee* recommends that the State party allocate sufficient human, technical and financial resources, set up clear timelines and a monitoring and evaluation framework for the implementation of the strategy and the action plans and pay special attention to children belonging to the most vulnerable groups.

• Child rights impact assessment

10. The *Committee* recommends that the State party: [a] Introduce a statutory obligation at the national and devolved levels to systematically conduct a child rights impact assessment when developing laws and policies affecting children, including in international development cooperation; [b] Publish the results of such assessments and demonstrate how they have been taken into consideration in the proposed laws and policies.

• Coordination

11. The *Committee* reiterates its previous recommendation that the State party ensure effective coordination of the implementation of the Convention throughout the State party. To that end, the *Committee* recommends that the State party: [a] In each of the devolved administrations, overseas territories and the Crown dependencies, establish an appropriate statutory body at a high interministerial level with a clear mandate and sufficient authority to coordinate all activities across relevant sectors related to the implementation of the Convention; [b] Allocate sufficient human, technical and financial resources to the said coordinating bodies for their effective operation; [c] Strengthen coordination and evaluation of the implementation of the Convention at the national level.

• Allocation of resources

• 12. The *Committee* is seriously concerned at the effects that recent fiscal policies and allocation of resources have had in contributing to inequality in children's enjoyment of their rights, disproportionately affecting children in disadvantaged situations.

• 13. In accordance with article 4 of the Convention and targets 10.2 and 10.4 of the Sustainable Development Goals, the *Committee* urges the State party to allocate the maximum extent of available resources for the implementation of children's rights, with a special focus on eradicating child poverty and reducing inequalities within and across all jurisdictions. In that endeavour, the *Committee* recommends that the State party: [a] Utilise a child-rights approach in the elaboration of the State budget, by implementing a tracking system for the allocation and use of resources for children throughout the budget; [b] Ensure transparent and participatory budgeting through public dialogue, including with children; [c] Define budgetary lines for

children in disadvantaged or vulnerable situations that may require affirmative social measures and make sure that those budgetary lines are protected even in situations of economic recessions; [d] Regularly conduct child rights impact assessments of budget and economic decision-making processes and outcomes, including austerity measures, in areas that are directly or indirectly related to children's rights; [e] Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention.

- Independent monitoring

- 15. The *Committee* welcomes the increased independence of the Children's Commissioners in the four devolved administrations of the State party and the many initiatives that they have taken to ensure the promotion and protection of the rights of the child. Nevertheless, the *Committee* is concerned that the powers of the Commissioners for Northern Ireland and Wales are still limited and that the Commissioner for Scotland has not started exercising its mandate to conduct investigations on behalf of individual children.

- 16. With reference to the *Committee's* general comment No. 2 [2003] on general measures of implementation, the *Committee* recommends that the State party: [a] Further strengthen the independence of established Children's Commissioners, in line with the principles relating to the status of national institutions for the promotion and protection of human rights [the Paris Principles], and enable them, inter alia, to receive and investigate complaints from or on behalf of children concerning violations of their rights; [b] Allocate to the Commissioners in all jurisdictions the necessary human and financial resources in order to carry out their mandate in an effective and coordinated manner.

- C. General principles [arts. 2, 3, 6 and 12 of the Convention]

- Respect for the views of the child

- 30. The *Committee* is concerned that: [a] Children's views are not systematically heard in policymaking on issues that affect them; [...]; [d] Many children feel that they are not listened to by their social workers, reviewing officers, paid carers, judges, personnel working with children in conflict with the law or other professionals in matters affecting them, including in family proceedings.

- 31. With reference to its general comment No. 12 [2009] on the right of the child to be heard, the *Committee* recommends that the State party: [a] 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; [...]; [d] Ensure that children are not only heard but also listened to and their views given due weight by all professionals working with children²¹.

What makes a good care worker: happy, funny, careful, patient, approachable, open with communication, good cook, supportive, active, good listener, honest, open minded, understanding, thoughtful and knows your rights.

²¹ *UNCRC: Committee on the Rights of the Child; Concluding Observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland*, 12th July 2016.

Young people living in care can face discrimination and negative stereotyping in every aspect of society: from school, work and the general public, to the professionals working with them. More needs to be done to tackle this discrimination – increased awareness-raising, both in the forms of national campaigns and more tailored peer education, delivered by the young people, to their peers and all professionals and policy makers working with young people in care; ensuring the unique needs and challenges of this group of young people are taken into account, with their rights according to the *UNCRC* implemented into policy and practice throughout all services. Young looked after people must be at the fore of all decisions made affecting their lives, a right that all young people deserve.

YOUNG OFFENDERS

Unfortunately, *Polmont Youth Offending Institute [PYOI]* did not wish to re-engage with *Article 12 in Scotland* and the *UNCRC*. Nonetheless, *Article 12 in Scotland* feels it is important to continue to represent this group of marginalised young men [the concerns and recommendations of Young Offenders can be found in *Article 12 in Scotland's Alternative Report I Witness: The UNCRC in Scotland – Young People's Voices*²²]. The following sections from the *Concluding Observations* are relevant to young offenders²³. *Article 12 in Scotland* hopes that those in government, and all those in positions with the power to effect positive change for these young people, pay attention to these recommendations and act accordingly:

- General measures of implementation [arts. 4, 42 and 44 [6]]

- Child rights impact assessment

10. The *Committee* recommends that the State party: [a] Introduce a statutory obligation at the national and devolved levels to systematically conduct a child rights impact assessment when developing laws and policies affecting children, including in international development cooperation; [b] Publish the results of such assessments and demonstrate how they have been taken into consideration in the proposed laws and policies.

- C. General principles [arts. 2, 3, 6 and 12 of the Convention]

- Best interests of the child

26. The *Committee* regrets that the right of the child to have his or her best interests taken as a primary consideration is still not reflected in all legislative and policy matters and judicial decisions affecting children, especially in the area of alternative care, child welfare, immigration, asylum and refugee status, criminal justice and in the armed forces. Furthermore, in some overseas territories, there is no legal provision to guarantee this right.

27. With reference to its general comment No. 14 [2013] on the right of the child to have his or her best interests taken as a primary consideration, the *Committee* recommends that the State party, in all parts of its territory: [a] Ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions and in all policies, programmes and projects that are relevant to and have an impact on children; [b] Develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration.

²² *Article 12 in Scotland's Alternative Report: I Witness: The UNCRC in Scotland; Young People's Voices*: http://www.article12.org/wp-content/uploads/2015/06/IWitness2015theUNCRCinScotland_YoungPeoplesVoices.pdf

²³ *UNCRC: Committee on the Rights of the Child; Concluding Observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland*, 12th July 2016.

- Respect for the views of the child

30. The *Committee* is concerned that: [a] Children's views are not systematically heard in policy making on issues that affect them; [b] The reforms concerning the reduction of legal aid in all four jurisdictions appear to have a negative impact on the right of children to be heard in judicial and administrative proceedings affecting them; [d] Many children feel that they are not listened to by their social workers, reviewing officers, paid carers, judges, personnel working with children in conflict with the law or other professionals in matters affecting them, including in family proceedings.

- D. Civil rights and freedoms [arts. 7, 8 and 13-17]

- Right to privacy

38. The *Committee* recommends that the State party: [a] Prohibit the use of non-statutory stop-and-search checks against children; [b] Ensure that the statutory use of the stop-and-search checks is proportionate, taking into consideration the age and maturity of the child, and non-discriminatory; [c] Regularly collect, analyse and publish data relating to the use of stop-and-search checks on children, disaggregated by age, sex, disability, geographic location, ethnic origin and socioeconomic background.

- E. Violence against children [arts. 19, 24 [3], 28 [2], 34, 37 [a] and 39]

- Torture and other cruel or degrading treatment or punishment

39. The *Committee* is concerned about: [a] The use by the police of Tasers and, in the case of Northern Ireland, attenuating energy projectiles against children in the four devolved administrations; [b] The increased use of restraint and other restrictive interventions against children in custodial settings in England and Wales and the lack of data on the use of restraint in other parts of the State party; [c] The use of physical restraint on children to maintain good order and discipline in young offenders' institutions and of pain-inducing techniques on children in institutional settings in England, Wales and Scotland, and the lack of a comprehensive review of the use of restraint in institutional settings in Northern Ireland; [d] The use of restraint and seclusion on children with psychosocial disabilities, including children with autism, in schools.

40. With reference to the *Committee's* general comment No. 13 [2011] on the right of the child to freedom from all forms of violence, and to target 16.2 of the Sustainable Development Goals, the *Committee* urges the State party to: [a] Prohibit the use on children of electrical discharge weapons, such as Tasers, attenuating energy projectiles [in Northern Ireland] and any other harmful devices and systematically collect and publish age-disaggregated data on their use in order to monitor the implementation of such prohibition; [b] Abolish all methods of restraint against children for disciplinary purposes in all institutional settings, both residential and non-residential, and ban the use of any technique designed to inflict pain on children; [c] Ensure that restraint is used against children exclusively to prevent harm to the child or others and only as a last resort; [d] Systematically and regularly collect and publish disaggregated data on the use of restraint and other restrictive interventions on children in order to monitor the appropriateness of discipline and behaviour management for children in all settings, including in education, custody, mental health, welfare and immigration settings.

- G. Disability, basic health and welfare [arts. 6, 18 [3], 23, 24, 26, 27 [1]–[3] and 33]

- Health and health services

58. The *Committee* is concerned at the inequality in access to health services and health outcome, negatively affecting Roma, Gypsy and Traveller children, children belonging to other ethnic minorities, migrant children, children living in poverty and in deprived areas,

children in care and in custody, children living with HIV/AIDS and lesbian, gay, bisexual, transgender and intersex children.

59. With reference to its general comment No. 15 [2013] on the right of the child to the enjoyment of the highest attainable standard of health, the *Committee* recommends that the State party, the governments of the devolved administrations, overseas territories and Crown dependencies develop comprehensive and multisectoral strategies on child health: [a] With the allocation to the maximum extent of available resources and a robust monitoring mechanism; [b] With a strong focus on eliminating inequalities in health outcome and in access to health services; [c] Addressing underlying social determinants of health.

- Mental health

60. The *Committee* welcomes the significant efforts undertaken both at the national and the devolved levels to improve mental health services. The *Committee* is nevertheless concerned that: [c] Children with mental health conditions are often treated far away from home [England and Scotland], do not receive adequate child-specific attention and support, are placed in adult facilities or may even be detained in police custody owing to a shortage of places in mental health clinics.

61. The *Committee* recommends that the State party: [a] Regularly collect comprehensive data on child mental health, disaggregated across the life course of the child, with due attention to children in vulnerable situations and covering key underlying determinants; [b] Rigorously invest in child and adolescent mental health services and develop strategies at the national and devolved levels, with clear time frames, targets, measureable indicators, effective monitoring mechanisms and sufficient human, technical and financial resources. Such strategy should include measures to ensure availability, accessibility, acceptability, quality and stability of such services, with particular attention to children at greater risk, including children living in poverty, children in care and children in contact with the criminal justice system; [c] Expedite the prohibition of placing children with mental health needs in adult psychiatric wards or police stations, while ensuring the provision of age-appropriate mental health services and facilities.

- Special protection measures [arts. 22, 30, 32, 33, 35, 36, 37 [b]-[d] and 38-40]

- Administration of juvenile justice

78. The *Committee* notes that the Government of Scotland is open to raising the minimum age of criminal responsibility and that an advisory group was established in 2016 to explore these issues and develop recommendations for consultation [...] However, the *Committee* is concerned that: [a] The minimum age of criminal responsibility remains 8 years in Scotland and Turks and Caicos Islands and 10 years for the rest of the State party; [b] Some children are tried in adult courts; [c] Life imprisonment of children, in the form of “detention at Her Majesty’s pleasure” in England and Wales, “detention during the pleasure of the Secretary of State” in Northern Ireland and “detention without limit of time” in Scotland, is mandatory for murder committed while the offender was under the age of 18; [d] The number of children in custody remains high, with disproportionate representation of ethnic minority children, children in care and children with psychosocial disabilities, and detention is not always applied as a measure of last resort; [e] There are occasions where children are held in the same places of deprivation of liberty for adults; [f] Access to education and health services, including mental health services, is insufficient for children in custody; [g] Segregation, including solitary confinement, is sometimes used for children in custody, including in young offenders’ institutions.

79. With reference to its general comment No. 10 [2007] on children’s rights in juvenile justice, the *Committee* recommends the State party to bring its juvenile justice system, including in all devolved administrations, the overseas territories and the Crown dependencies, fully into

line with the Convention and other relevant standards. In particular, the *Committee* recommends that the State party: [a] Raise the minimum age of criminal responsibility in accordance with acceptable international standards; [b] Ensure that children in conflict with the law are always dealt with within the juvenile justice system up to the age of 18 years, and that diversion measures do not appear in children's criminal records; [c] Abolish the mandatory imposition of life imprisonment for children for offences committed while they are under the age of 18; [d] Establish the statutory principle that detention should be used as a measure of last resort and for the shortest possible period of time and ensure that detention is not used discriminatorily against certain groups of children; [e] Ensure that child detainees are separated from adults in all detention settings; [f] Immediately remove all children from solitary confinement, prohibit the use of solitary confinement in all circumstances and regularly inspect the use of segregation and isolation in child detention facilities.

SUMMARY OF PARTICIPANTS' RECOMMENDATIONS

“Encourage involvement, working together is the best way to move forward!”

– Young Person, *Article 12 in Scotland: UNCRC Outcomes Seminar*, Glasgow, March 25th 2017

Young Gypsy/Travellers

Participation:

- Young Gypsy/Travellers must be widely consulted on the issue of sites; both current and proposed;
- Young Gypsy/Travellers must be able to participate, at all levels, in the decision making processes that affect their lives, and the lives of others from their community;
- Laws and policy must account for the unique needs of young Gypsy/Travellers;
- Robust monitoring of Local Authorities;
- All professionals and policy makers must be trained in the *UNCRC*;
- It is essential that young Gypsy/Travellers know their rights.

Development:

- More courses available for vocational skills and qualifications – young Gypsy/Travellers want to learn new skills;
- Improved transport provision near sites so young Gypsy/Travellers can travel to school, go shopping, socialise with their peers and so on;
- Increased awareness-raising in schools in order to combat discrimination;
- Training on the Gypsy/Traveller culture for all teachers; more teachers recruited from the Gypsy/Traveller community.

Protection:

- Society must treat Gypsy/Traveller culture and traditions with respect; Gypsy/Travellers continue to face inequality and discrimination;
- Increased awareness-raising with the settled community to help ease tensions; young Gypsy/Travellers want to lead on this, particularly in their relationship with the police;
- There must be robust monitoring of social media;
- Young Gypsy/Travellers want the media to use their power in a positive way.

Survival:

- A more flexible, culturally sensitive approach to healthcare;
- An immediate increase in the number of decent, well-appointed/located sites – the *Scottish Government* must introduce a legal duty on Local Authorities to provide good living standards for Gypsy/Travellers;
- Young Gypsy/Travellers have the right to good accommodation, whether living in a house or on a site;

- More accessible services;
- More training about the Gypsy/Traveller culture for health-care workers; this would help to build trust and encourage young Gypsy/Travellers to use health-care services;
- Health care workers to visit sites.

Young Carers [directly or indirectly experiencing mental ill-health]

Participation:

- Young carers must be listened to and involved in decision making processes at all levels, in order to ensure the support that is so crucial to their lives and development, is relevant to their needs and the needs of their families;
- Information regarding services and support must be straightforward and accessible; young carers want to take control of finding the best fit for themselves and their families;
- An increase in young carers projects such as *GAMH*, the support offered by such organisations is invaluable;
- Increased help and support with work placements;
- Young carers want to be treated as individuals;
- More support with caring and child-care responsibilities;
- An increase in the places and activities available in which young carers can safely socialise;
- The *UNCRC* to be taught in schools to all students and staff.

Development:

- Young carers want a say in how their education is delivered, and to see an increase in school support;
- More awareness-raising concerning the issues faced by young carers would increase understanding about the roles and responsibilities that come with caring; this would help stop bullying and lessen discrimination;
- Peer-led training for teachers would help to identify any young carers that may be ‘hidden’ [or unwilling to come forward], ensuring that all young carers get the support to which they are entitled;
- An increase in support and better respite care provisions.

Protection:

- Young carers want to see more national campaigns to tackle negative stereotypes and raise awareness of who young carers are and what they do;
- Increased peer education in school: young carers want to inform others of their realities;
- Better respite care provisions so young carers can have the time to do all the things ‘regular’ young people do in order to develop and have fun;
- The government should be more transparent and use less jargon to make policy more accessible;
- The government should provide increased additional support and information to young carers and families experiencing mental ill-health.

Survival:

- Mental health provisions must be at the forefront of reform and service reviews;
- Accessible support for those who need it;
- Appropriate and flexible education;
- Increased, rather than decreased, benefits.

Young people living with disabilities

Participation:

- Young disabled people want to have a bigger say in the services and choices that are involved in their lives [particularly with regards to personal support, housing and education]; there must be a clearer understanding of the issues faced, in order for young disabled people to fully participate at all levels of society;
- Work places must be more sensitive to the individual needs of young people living with disabilities;
- Involved professionals must work together, ensuring young people living with disabilities can access the best available support;
- Improved facilities catering to the specific needs of those living with disabilities; in particular, improved transport provisions;
- An increase in supported volunteering opportunities;
- Flexibility in services when moving areas;
- Young disabled people want more of a say in their respite care;
- It is crucial that the council and house builders consult with those living with disabilities so that they are able to influence planning and ultimately use their environment with ease and to its full potential.

Development:

- An increase in benefits in order to access essential respite care – many young people simply cannot afford to pay for care and living costs;
- Increased awareness-raising and training on the rights of those living with disabilities for education staff; schools must understand the requirement for time off;
- Teaching staff and medical professionals have a lack of understanding around the health issues of young disabled people, both mental and physical;
- To have better access to leisure facilities;
- Inclusive education;
- Improved transport provisions.

Protection:

- The *UNCRC* must go further to push the rights of young disabled people, and protect them up until the age of 25;
- An increase in awareness-raising;
- More empowerment through organisations such as *GDA*;

- Information and protection must be easily accessible and supported;
- The *Scottish Government* must work with organisations such as *GDA* in order to ensure the Independent Living in Scotland Initiative is fully implemented;
- Protection should not mean over-protection; young disabled people want to reach their full potential like any other young person;
- Young people living with disabilities want people to understand that the way mainstream society is structured restricts their lives.

Survival:

- Sensitive support should always be available for those who need it;
- Increased, rather than decreased, benefits;
- More respect, choice and control.

Looked after young people

Participation:

- Increased awareness of the *UNCRC* for all young disabled people and the professionals that work with, and advocate for, them;
- Young people want regular goals set in order for them to learn essential life skills and responsibility;
- Information must be accessible and easy to understand;
- The development of professional qualifications regarding participation rights for professionals [such as teachers, social workers managers and care staff] would help to enshrine the rights of young people living in care;
- Ensure the appropriate matching of young people and staff; the young people would like to be involved in recruitment;
- Increased skill-based, vocational learning;
- Article 12 of the *UNCRC* to be respected at all times, regardless of age and/or behaviour.

Development:

- Increased resources to support rights education;
- More awareness-raising/peer education in schools regarding the needs of, and issues faced by, young people in care – for both young people and teachers;
- All workers must be trained on the *UNCRC*, in order for the principles to be properly implemented into policy and practice for all services;
- Increased support for further education, training and employment;
- Improved participation and citizenship within early years educational settings;
- Improved privacy provisions;
- More freedom;
- Flexible education to suit individual need.

Protection:

- The government must take more responsibility in tackling the negative perceptions of young people in care, with particular regards to education, work and crime;
- A stronger stance on bullying;
- Access to independent services and organisations that support the rights of young people living in care;
- An increase in financial support;
- No unpaid work placements;
- Those working with young people living in care must strive to protect the young people first and foremost, not themselves;
- Utilise the media [both mainstream and social] and use this power to instigate positive change, based on real, lived experiences.

Survival:

- Young people want to be able to easily access the right to specialist care and support;
- Ensure all support is easily accessible and available to all young people, including those with learning disabilities and younger children;
- Increased support when leaving care, and not being forced to leave before feeling ready;
- Improved work experience opportunities.

FURTHER RECOMMENDATIONS

These points are taken from *Article 12 in Scotland's Alternative Report: I Witness: The UNCRC in Scotland; Young People's Voices*²⁴

- Changes and improvements in legislation only become meaningful when they are understood and implemented at a wider level of society. All those working with, and for, children and young people – from the government and local authorities to civil society organisations – must understand, implement and build upon these changes in order to reflect and ensure the rights and real needs of children and young people are being met;
- Discrimination and stereotyping vis a vis the mainstream media is a huge problem for all marginalised groups; negative myths are perpetuated, bullying and hate crimes increase – impacting on all areas of life for vulnerable children and young people. We urge the *Scottish Government* to take immediate action in increasing the protection of children and young people with regards to unbalanced, stereotypical reporting. This is of particularly high concern with regards to the Gypsy/Traveller community;
- Increased awareness-raising at a national level for all marginalised groups to specifically challenge negative societal attitudes – children and young people should play a key role in the development and delivery of this;
- In the spirit of Article 12 of the *UNCRC*, young people must be consulted on and participate in the development of all policies, practices and services that affect them and their communities. Increased participation and advocacy are essential and must be meaningful. Many attempts to engage children and young people in the participation process can be viewed by participants as tokenistic; this is especially true with regards to the Gypsy/Traveller community. A shift in focus from service providers to the empowerment of children and young people in making decisions concerning the services they use, will help enable them to ensure the best outcome for themselves, their families and their community;
- Knowledge surrounding the *UNCRC* is still low; greater awareness-raising, both for young people and any person who will be working with them, at all levels, is essential. The *UNCRC* is highly valued by the children and young people who know of its existence, as is the 'right to know your rights'. If we are to see a meaningful change in realising the rights of vulnerable children and young people, it is essential that the *UNCRC* be widely and aggressively promoted;
- There needs to be stronger national leadership and accountability from the government in implementing the *UNCRC* at a local government level for **all** children and young people;
- Due to the additional issues they face, the *UNCRC* should protect young disabled people until the age of 25;
- Local authorities possess too much power in decision making processes on behalf of the Gypsy/Traveller community, as well as there being a lack of transparency in the allocation of funds. They must be held accountable. The *Scottish Government* must exert legal pressure on *COSLA* for provision of accommodation for the community: a statutory duty for local authorities to provide safe and adequate sites for Gypsy/Travellers is urgently required. The Gypsy/Traveller community must be meaningfully involved in all relevant planning processes;

²⁴ *Article 12 in Scotland's Alternative Report: I Witness: The UNCRC in Scotland; Young People's Voices*: http://www.article12.org/wp-content/uploads/2015/06/IWitness2015theUNCRCinScotland_YoungPeoplesVoices.pdf

- The living conditions and access to essential services [including access to health and education services; further education and employment opportunities; social and recreational activities and their participation in civil and cultural life; access to personal support; financial assistance and suitable accommodation] of **all** marginalised children and young people included in this report requires attention. All young people have the right to a safe, healthy environment and a wide range of available, accessible support and facilities to aid their development and increase well-being;
- Increased provisions for transitional services [for young disabled people, looked after young people, young carers and young offenders] are essential in building upon the foundations for positive life paths;
- Schools need to work to ensure marginalised children and young people are involved in decision making processes. According to children and young people, pupil councils and other fora often serve to further exclude such groups. Increased awareness-raising with teachers via peer education will promote the issues and rights infringements of marginalised young people, tackling stereotypes and bullying. It is hoped that this would also improve school life for marginalised children and young people;
- *Article 12 in Scotland* further recommends that the *Scottish Government* support more young person-led projects which empower young people to directly educate professionals [and other young people via peer education] in health and education services. Looked after young people and young offenders also believe that carers and professionals need to carefully consider how protective care can negatively impact upon their rights and freedoms.

CONCLUSION

Protection for all children and young people under the *UNCRC* is more important now than ever before given our current political climate. It is essential that marginalised children and young people are adequately supported to enjoy the rights they are entitled to under the *UNCRC*. Whilst the *Scottish Government* has made dedicated efforts to raising awareness of the *UNCRC*, it is clear that gaps in the knowledge and understanding of children and young people's rights persist. Marginalised children and young people appear to be disproportionately affected by this, as they lack equal opportunities to learn about their rights and to voice their opinions. Due to negative societal attitudes and limited understanding, many of the young people have stated that their rights have been confused with privileges; that their enjoyment of rights has been situational and dependent on their accommodation status, behaviour, ethnicity or perceived abilities. With support, these vulnerable, marginalised and discriminated against groups now recognise the importance of knowing their rights; the voices of the young people speak for themselves:

“Rights are more important now than ever, don’t let the current political climate erode them”; “The government should listen to what WE think about our rights”; “The views of young people must be heard, we want to participate and have our voices heard on the issues that affect us”; “Promises made by the government must be delivered”; “Young people must be confident to speak up, raise awareness and have their voices heard”; “Keep up the pressure to implement the recommendations from the Concluding Observations”; “The government need to listen to what we need”.

We encourage the *Scottish Government* to continue to build upon their good practice in recognising rights entitlements by carefully considering each group of young people's concerns and recommendations contained within this report; real concerns have been raised by all of the young people with regards to their unequal access to universal rights, their ability to participate and the barriers they face. Policy makers must recognise diversity by engaging more with marginalised groups; challenging stereotypes and attitudinal barriers, and promoting realistic images of vulnerable groups of children and young people. We commend the *Scottish Government's* efforts to improve the monitoring and implementation of the *UNCRC* and we hope to see sincere and positive improvements regarding the means by which children and young people's rights are promoted and respected in Scotland.

There can be no doubt, greater efforts must be made to reach socially excluded children and young people and we strongly recommend that the *Scottish Government* and all professionals and practitioners [including statutory bodies such as the *Scottish Human Rights Commission* and the *Office of the Children and Young People's Commissioner*] who work for, or in the interests of, children and young people, consider more free and meaningful forms of participation which respect participation rights.

The young people involved in this report have spoken; the issues they face are commonplace amongst their peers and communities. Their message is simple: their rights to participation, protection, development and survival are not being upheld. These are basic, essential rights to which everyone is entitled; rights we are unequivocally failing to ensure are met for these vulnerable, marginalised and discriminated against young people. *Article 12 in Scotland* believes that governments, professionals, practitioners and wider society all have a role to play in building an environment that respects, values and validates the contributions of **all** Scotland's children and young people.

People need to feel as if someone cares about them and loves them

We need to promote inclusion

Everybody is different

We must do more to challenge prejudice

People should not be labelled

We need access to more inclusive services that everyone can access

Marginalised groups of young people can become very isolated, help make sure everyone is involved and supported

We face the same barriers no matter what our situations are

Encourage involvement, working together is the best way to move forward

Rights are more important now than ever, don't let the current political climate erode them

Keep up the pressure to implement the recommendations from the Concluding Observations

Promises made by the government must be delivered

The government need to listen to what we need

The views of young people must be heard, we want to participate and have our voices heard on the issues that affect us

Rights are rights, you can't pick and choose them

The government should listen to what WE think about our rights

To learn about each other, we have to meet each other – this is how we will build a better understanding

Young people must be confident to speak up, raise awareness and have their voices heard

No child chooses to be looked after away from home/mentally ill/disabled – don't label us

Mental health issues must be highlighted in Scotland

Invest in mental health services, people are more important than money

Communication with social workers needs to improve

Social work make the decisions and we are left to deal with the consequences

Social workers changing and leaving when the decision was wrong is a problem

Looked after young people need support in maintaining friendships, especially when moving areas

There is no point in doing risk assessments just to stop people from doing things

More awareness of hidden disabilities

Support should happen from the first minute that a young person arrives in care, not as an afterthought

More support in the gap between leaving care and adulthood

Raise awareness

Use mainstream media for positive stories

Don't label young people in care

More community-based support

People who know the family the least, make the biggest decisions

Some young people don't want contact with their social worker

Communication works, we need to bridge the gap between services and peer education

Real communication and building a relationship with the police would be helpful for young offenders

Risk-assessments can be too overprotective and stop disabled people from reaching their full potential

Social workers look at guidelines instead of looking at the individual needs of a young person

I need support every time, if you put a price on this I experience stigma and discrimination

Social workers should take a wider view

Accessibility is a big issue between non-wheelchair users and wheelchair users, places may seem accessible until you try to tackle them in a wheelchair

Attitudes need to change towards young people in care in order to stop discrimination

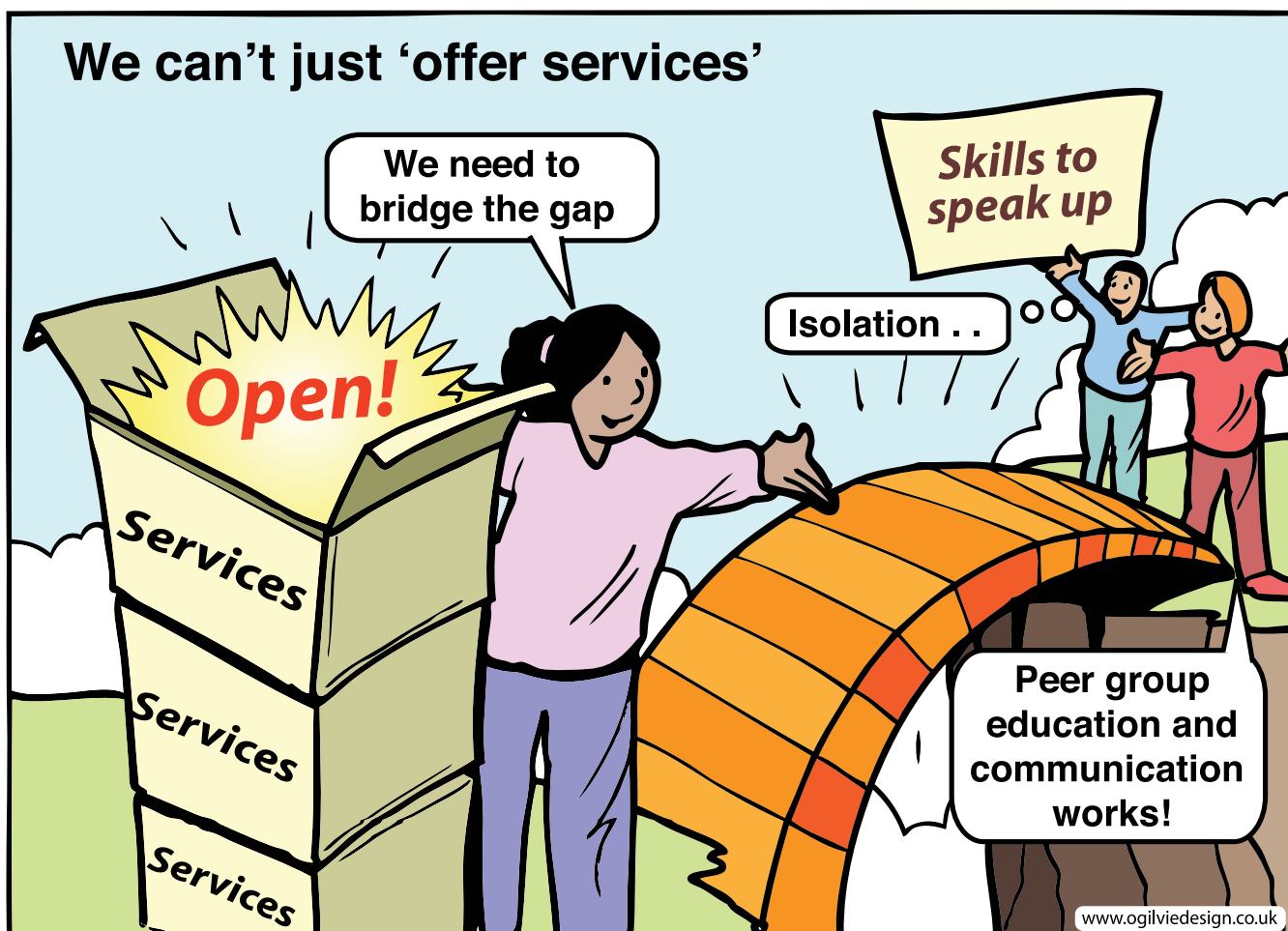
Support for, and to make the best use of, social media

More money for mental health care

Support should happen
from the first minute

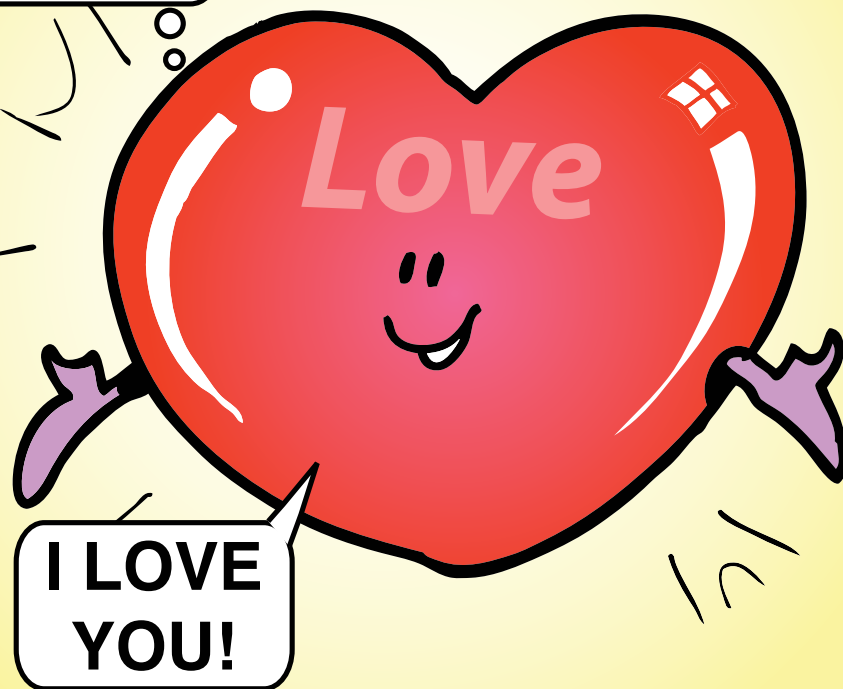


We can't just 'offer services'



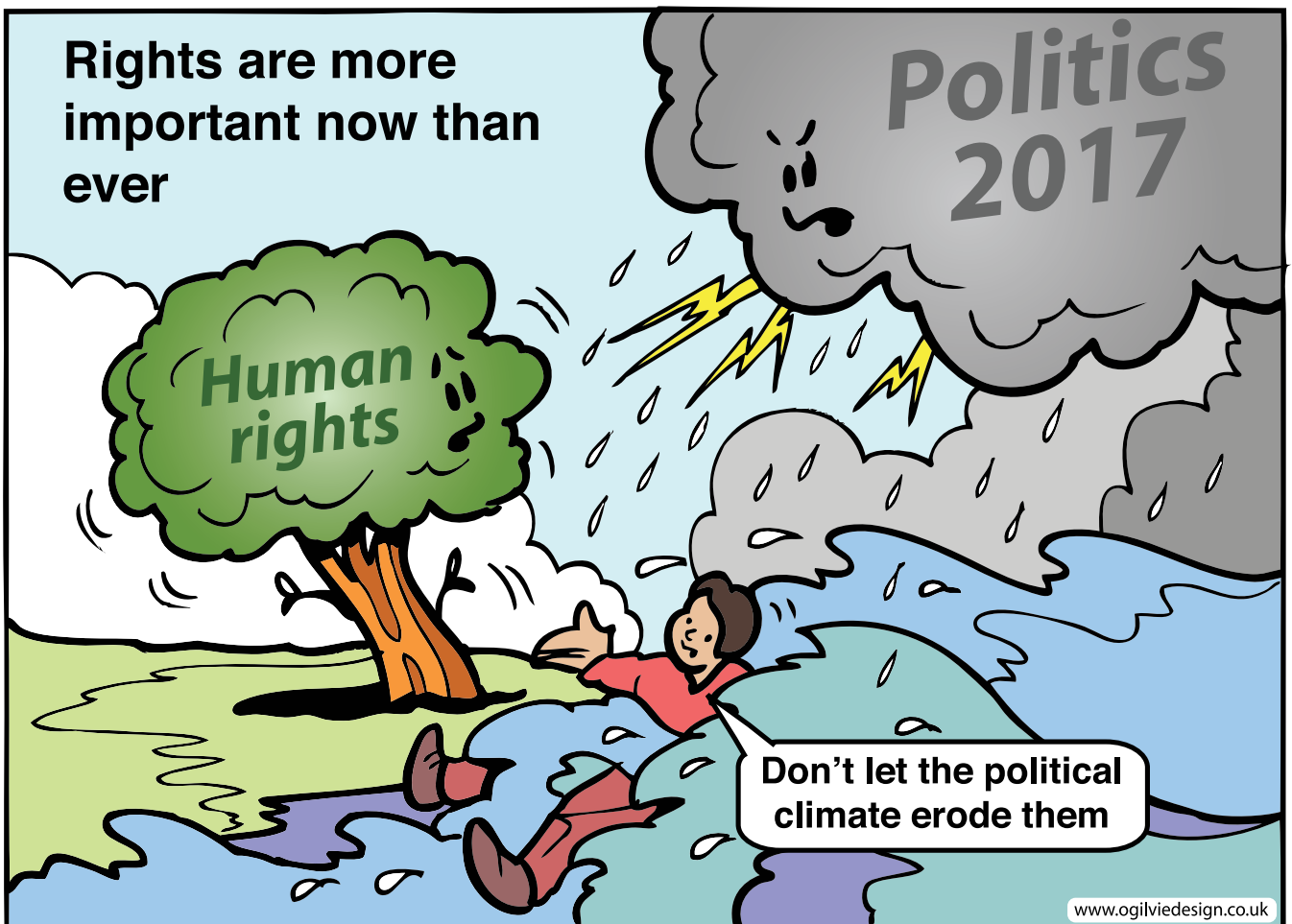
The biggest difference we could make . .

Is telling
people . .

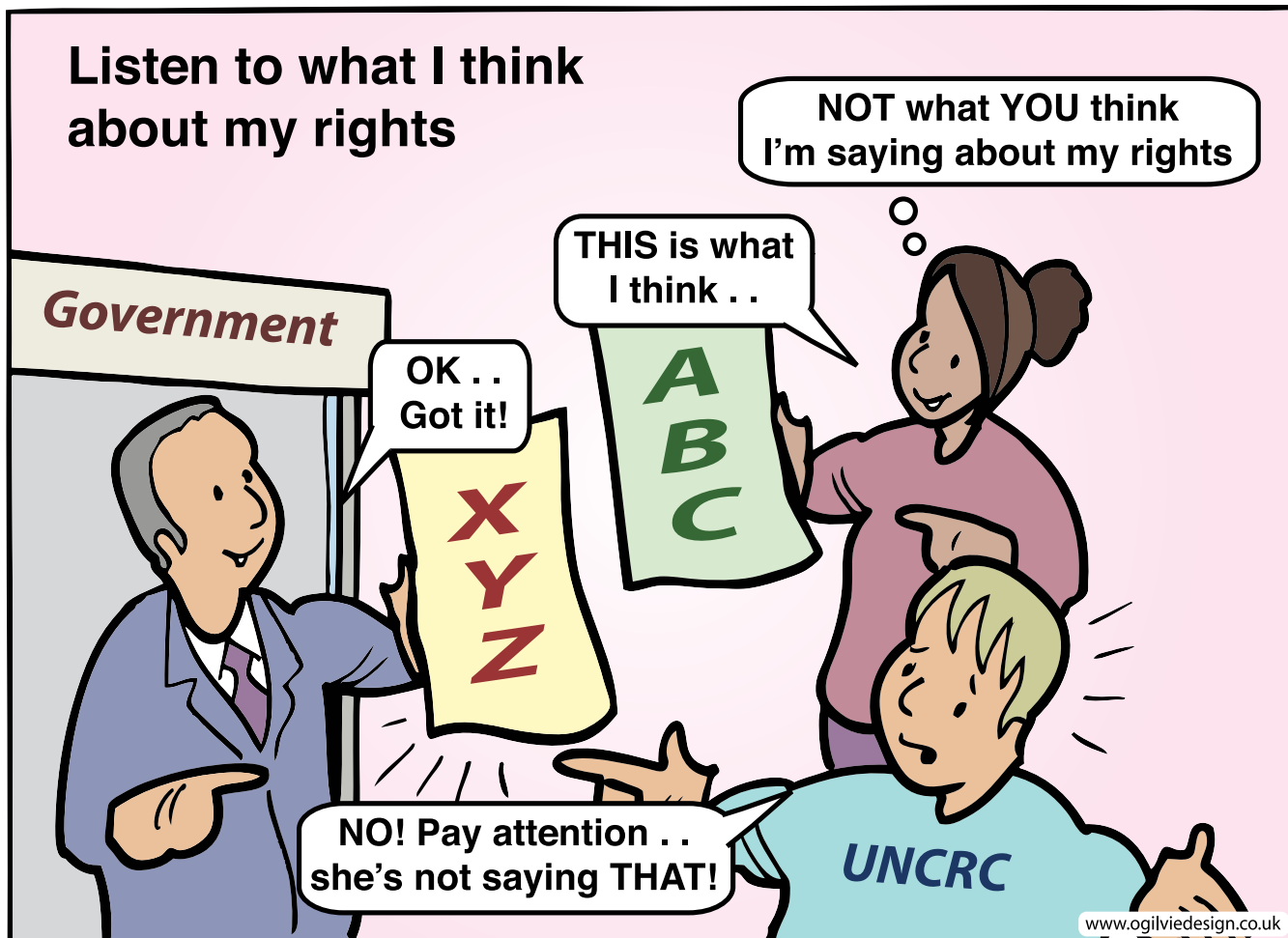


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Police INVOLVEMENT would work

So that I'm 'not just here to lift you'

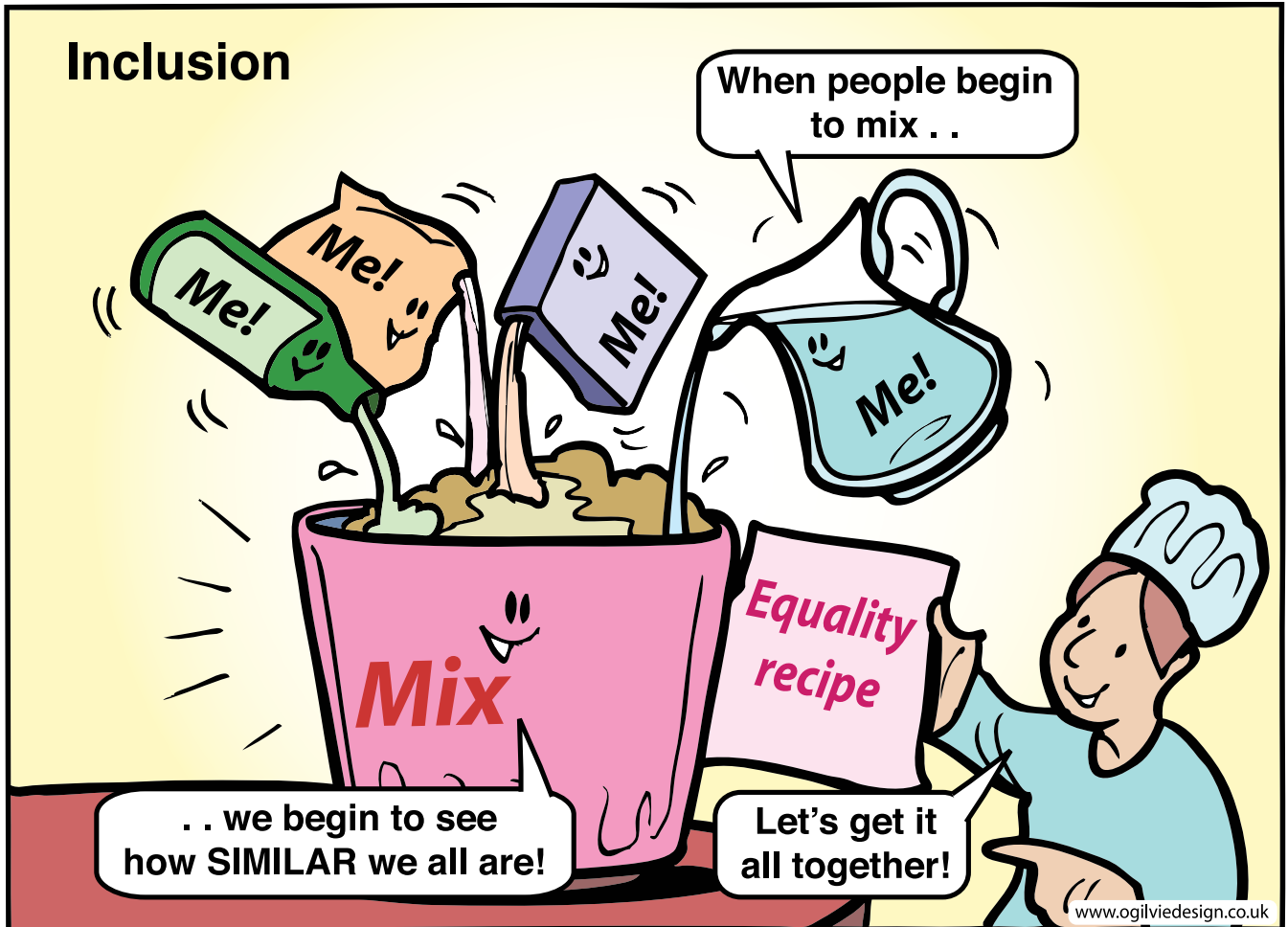
Young offenders workshop

OK, so this is MY point of view . .

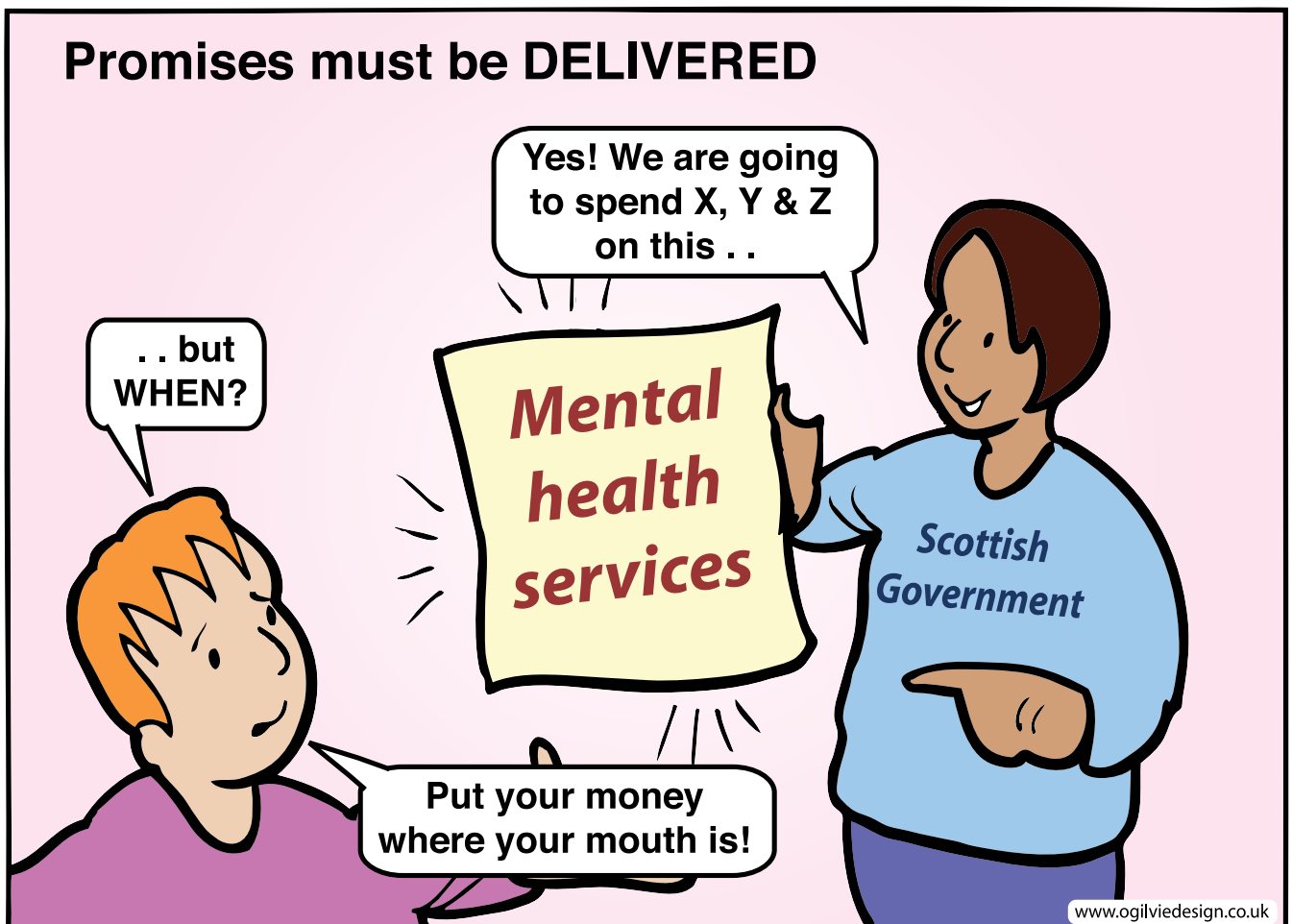
Lines of communication

www.ogilviedesign.co.uk

Inclusion



Promises must be DELIVERED



Introduction

- Registration and introductions;
- Housekeeping;
- Safe space rules: do you agree/do you want to add anything?

Article 12 in Scotland

- What *Article 12 in Scotland* does/underpinning principles.

Warm up

- Three activities in place to be used depending on age of group.

Before Cards

- Hand out before cards printed on both sides, so we can assess how an individual's understanding has developed. There is no name on the cards for anonymity purposes, but we request the same individual to fill in both sides.

The UNCRC

- What is the *UNCRC*;
- The articles;
- Human rights;
- Putting the *UNCRC* into practice;
- The four main categories of rights.

Rights Card Game

- Groups develop knowledge of articles, and begin to look at how articles fit into the four main categories.

Prioritising the issues raised in the previous workshop

- Feedback general findings which are important to young Gypsy/Travellers;
- Give out printed key findings, colour co-ordinated, under the four categories;
- In groups, the young people will blu-tac findings in order of importance. This will raise discussion and make participants aware of the findings as they debate the order to put them in;
- Discussion: What would you add? Do these findings reflect the issues you face today?

UNCRC Recommendations

- Go over the *UNCRC* recommendations in the order of importance placed by participants. As feedback is given, move the printed findings over to the positive/not so positive icon, so participants have a visual representation of the fantastic success of the reports submitted by *Article 12 in Scotland*.

UNCRC Recommendations

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New skills achieved through participation

- The difference between Civil and Human Rights;
- How knowing their rights gives them power;
- The need to make sure the recommendations made by *UNCRC* are put into the law of the country;
- Action plan on a flip-chart with individuals and group to decide.

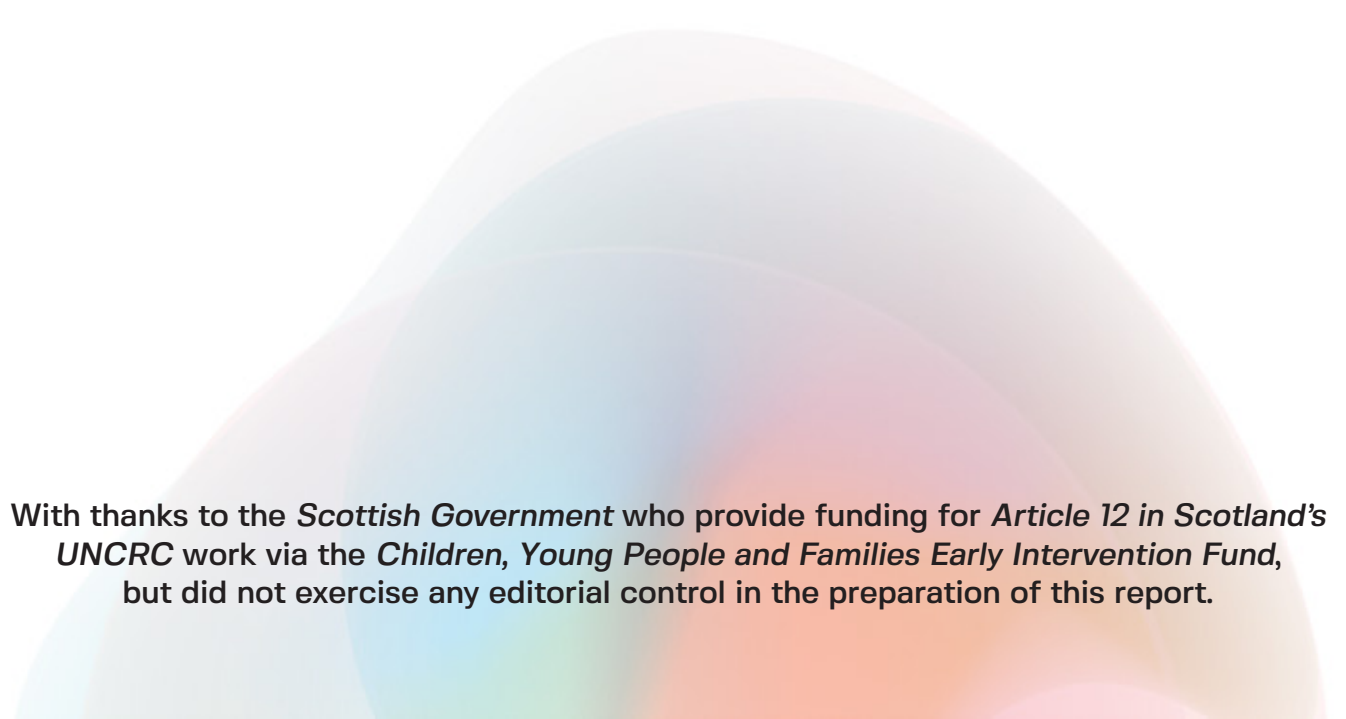
Multiplying

- What are you going to do?
- Where can you do this?
- When will you do this?
- Who do you want to reach?
- Offer participants the resource of *FIXERS* and any help they require to take forward the recommendations to others;
- Hand out the link to the Hate Crime Survey, and go over the issues.

Complete After Cards

Assessment of Workshop

- On the outline of the tree, please place on the post-its anything you thought we did well, anything we could have done better, and anything else you would like to add.



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