

RESPECT

NO DISCRIMINATION

PROTECTION

PROVISION

EQUALITY

FREEDOM

DIVERSITY

UNDERSTANDING

FAMILY

PARTICIPATION

RIGHTS

ABILITY

CULTURE



I WITNESS: THE UNCRC IN SCOTLAND
YOUNG PEOPLE'S VOICES

»An ethical, rights based society is one in which each person is guaranteed a decent and dignified life and opportunities for personal development, but is also guaranteed freedom of expression and freedom of association. A principle that, if to be realised, should be set within a legally binding framework that facilitates informed choice, freedom, dignity, respect and the right of remedy; all of which demonstrate an acceptance that children and young people have the same rights entitlements as adults: that, in the eyes of domestic law, age, ethnicity or ability are no exceptions; there are no conditions attached.«

Lynne Tammi, Director, Article 12 in Scotland, 2014

*»This Government's ambition is for Scotland to become the **best place in the world for a child to grow up**. Recognising, respecting and promoting rights is essential if we are to make that vision a reality. This means making practical changes in order to ensure that children experience their rights on a day to day basis, whether that be their right to be heard, to be brought up by their parents, to be protected from exploitation or to be supported in exercising their cultural beliefs.«*

Scottish Government, 2014

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Angus

DD10 9RG

Writing and editing:

Beth Cadger

Co-ordination:

Jill Keegan

Printing:

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Cover Engraving:

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Simon Baker

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Article 12 in Scotland, Young Gypsy Travellers’ Lives [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.

Inclusion Scotland [IS]

Inclusion Scotland [IS] is a consortium of organisations of disabled people and disabled individuals. IS aim to draw attention to the physical, social, economic, cultural and attitudinal barriers that affect disabled people’s everyday lives. They work to reverse the current social exclusion experienced by disabled people in Scotland through civil dialogue, partnerships, capacity building, education, persuasion, training and advocacy.

Polmont Youth Offending Institute, Outside In

Outside In is a partnership between Barnado’s Scotland and Caledonia Youth which delivers a diverse youth work programme to young people in custody within Polmont Youth Offending Institute [PYOI]. Outside In’s main aim is to support the development of young men aged 16–21 in custody to enhance their social skills and personal development, and support their reintegration into the community upon release. Programmes are led by the needs of the young people, with over 40 different activities covering a range of core and life skills.

Finally, we thank the Scottish Government and BIG Lottery who provided funding for this and our other Alternative Reports.

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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 1991.¹

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 Scottish 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 in September 2008 and published its *Concluding Observations* on the report in October 2008.²

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 an Alternative Report.

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*.

About Article 12 in Scotland

Established in 1996, *Article 12 in Scotland* is a young person led network of individuals and organisations that work to promote young people's participation and information rights as set out in international human rights charters. We believe that governments, profes-

sionals, 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 and 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, young people looked after by the state and young people experiencing mental ill-health.³

About this report

I Witness: The UNCRC in Scotland – Young People's Voices aims to provide 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 – in a format easily accessible to each individual who shared their views and experiences for this report, their peers within the wider community and those with an interest in ensuring that the rights of all Scotland's young people are recognised, respected and promoted; without conditions attached.

Although a 'stand-alone' publication, this report is a summary of the views, opinions and recommendations of the children and young people who participated in our research processes; it does not contain *Article 12 in Scotland's* full evaluation of law, policy and practice vis a vis the implementation of the *UNCRC* in Scotland which can be found in *I Witness: the UNCRC in Scotland* – our full monitoring and evaluation report.

Participants

Article 12 in Scotland, their partner organisations and peer educators engaged with 741 young people aged 11–25, from across Scotland, via a process of rights-based peer education. Participants included: looked after young people; young carers [directly or indirectly] experiencing mental ill-health; young people with disabilities; young Gypsy/Travellers⁴, and young offenders.

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.

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

¹ A list of the Articles can be found in Appendix 1.

² Further information on the *UNCRC* and the Reporting Process can be found at: *Child Rights Connect*: <http://www.childrightsconnect.org>

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

⁴ Young Scottish Gypsy/Travellers' voices are also presented in another of *Article 12 in Scotland's* alternative reports – *Young Gypsy/Travellers' Lives – I Witness: the UNCRC in the United Kingdom*.

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

Over a 12 month period, *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 process, and discreet groups from each partner organisation 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 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 rights issues and recommendations for change.

The most common issues and concerns raised in the workshop activities are included in this report. A *Rights Charter* representing the views of each of the key groups can be found in the appendices section of *I Witness: The UNCRC in Scotland*.

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 right to privacy was upheld through strict adherence to guidelines outlined in the *Data Protection Act [1998]*. All records were held in a password protected IT network with a secure back up system. Furthermore, the data collected was not used for any purpose other than to inform this specific research. Reports or papers that emerged from the data collected from participants were fully anonymised, with all personally identifiable information removed.

Competence

All methods were subject to audit and advice from the Director of *Article 12 in Scotland*.

Integrity

Participants were offered full feedback including the opportunity to see and comment on the draft reports via a monitoring and evaluation event.

INTRODUCTION

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 most recent *Concluding Observations* in 2008; particularly in light of the welfare system reforms, budget cuts and limited devolved powers available. 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«.⁵

The new *Children and Young People [Scotland] Act 2014* and the focus on the *Scottish Government's Getting It Right For Every Child [GIRFEC]* approach to children and young people's services are both positive developments, which will hopefully not only be integral to realising the rights of vulnerable children and young people living in Scotland in the future, but also a means of further promoting the *UNCRC* in Scotland so that all children and young people are fully informed of their rights and responsibilities. Nonetheless, it is clear that some of Scotland's marginalised children and young people are still experiencing major inequalities regarding the realisation of their fundamental human rights.

Throughout consultation, participants raised the issues that were of upmost concern to both themselves and their peers; *Article 12 in Scotland* has listened to and taken these views into account. Consequently, we feel the following areas require urgent attention in order to ensure Scotland's most marginalised children and young people can enjoy the full range of rights entitlements; thereby living a happy and healthy life, free from discrimination.

- **Discrimination**, with reference to issues of privacy, protection, respect for the individual and their culture and, in particular, to the reporting practices of the mainstream media [this list is not exhaustive];
- **Meaningful participation** and access to relevant information;
- Increased awareness and implementation of the *UNCRC*;
- Improved provision of appropriate accommodation;
- Improved access to essential services, including [but not exclusively]: a quality education, sensitive to their identity and personal situation, and training opportunities; best available health and respite care; recreation facilities and access to transport.

While many of these areas of concern have seen improvement since the *Committee* published their *Concluding Observations* in 2008, it is important to remember that these areas for improvement cover five of the most marginalised and vulnerable groups living in Scotland today. The *Scottish Government* must ensure that all available resources are utilised in order to ensure the maximum rights entitlements of all marginalised children and young people.⁶


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

⁶ Concluding Observation: The Committee recommends that the State party, in accordance with article 4 of the Convention, allocate the maximum extent of available resources for the implementation of children's rights, with a special focus on eradicating poverty and that it reduce inequalities across all jurisdictions: CRC/C/GBR/CO/4: Paragraph 19



**WE WANT
THE RIGHT
TO LIVE,
NOT JUST EXIST.**

**YOUNG PEOPLE LIVING WITH
DISABILITIES**



States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realise that right.

Article 7.3: *Convention on the Rights of Persons 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 – factors which continue to be raised as rights issues for all children and young people – can contribute to pushing this already vulnerable group further towards social exclusion. Key current issues which need urgent attention include: discrimination; participation; access to services and activities; learning beyond school; opportunities to develop employability skills;

inappropriate/sub-standard accommodation; support during transitions and control over personal money. A lack of available support, provision and choice for themselves and their families as they moved from child to adult services was also highlighted as a major concern; including the voices of young disabled people over the age of 18 in the *UNCRC* Reporting Process is imperative as they move to forms of self-directed support. Participants believed that the above issues breached Articles 2, 3, 12 and 23 of the *UNCRC*.

The young people at *Glasgow Disability Alliance [GDA]* believe that, due to the additional issues they face, the *UNCRC* should go beyond the age of 18 for young disabled people and call for it to protect them up to the age of 25. *Article 12 in Scotland* welcomes the *Scottish Government's* development of the Disability Delivery Plan, we hope that disabled children and young people [including the often 'hidden' young disabled living in long-term care placements] are meaningfully engaged and consulted throughout the entire process. *Article 12 in Scotland* also recommends accurate data gathering surrounding the number of children and young people living with disabilities in Scotland is carried out as soon as possible.

DISCRIMINATION

»Disabled children and young people have the right to be treated fairly and to live an ordinary life free from discrimination.«

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. Whilst poverty, the impact of welfare reform and access to public and private places are discriminatory factors, societal misunderstandings of disability infringe greatly on the realisation and fulfilment of disabled peoples' rights in society. This is an issue affecting all disabled young people, whether they are visibly disabled or their condition is 'hidden'. All participants faced 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. When discussing the rights that mattered to them the most, participants listed the following as areas where they felt their rights were lacking and services were letting them down:

»THE RIGHT TO HAVE MONEY TO BUY GOOD FOOD«; »THE RIGHT TO HOLIDAYS, LEISURE AND SPORT PURSUITS«; »THE RIGHT TO AN EDUCATION«; »THE RIGHT TO GOOD HEALTH CARE«; »THE RIGHT TO A GOOD STANDARD OF LIVING«; »THE RIGHT FOR DISABLED PEOPLE TO BE INCLUDED IN THE COMMUNITY.«

Additionally, professionals in the field felt that a »lack of accessible activities in their local communities and a lack of accessible transport, information, control over their own money and lack of money generally, lack of support at times of transitions - e.g. leaving school, leaving college, moving out of the family home, getting a job, lack of 'joined up' services, e.g. between education, social work, health, and bullying and continual incidents of hate crime« all contribute to the discrimination faced by young people within the disabled community living in Scotland today.

Participants spoke of experiencing bullying, harassment and threats, both at school and in the local community - which affect their confidence and their ability to participate. Many of the young people complained of having to wait long periods of time for essentials such as equipment, suitable housing and adaptations to their living environment. Personal assistants and equipment were essential for not only enabling choice, freedom and independence but for living relatively ordinary lives. Participants believe the following rights need to be promoted and respected to ensure equality and inclusion for disabled people:

»THE RIGHT TO BE TREATED FAIRLY THROUGHOUT OUR LIVES IN ALL ASPECTS OF THE COMMUNITY«; »THE RIGHT TO WORK AND THE RIGHT TO EQUAL PAY«; »THE RIGHT TO A SAY«; »THE RIGHT TO VOTE«;

»THE RIGHT TO A HOUSE WHICH MEETS THE ABILITY AND NEEDS OF AN INDIVIDUAL«; »THE RIGHT TO NOT BE BULLIED OR PICKED ON«; »THE RIGHT TO LIVE, NOT JUST EXIST.«

PARTICIPANTS' RECOMMENDATIONS

Young disabled people must be able to easily access legal protection and information about their rights; accessible support should be in place for all disabled young people to do so;

All relevant legislation should be transparent, simple and easy to access;

More empowerment: being supported to self-advocate by organisations such as the GDA;

Raising awareness and understanding of the social model of disability; participants stated this is critical in tackling discrimination and enabling disabled people to further empower themselves;

The Scottish Government should continue to work with organisations such as GDA to ensure the Independent Living in Scotland initiative is fully implemented.

PARTICIPATION

»Having a say is important for young disabled people in order for us to make our own decisions. Sometimes parents wrap you up in cotton wool to protect you from the outside world. It is important that you have choices in your beliefs, religion and all matters which affect your lives.«

Reaching adulthood does not automatically improve participation levels; young disabled people felt decisions not only come down to a matter of resources, but also preconceived ideas around their capabilities. Young people were disappointed with the lack of available support, provision and choice for themselves and their families as they moved from child to adult services. Research conducted by the GDA states that: »[...] by the age of 26, young disabled people are more than three times as likely as other young people to agree with the statement »whatever I do has no real effect on what happens to me'«.7 Including the voices of young disabled people over the age of 18 in the UNCRC Reporting Process is important [Articles 2, 3 12 and 23], indeed participants unequivocally stated that protection under the terms of the UNCRC should go beyond the age of 18 for young disabled people, and call for it to protect them up to the age of 25.

7 Glasgow Disability Alliance.
Online at: www.gdaonline.co.uk/pathways/youngpeople.php

FULFILMENT OF RIGHTS AND OPPORTUNITIES

»Disabled children and young people should have the right to access a social worker. Assistance should be available so you can go out wherever and whenever you want. It is important so you can meet new people and access places.«

Throughout our consultation, what became apparent was that the articles of the *UNCRC* did not go far enough to fully account for the needs of young disabled people. Furthermore, the young peoples’ fulfilment of rights and opportunities were often limited due to the localities they lived in. Dr Kirsten Stalker’s report for the *Office of the Scottish Commissioner for Children and Young People [SCCYP]*, aptly named *It always comes down to the money*, relayed similar findings: the availability of publically-funded services for families with disabled people was described as a ‘postcode lottery’.⁸ Young people also felt that their options were further limited by well-meaning but over protective parents and services, who decided what they perceived was in their ‘best interests’. Participation was understood to be the rights which allow young people choice

and freedom in beliefs, activities [namely culture, education, socialisation, sport and play] and the ways in which they express themselves; examples included:

- »THE RELIGION YOU FOLLOW, »THE FOOTBALL TEAM YOU SUPPORT«;
- »THE MUSIC YOU LISTEN TO«;
- »HAVING A SAY«

and being meaningfully involved in everyday decisions. The right to vote and the importance of being included in the community were also seen as key issues: being an active citizen involved in the decisions that not only affect your community, but your own life, is of upmost importance to any person’s well-being. Participants believed these rights do not always apply to disabled children and young people, and that they were not always supported to fully enjoy them.

Young disabled people spoke of association as being important in order for them to be happy, healthy and safe. Accessing entertainment and places with friends was also high on the list of the young people’s needs; as was having the money to do so.

There were concerns about the impact of proposed welfare reforms on disabled young people’s lives [under Universal Credit, families supporting a disabled child or young person could lose around £1500 per year;⁹ public sector cuts have also had a devastating financial impact on the services provided for disabled children and young people]; young people were worried about how they would fulfil basic needs such as food, shelter and water, let alone enjoy their rights to participate. The cost of activities and transport is already high and it was felt that mainstream services often did little to assist their participation, as they often overlook the financial support needs of disabled people. Accessibility of transport and building design were also raised as issues which affected a disabled person’s ability to participate and many felt that more support was needed for young disabled people to exercise and take part in sports, as were opportunities to relax and go on holiday. The young people felt greater efforts should be made in funding young disabled people’s rights and choices in participation – these are important not only to their development but to their health and well-being.

8 Office of the Scottish Commissioner for Children and Young People. Online at: <http://www.sccyp.org.uk/ufiles/it-always-comes-down-to-money.pdf>
9 Inclusion Scotland: List of critical issues for disabled people on the United Kingdom’s performance under the UN CRPD, 2014

PARTICIPANTS' RECOMMENDATIONS

People who identify as needing support should get it; it should be affordable and take into account the financial circumstances of those surviving on benefits, many of whom do not have the disposable income to live and pay for care;

Improved transport provisions;

More transparency in decision making processes, allowing young disabled people to have a say in the services and choices that affect their lives;

Increased, rather than decreased, benefits;

More support for those who wish to become more independent, in every aspect of their lives;

Protection under the terms of the *UNCRC* should go beyond the age of 18 for young disabled people who call for it to protect them up to the age of 25.

RESPITE CARE

»Respite care is important as it gives young people and their carers a break. It supports people to learn skills and increase their ability to live independently without relying on family and carers.«

Good respite care can prove invaluable in furthering an individual's choice and ability to participate in a range of activities important to their development and relaxation, as well as providing improved access to therapeutic treatments and educational life skills programmes. A huge issue some young people are already facing concerns the process from moving between child and adult services. Having to arrange and pay for transport to respite care as well as a contribution to their care costs is a real concern to many:

»we are **PAYING FOR OUR RIGHTS TO PARTICIPATE** – things we are entitled to«.

PARTICIPANTS' RECOMMENDATIONS

More funding could be considered for transitions;

Benefits should be increased in order to allow for access to essential respite care;

In order for respite care to be in their best interests, participation should be optional and carers' needs should not be prioritised.

ACCOMMODATION

»People with disabilities need the right kind of housing for their needs. There is a huge shortage of accessible housing in Glasgow. The policy that a percentage of new houses have to be accessible only applies if the development is of a certain size. Trying to have houses adapted is difficult, but we need these things to live ordinary lives like everyone else.«

Having a place to feel secure and call home is very important to young people living with disabilities. Some participants were happy with their living accommodation and community area/facilities [although concerns were raised that many of the services they valued were no longer available to them when they needed them the most – once they reached 16 or 18 years of age]. However, this feeling was not universal, many participants felt that buildings were in a state of decay and that their local councils were doing little to improve this. Other issues included: the housing they live in having poor heating; housing placements not suitable for their needs e.g.

»**BEING PLACED** in a second floor flat **AT THE TOP OF A STEEP HILL**, when you have **MOBILITY ISSUES**«;

placements located in areas that made them uneasy or scared for their own safety, or that did not meet their needs for volunteering, employment or leisure activities. Older young people were generally unsatisfied with the leisure opportunities available in their community: »no cinema, bowling, rubbish clothes shops«; »rubbish for teenagers and **NOTHING TO DO**«

were all common complaints. The young people who had turned 18, also spoke about valuing access to pubs and restaurants and, naturally, enjoyed having choice – going to local cafes and coffee shops is where they wanted to spend some of their free time. For many young people their only option was to travel [if they could] out of their local community in order to socialise or take part in things they enjoyed.

TRANSPORT

Good public transport is very important to young disabled people and they value different modes of public transport in order to suit their needs. Public transport however is a major issue. Whilst some areas were better than others, services can vary, which often makes travel difficult: living in rural areas made getting about particularly difficult and many spoke of bus stops being poorly situated, or living in »hilly areas« and having to travel a great distance to access any public transport [which could also often be unreliable]. The cost of transport was an issue as it differed between areas/access to benefits and for some young people the loss of the use of their taxi card is a real issue. Participants complained of the difficulty of getting on and off public transport, of bus drivers moving off before they were

securely seated or even on board safely, drivers and passengers attitudes to disabled people in general [and more specifically, to young people with a hidden disability]. Assistance and ramps on train travel is also an issue and some young people find they are stranded if public transport does not have the space or equipment to allow them on board [many train platforms are not accessible; one example being Dunblane Train Station – participants stated you have to book well in advance or travel to Stirling to get a train]. All participants felt such transport issues were unfair, as they lacked choice to participate spontaneously, further differentiating them from their peers: often the participants have to rely on friends, family and workers to help them get to places.

THE ENVIRONMENT

The environment and local community were very important to the majority of participants. Their physical environment affected whether they liked or disliked their community while also influencing their levels of participation greatly. The physical environment itself acted as a barrier for those with mobility issues; those who did not have mobility issues raised that it was an issue their peers shared. Poor building design was mentioned as an access issue and in some areas this even included local schools. Roads and pavements were said to be

»TOO HIGH«; »FULL OF POTHOLES«; and »DANGEROUS IF YOU HAVE MOBILITY ISSUES«.

»Hilly areas« also presented a barrier to play as some play-parks had uneven ground which meant they were not safe for children with mobility issues. For some, even essential activities for independence, such as reaching a cash machine, can be very difficult due to a lack of consideration for the needs of an individual with mobility issues.

PARTICIPANTS' RECOMMENDATIONS

- Involve young people in community planning;
- More appropriate accommodation;
- Increased volunteering and employment opportunities;
- Improved facilities and services, such as appropriate and frequent transport, within local communities;
- Councils and house builders must regularly consult with disabled people on adaptable housing designs. The disabled population must be adequately represented when building new developments, not only in terms of housing but in areas such as pavements, access to cash machines and play-parks;
- Flexibility is also needed as people move in and out of areas. Disabled people don't want to be ghettoised, or worse, made homeless.

EDUCATION

»Disabled children and young people have the right to develop fully as a person through education. Opportunities to learn should be life long and understanding of a disabled person's needs. Education should also prepare and provide equal opportunities for disabled people to access employment.«

Education is of upmost importance to the young people, with many of the group having different negative experiences. The main issues centred on transitions and many of the young people spoke of having to go to a different 'special high school' from their primary school friends. This often meant travelling to a school out with their community, which can result in difficulties meeting and keeping friends. Going to a mainstream high could also have its issues:

»**SOMETIMES I FEEL LIKE I AM THE ONLY DISABLED PERSON ON THE PLANET**«; *»I do not have many friends to go out with as my high school was on the other side of Glasgow«.*

Although some of the young people felt their high school had a better understanding of disability, they still spoke of school life being a *»struggle«*, particularly when their experience at primary school had been negative; many experienced bullying and felt they had to fight for their needs to be met. Leaving high school is a difficult time; many of the young people felt that they were often excluded from mainstream learning and that what the future held was already decided for them based on a judgement around their capabilities. Even at university young disabled people encountered similar issues: when one young person at *Glasgow Disability Alliance* faced discrimination at university, their support needs were seen as a 'problem', which left them feeling as if there was no option other than to drop out. Young disabled people felt strongly that they have the right to volunteer, access training, education and work; it was felt that public services should better support them to participate in these activities and be held accountable if they do not fulfil their obligations.

PARTICIPANTS' RECOMMENDATIONS

There must be improvements to the understanding of disabled peoples' issues so they can participate fairly at all levels in society. This includes greater awareness and training on disability rights for education staff [for teachers and lecturers and so on];

More interconnected service provision, for example between schools and social workers in order to improve educational experiences and smooth transitions;

Increased awareness-raising to prevent bullying and negative stereotyping;

Communication needs to improve between the young people and educational bodies in order for them to gain a greater understanding of a student's condition, the issues they face and the additional support they may require to participate fairly. This includes *»an understanding of why we might need time off«* and the need for increased, appropriate transport so that disabled young people can take part equally.

PROTECTION

»Safety in the community and hate crime concerns us as young disabled people. Overprotection is a major issue affecting disabled peoples’ choice and independence as polices are often geared more towards protecting staff and services.«

Safety in the home and community is of key importance to participants, and they believed that the needs of vulnerable children must be considered. Participants listed various things that they felt are [or should be] considered as protections rights, they included: protecting young disabled people from abuse, cruelty, exploitation, fraud, theft, harmful materials [including over-18 rated video games and DVDs] and increased provision for internet safety.

Choice in love and relationships were raised as crucial rights issues; young people spoke about their need to participate, to take risks and to be trusted in the decisions they choose to make whether that is around beliefs, relationships or activities. The young people felt this was central to their development and opportunities to thrive and reach their full potential.

PARTICIPANTS' RECOMMENDATIONS

All young people need to take risks so they can build resilience for later life; adults must be respectful and competent in order to make the right decision for the child or young person without over-protecting them [parents and professionals];

Promotion of young disabled people's rights in order to empower young people, raise awareness and decrease abuse and discrimination.



HAVING THE RIGHT TO...

holidays, leisure and sport pursuits

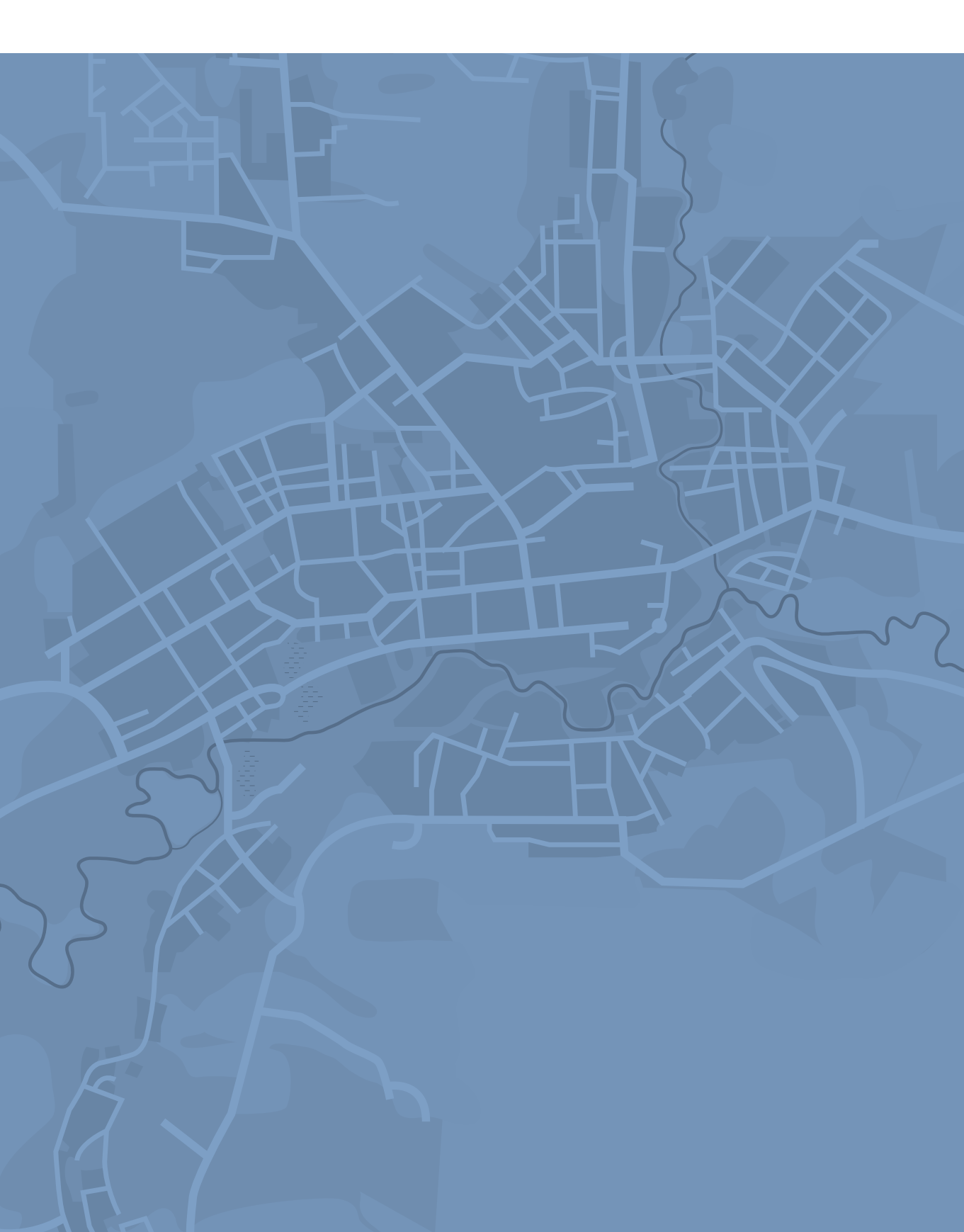
OUR IDEAL COMMUNITY

The background is a light gray map with white lines representing streets and boundaries. Overlaid on this map are several semi-transparent blue shapes, including a large central polygon and several smaller triangles and rectangles scattered around it.

**PEOPLE MAKE DECISIONS
WITHOUT
ASKING YOU
WHAT WOULD
HELP.**

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 to them, with increased help 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.

A recent report by the Scottish Youth Parliament [SYP] found that 74% of young carers experience anxiety and/or stress, with 80% reporting that financial pressures negatively affect their ability to study.¹⁰ The waiting lists for accessing support for a mental health problem can leave young carers struggling to access vital services – both for themselves or the person they care for. As a result of the additional responsibilities of caring and financial worries, many young carers feel they have limited options. Young carers also lack sufficient support and financial assistance during their transition from childhood to adulthood.¹¹ Article 12 in Scotland welcomes the Scottish Government's commitment to publishing draft legislation for carers, and we hope that the voices of young carers will be heard throughout the development

of this legislation. We would also like to see the piloted *Young Carers Identification Card*, which enables young carers to have more of a say in the services allocated to the person they care for by underpinning their right to be listened to, rolled out across Scotland.

Caring Duties

With regards to their caring duties, participants raised the following personal freedoms [desires] personal responsibilities dichotomy. Highlighting the 'balancing act' many have to play on a daily basis.

Personally: »to have my own freedom and thoughts«; »family and friends«; »access to the arts«; »access to groups such as GAMH«; »new experiences«; »travel«; »to rest«; »education«; »[a] healthy diet and exercise«; »activities such as dance, football and riding«; »a safe home environment«; »access to social media«; »employment«; »to develop to your fullest potential«; »the right to be free from racism, sectarianism, discrimination [specifically towards women]«.

Caring responsibilities: »cooking, cleaning the house and general chores«; »taking care of my Mum and Dad«; »help with medications, prescriptions and doctor appointments«; »doing the shopping«; »budgeting«; »looking after younger brothers and sisters«.

¹⁰ Scottish Youth Parliament, 2014: *A Costly Youth: The Impact of Caring on Young People in Scotland*.
Online at: <http://www.syp.org.uk/a-costly-youth-W21page-517>.

¹¹ *Together: The State of Children's Rights in Scotland*, 2014.
Online at: <http://www.togetherscotland.org.uk/resources-and-networks/state-of-childrens-rights-reports/>

DISCRIMINATION

»All young people should have the right to equality and for their differences to be respected and embraced.«

Young carers at Glasgow Association for Mental Health [GAMH] felt that young people in general were often discriminated against and stereotyped. Participants felt they faced further stigma, particularly as they cared for someone with mental health issues; some young carers spoke of increased inequalities with regards to discrimination surrounding their ethnicity, gender, religion, family or because they had a disability. The media, in particular television, films and newspapers were all regarded as contributing to the negative stereotyping of this marginalised group. Such negative stereotyping has led to certain young people being labelled as »hoodies« and can prevent groups of young people associating in communal areas. Young people said that older generations often displayed fear towards them in the local community and in some cases groups of young people were banned from public spaces and local shops.

Examples of stereotyping and discrimination included: caring duties automatically being placed upon female siblings, and opportunities in school being limited under the assumption that a young person might »not be able to cope« or »misbehave« because they are a young carer, or because of the actions of their siblings or friends. One young person who identified themselves as having Asperger's Syndrome felt they were often not listened to or involved in decision making as assumptions were made about their capability and ability to understand. Children and young people living with mental illness in the family may also feel they don't want to speak out because of the stigma and stereotypes associated with mental illness. Rights emphasised by this group include:

»THE RIGHT TO ACCESS UTILITIES«; THE RIGHT TO BE ALIVE«; »THE RIGHT TO SERVICES FOR YOUNG PEOPLE«; »THE RIGHT TO GO ON TRIPS«; »THE RIGHT FOR MUSLIM PEOPLE TO PRAY« and »THE RIGHT TO HAVE EMPLOYMENT«.

Young carers also believed that they may be discriminated against in finding employment once they have disclosed that they are a carer on their CV. They felt that such issues breached Articles 2, 12, 14, 15, 17, 23, and 31 of the UNCRC.

PARTICIPANTS' RECOMMENDATIONS

National campaigns funded by the government to challenge negative stereotypes of young people and to raise awareness about the role of young carers;

The government must take more responsibility in tackling, and eliminating, the negative stereotyping young people face in the media;

Increased help with work placements, this would help to reduce stigma, increase well-being and self-worth, ultimately improving lives;

The government can improve the situation, making rights a reality for young carers in Scotland, by feeding back directly what positive changes have been made – not just in reports but by their actions. Government dialogue should be more transparent and use less jargon in order to be more accessible to young people;

More peer education in order to help others to understand the realities of young carers;

Help young carers to no longer 'be hidden', educate the public on who young carers are, what they do and the issues they face.

HEALTH

»All families should have the right to good quality health care, child care and housing.«

Young carers highlighted the inequalities that exist within their families’ access to good quality health and child care. Some participants also spoke of living in inadequate and poor housing conditions; good quality health care was valued as important, not only for those they cared for, but for the well-being of the entire family. Young carers emphasised the right to

»HAVE FREE FAMILY PLANNING AND CONTRACEPTION«; »THE RIGHT TO BE FREE FROM DRINK AND DRUGS and people who take them« and »THE RIGHT TO ACCESS GOOD FOOD«.

Participants felt more needed to be done by professionals in order to support those affected by mental ill-health more in their services, including their families and young carers. Services which allow young carers respite from their caring duties are valued and regarded as vitally important to their own mental and physical well-being.

Young people felt more child care needed to be provided in order to support families affected by mental ill-health more in their services, including their family and young carers. The young carers felt that such issues breached Articles 3, 24, 26 and 27 of the *UNCRC*.

PARTICIPANTS' RECOMMENDATIONS

More accountability and responsibility needs to be placed on the government to provide additional support and information to young carers and families experiencing mental ill-health issues;

More support with caring duties and child care responsibilities;

Young carers must be at the centre of service and support plans, their voices must be heard to ensure the support is relevant and beneficial for all the family – including themselves;

Increased respite care for young carers, giving them the chance to make more ‘normal’ social and personal activities and experiences a reality, helping to ensure that needs are being met to safeguard their own well-being.

EDUCATION

»All young people should have the right to develop intellectually, socially and personally for their future.«

Education and play were recurring themes in discussions with young carers. Participants felt it was vital that children and young people had the opportunity to associate, play and access a good standard of education in order to develop and reach their full potential, indeed

»THE RIGHT TO GOOD TEACHERS«

was especially emphasised. Young carers felt their education was important and the majority wanted to do well at school and go on to further education; however, many of the young people spoke of how this could be difficult when also managing caring duties at home. College was seen as a more positive experience than school for some participants, many felt they were respected for being responsible and that the learning environment was more flexible. Nonetheless, in order to reach further education young people felt their role as a carer needed to be better understood at school so they could be supported to manage school and home life.

Some young carers spoke of positive experiences of support at school where they were understood and supported, for others such support was felt, at times, to be inconsistent and dependent on the teacher, for example: *»giving you more time to complete your homework, but then getting a hard time for not handing it in on time«*. Some teachers were also seen as very good at listening, but not action. Other key issues for the young people included:

»PEOPLE MAKING DECISIONS WITHOUT ASKING YOU WHAT WOULD HELP«

or as stated by one young person *»they pretend to listen but they don't really as I struggled until 6th year«*.

Various participants spoke of feeling *»put down«* at school in relation to the assumptions made about their commitment, ability to cope and academic ability. They felt these assumptions were made without fully understanding their home life and their role as a carer. Projects such as GAMH were seen as particularly important in providing support and opportunities to recognise and develop personal and social skills. The young carers felt that such issues breached Articles 28, 29 and 31 of the *UNCRC*.

PARTICIPANTS' RECOMMENDATIONS

Increased funding for young carers' projects; GAMH is viewed as an invaluable resource;

More spaces, places and activities for young people over 12 to go and socialise safely;

Better support in place within schools: schools need to listen to young carer's educational and personal needs and hopes;

Peer education training delivered by young carers for teachers and other professionals to help with identifying young carers who may not come forward of their own accord;

Peer education in schools for young people on the roles and responsibilities of a young carer, helping to dispel negative myths and stereotypes and stop harassment;

All professionals must treat young people as individuals and not make assumptions about their abilities or what is best for them, allowing them to have a say in their own educational experience;

Raise awareness and acknowledge the range of existing skills young carers have.

SAFETY AND PROTECTION

»Children and young people have the right to feel safe and protected.«

Young people also spoke of the importance and impact of having the right to *»a safe place to live«*. They felt it was vitally important that they were protected from all types of abuse [verbal, physical, sexual, emotional and mental]; it was also felt that abuse could lead to a *»failure to thrive«*. The

»RIGHT TO GO OUTDOORS WITHOUT INTIMIDATION AND FEAR«, *the right to be free from gang culture«* and **»THE RIGHT TO A SAFE ENVIRONMENT«**

were areas raised as major concerns: young people in Glasgow stated that gangs were an issue and it was felt there were a lack of places for children to play safely – if parks are available, they are often vandalised. Young people also felt there is nowhere for teenagers to go within their community and

voiced concerns about local youth centres closing for young people over 12. Participants also felt it is particularly unfair that if they chose to associate in the street, due to a lack of alternative and appropriate places to go, they were *»feared«* by older people or *»judged«* by the police. Participants felt that the police could do more to understand young people, young carers and the important role they possess within their family. One young person stated, *»[we want] the right to a police service that doesn't turn a blind eye«*. Some young people felt the police were not responsive enough if they reported a crime or if they needed help, others felt that they are not provided or updated with information after police have been involved with their family. The young carers felt that such issues breached Articles 15, 19, 31, 34 and 39 of the *UNCRC*.

PARTICIPANTS' RECOMMENDATIONS

Bring young and older people together in the community so they better understand and respect each other;

The government and young people could collaborate to create awareness-raising campaigns in order to dispel myths and increase understanding around young carers;

Involve young people in decision making and planning in order to create safe spaces, places and activities they are interested in. Young people felt there would be less vandalism, if they had a choice concerning their community environment as they would have greater respect for it;

More meaningful dialogue between marginalised young people and the police.

RESPECT AS AN INDIVIDUAL

»Young carers should have the right to choice, space and time to be themselves.«

Young carers know they have the right to be respected as individuals. Whilst they were completely committed to their caring duties, many felt they often lacked the choice, space and time to be themselves. Some participants discussed being able to:

»**JUST GO FOR A WALK**« when they wanted to, or to »**SPEND TIME THEMSELVES** or **WITH THEIR FRIENDS**« and »**TO BE ACKNOWLEDGED FOR WHO THEY ARE AS AN INDIVIDUAL**«.

The young people felt frustrated that their abilities and role were not understood; that professionals often did not value, involve or consider them in the decisions which affect their daily lives. Young people want more support from services to help with their caring duties, to simply »*not be told*« but to be actively involved, valued and to have a say in service planning.

A big part of the participant's lives are social media sites. Young carers spoke about these networks not only providing support, but also freedom, privacy and a space away from adults and their caring duties. However, they identified that these forums did not come without their dangers [such as online abuse, grooming and cyber bullying]. Participants felt that cyber bullying must be taken seriously and should be a crucial matter for schools to address, even when the bullying happens out with school time [one young person felt disheartened when, after reporting cyber bullying to a school teacher, they were told that as it was out with school time there was not anything that could be done about it].

Sexism was another issue raised by young females, examples included: abusive taunts online [often from other females], assumptions that they were/or should be the main carer in their family and gendered expectations and language used in school by some teachers. The young carers felt that such issues breached Articles 12, 15, 16 and 31 of the *UNCRC*.

PARTICIPANTS' RECOMMENDATIONS

All schools should have an increased awareness of social media and should offer support, advice and take cyber bullying seriously;

Children and young people's views must be taken seriously in school, particularly if they are seeking support;

Young carers should be considered and supported to have a voice, and their opinions taken into account, for the provision of the support and services to those they care for.

activities such
as dance, football
and riding

be alive

**be free from drink and
drugs and people
who take them**

have family and friends

**have free family planning
and contraception**

have employment

access utilities

develop to your fullest potential


access good food

access to groups such as GAMH

**have my own freedom
and thoughts**

**HAVING THE
RIGHT TO...**

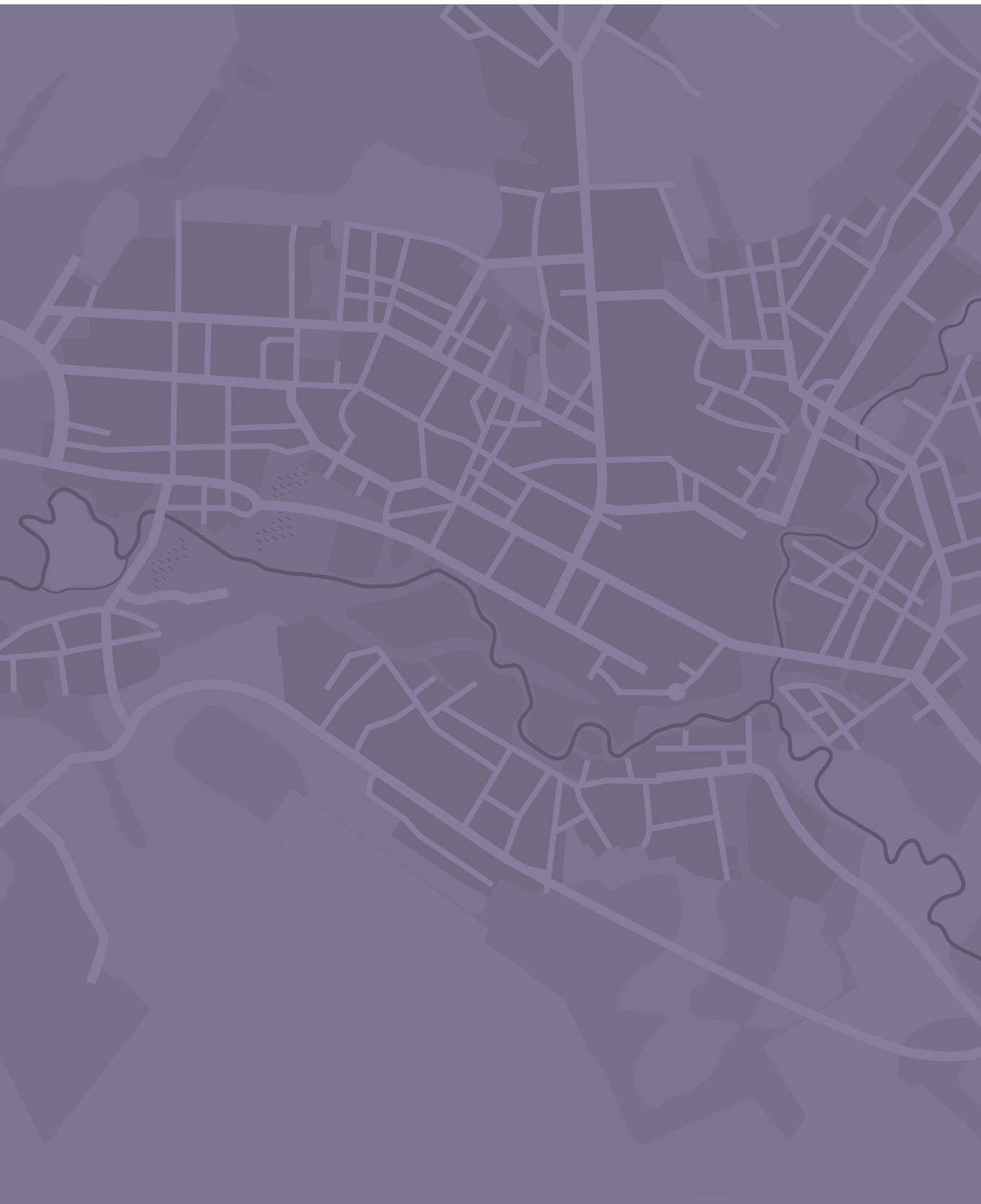
**OUR IDEAL
COMMUNITY**



**IT IS WRONG
TO PRY INTO
MY PRIVATE
LIFE & MAKE
JUDGEMENTS**

**BECAUSE OF WHAT THEY
SEE ON TV.**

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, while 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 abilities 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. The young people felt that there are often gaps in advocacy support and provision, making the realisation of these and others rights needs difficult.¹² It was strongly felt by many of the young people consulted that the awareness of their rights, and of the *UNCRC* in general, was integral to their realisation of them. We look forward to the *Who Cares? Scotland* consultation that will guide the *Children and Young People [Scotland] Act 2014*, and the *Scottish Government's Looked After Children Strategy* which is currently under development as a means to addressing these gaps.

The number of looked after children has been increasing since 2001; due in large to more children being looked after away from home in community settings, in particular with foster carers/prospective adopters, with friends and relatives [kinship care] and other community settings. However, between 2011 and 2012 the increase in the total number of looked after children and young people slowed, with less than a one per cent increase from 16,231 in 2011 to 16,248 in 2012. It is important to note that the definition of 'looked after' varies across the countries within the UK; in Scotland children looked after at home are included in the definition and therefore the statistics.¹³ Organisations that support young care leavers have welcomed the news that the *Scottish Government* has committed to providing a package of through-care and after-care for care leavers and a mentoring scheme for looked after children¹⁴ within their Draft Budget for 2015-16; *Article 12 in Scotland* are also pleased with this commitment. We echo the concerns of children's organisations regarding the suitability and quality of accommodation offered to those leaving care and whether or not it meets their needs.¹⁵

Article 12 in Scotland welcome the increase up to the age of 21 for young looked after people to stay in foster, kinship and residential care.

¹² *Centre for Excellence for Looked After Children in Scotland: Scotland's National Human Rights Action Plan: Getting It Right For Looked After Children and Care Leavers*, 2013.

¹³ *The Scottish Government, Children's Social Work Statistics, 2011-12, Children Looked After*.
Online at: <http://www.scotland.gov.uk/Publications/2013/03/5229/2>

¹⁴ *Together: The State of Children's Rights in Scotland*, 2014.
Online at: <http://www.togetherscotland.org.uk/resources-and-networks/state-of-childrens-rights-reports/>

¹⁵ *Ibid*

DISCRIMINATION

Participants highlighted feelings of isolation and exclusion; many believe that they have been

»CRITICISED«, »JUDGED« and »WRONGLY BLAMED«

for their circumstances. Having a visible disability can lead to further discrimination, young disabled people spoke of their belief that their peers viewed them with further stigma, signalling them out as being even more *»different«* than their non-disabled looked after peers. Some young people shared experiences of being bullied at school and generally feeling *»out of place«* and *»weird«* which made them feel *»upset and find things difficult«*. They also spoke of teachers at some schools as being *»just as bad as the kids«*. Participants firmly believed that all young people have the right to be protected from discrimination, to be valued and respected as an individual, and to not simply be a label.

Young people also experienced abuse in the local community, they spoke about being shouted at in the street and of general feelings of mistrust from adults and local shop keepers who knew they were from a local children's home and negatively judged them accordingly. As a result many participants stated that attempting to challenge societal barriers and people's attitudes was pointless as they felt they would *»never change«*.

STEREOTYPING

Participants 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.

The TV show *Tracy Beaker* [a programme about the life of a fictional character who lives in a residential care home] was mentioned on numerous occasions as having a negative impact on their identity:

»TRACY BEAKER IS NOT WHO I AM. *People always ask me if my care home is like Tracy Beaker's.* **IT IS WRONG FOR PEOPLE TO PRY INTO MY PRIVATE LIFE AND MAKE JUDGEMENTS** *because of what they see on TV.* **SCHOOLS SHOULD EDUCATE PEOPLE ABOUT THIS** *and challenge the judgement these people make.* **THIS NEEDS TO BE LED BY THE YOUNG PEOPLE** *who have first-hand experience of this«.*

The young people believed that as a result of the show their peers at school felt it was acceptable to ask *»stupid questions«* and make fun of them by comparing their situation to fictional characters.

PARTICIPANTS' RECOMMENDATIONS

The government must take more responsibility in tackling the negative perceptions of young people in care;

More needs to be done to tackle bullying in schools;

The media, TV shows and music should be used to educate people and dispel negative myths and stereotypes, this needs to be based on real lived experiences, not stereotypes;

More supported peer education and training in schools for young people and teachers.

PARTICIPATION

Many young people believed that their rights were 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.

A majority of the young people felt strongly that they have the right to have a say in the decisions which affect their daily lives. Generally, participants felt that they did have a say in their own care, however, equally, many also believed that they were not always listened to or taken seriously – this has resulted in some young people stating that they »didn't care« or that if a decision was made that they did not agree with their immediate reaction would be to simply »walk out«. Such a reaction can be seen as representative of many young people's feelings of not being taken seriously within society, and of having little power in influencing decisions that affect themselves, their family and peers, and their communities. Being treated fairly and with respect is highly important to all the looked after young people who look part in the research.

Participants also spoke of more positive experiences, of feeling listened to and supported by Care Visions staff, social workers and children's rights officers. The young

people felt that being supported in writing their care plans showed they were valued, and, importantly, gave them some influence and control over what happens in their own lives. The community meetings which take place between staff and young people in Care Visions homes on a daily basis were also regarded positively and allowed the young people a platform from where they could express how they were feeling, set goals and share how they would like to be supported. Young people felt that learning about their rights is important. A few young people considered that 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. Participants felt it 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.

Young people also stated that participating in a range of activities, such as dancing, drama, art, music, rugby, horse riding and other leisure activities, is essential to their well-being. They felt they had some choice in what they participated in but agreed that living in care created some barriers as did being accommodated in rural areas.

PARTICIPANTS' RECOMMENDATIONS

- Ensure the appropriate matching of staff and young people; having young people in care involved meaningfully in staff recruitment is crucial to this;
- All staff must be trained on the UNCRC and ensure the principles are implemented into policy and practice through all services for young people;
- Young people must have continual access to independent services and spaces in which they can learn about their rights;
- Young people's participation activities including play, culture and rest must be encouraged and protected;

- Article 12 of the UNCRC must be respected at all times, regardless of age or behaviour;
- Ensure support is equally accessible for young people with learning disabilities, and younger children;
- Develop improved participation and citizenship within early years 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 looked after young people's rights.

ACCOMMODATION

Young people felt safe and cared for in their residential houses. Being protected and living in a safe and healthy environment, free from abuse and neglect, was valued as one of the most important rights entitlements. However, as most of the young people lived in rural areas they felt this affected their choices and opportunities with respect to transport, leisure, accessing local amenities and spending time with friends [maintaining connections with old friends or making new ones]. Many young people felt that they were reliant on staff to take them to places, they also raised that they did not get to see their friends enough and wished their friends could visit them more. Some young people had moved a considerable distance away from their old community and whilst they liked the fact they still attended the same school, it made it harder for them to keep in contact with existing friends and make new ones.

Young people also wanted more opportunities to attend things and develop skills in the community. Many rural areas lack places for children to play such as parks and living rurally can make it difficult for young people to access youth or support services easily, or on their own terms.

PARTICIPANTS' RECOMMENDATIONS

More funding to facilitate those in care living rurally to access the services that allow them to have the same experiences as their peers;

Ensure all young people in care can easily access their right to special care and support. This includes access to children's rights officers and specialist organisations.

IDENTITY, INFORMATION AND PRIVACY

Participants felt that access to information about themselves [including why they are in care], their rights and also what their responsibilities are, is essential. It was important to a lot of the young people to have possessions and a say in how their room was decorated – young people often talked about being respected for their uniqueness and this freedom was seen as really important in helping them to feel that they belong. Choosing how to spend their money on items such as clothes, toiletries and grooming products also helps to give them a sense of their own self. Some young people did not like the fact that their room could be searched. Whilst they recognised the purpose was to ensure the safety and wel-

fare of themselves and others, they felt this went against their right to privacy. Nonetheless, other young people felt their right to privacy was respected and liked the fact that they had their own room.

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 did 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. Some participants felt they should know more about staff, whilst others felt this was inappropriate.

PARTICIPANTS' RECOMMENDATIONS

- Information must be explained and documented in jargon-free ways that young people can understand;
- Increased support from staff, if requested, to help young people find, access and understand information themselves, so they have more choice and can learn to make informed decisions;
- More supported access to information in order to enter further education, training and employment;
- Respect for honesty and openness from people who support and care for children and young people.

RESPONSIBILITY, CHOICE AND INFLUENCING DECISION MAKING

»Young people in care shouldn't be treated any differently.«

It should not being presumed that all looked after young people need additional support or that their opportunities will be limited as a result of living in care. Some young people had aspirations to go to university and felt they faced barriers as a result of their status and situation; it is important they are considered as individuals and allowed to make their own choices: *»from what we've learned from Article 12 [in Scotland] we have the right to have our say. Young people should have the right to say what age they should leave care because young people might not be ready to«.* The need for support into early adulthood was a prominent theme; almost all of the young people communicated some experiences of being discriminated against because of their looked after status. This affects all aspects of their lives; specifically their educational, social and family lives. 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 wanted to be taken seriously and their opinions taken into account:

»Young people have **THE RIGHT TO HAVE A SAY IN DECISIONS** in their care and to **KNOW THEIR RIGHTS** but also their responsibilities«; »Young people should have **THE RIGHT TO CHOOSE WHAT AGE** they should be allowed to **LEAVE CARE**«; »**MORE HELP** to make it easier for young people to **MANAGE LEAVING CARE**«; »Young care leavers should have **A RIGHT TO ACCESS SUPPORT UP UNTIL THE AGE OF 26**«.

Participants felt dissatisfied with how they are informed and involved in decision making processes, not being offered [or having knowledge of] children's rights officers and generally feeling that they were not listened to, and having very little control over the decisions which had affected their life within the care system. One young person spoke of the issues he faced when he was taken from the family home without preparation or knowledge as to the reasons why, removed from the school he knew and moved to a different area with a new social worker. He felt that this made challenging past decisions and issues extremely difficult as he had now become a different local authority's responsibility.

At times young people also felt what they said could be dismissed as *»cheek [rudeness]«*, when in reality they were trying to articulate something which was important

to them but did not know how to express themselves. Participants want to have more of a say in their living environment, how they associate with family and friends and when they leave care:

»I feel that we should have the right to **BE ALLOWED TO SEE OUR FAMILY AND FRIENDS** without social workers and carers' opinions«; »I feel like it should be **OUR CHOICE IF WE SHOULD HAVE FAMILY AROUND US** no matter what our situations are«; »It is in the interest of the child for them to have more opportunities to have **A SAY IN WHO THEY STAY WITH**«.

Young people felt there were 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 felt 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 experiences such as cooking their own meals.

PARTICIPANTS' RECOMMENDATIONS

- Setting regular goals is an important way in which young people in care can be given the responsibility in order to learn to do things for themselves. Longer term goals should be encouraged by professionals in order to help young people in care to make positive contributions towards their future;
- Increased awareness for the right of children and young people to know their rights in relation to the *UNCRC*, in order to support their participation in decision making. This is an important issue, which should be addressed and robustly implemented in future government policy;
- Assumed authority over children by adults and traditional hierarchies represents an obstacle to their genuine participation and engagement in decision making. More resources are needed to implement and support rights education.

EDUCATION

Young people value the right to an education that meets their needs, where they are understood, valued and listened to. However, many participants expressed that they have experienced bullying and discrimination within schools and other educational bodies, which often made their educational experiences [particularly at secondary school] extremely negative, challenging or short lived. Short placements and chaotic circumstances often mean young people can have disrupted periods of education and difficulties settling into schools. Participants and staff often felt that schools lacked understanding and placed a great deal of pressure and responsibility on young people to »fit in and catch up« or negatively focussed on their behaviour. Many participants raised that they had missed out on important work experience at school. Care staff, social workers and children's rights officers were viewed as integral to challenging schools and fighting for children's educational rights - education and qualifications are highly valued by many young people within the care system; worryingly, accounts of staff being left with no other option than to take responsibility for educating the young people in their care themselves, were numerous.

PARTICIPANTS' RECOMMENDATIONS

- Increased awareness-raising and training in schools around the needs of young people in care;
- More skill based and vocational educational options;
- Increased support and information to access further education, employment and training opportunities which will ensure young people in care are supported to excel and get real qualifications and opportunities to access further education;
- Increased rights education in mainstream and alternative educational settings;
- More work experience opportunities for young people in care;
- More access to education which is tailored to individual needs.

be allowed to **see our family and friends** without social workers and carers' opinions

to choose **what age** we should be **allowed to leave care**

have a say in **who we stay with**

have a **say in decisions** in our care

access support up until the age of **26**

know our rights but also our **responsibilities**

HAVING THE RIGHT TO...

OUR IDEAL COMMUNITY



**EVEN THOUGH I'VE SERVED
MY TIME, BEING LABELLED AS
A YOUNG OFFENDER MEANS**

**I'LL ALWAYS
BE JUDGED.**

YOUNG OFFENDERS



NB: Although some young people were over the age of 18, they had all spent time within *Polmont Young Offender's Institution [PYOI]* before their 18th birthday [whether during a current or previous sentence]. Many of the young people also had experience of being looked after and accommodated in care at some point in their lives; some of whom had come directly from Secure Care to *PYOI*. The group was also made up of several young people who were soon to be liberated.

Article 12 in Scotland commends the increased minimum age of prosecution in Scotland to 12.

Youth Justice in Scotland is underpinned by the guiding principles of the *GIRFEC* approach. *GIRFEC* guidelines state that in order for children and young people to grow into successful learners, confident individuals, effective contributors and responsible citizens, they require to be: safe; healthy; achieving; nurtured; active; respected; responsible and included.¹⁶ Young offenders are no different, but sadly, the evidence gathered through our *UNCRC* Reporting Process suggests that young people in detention are severely lacking in these areas. Young offenders believed that, in principle, everyone was born with rights, but they did not believe that the rights of all children and young people in custody were necessarily promoted or respected:

»young offenders feel that contact with their friends and family is of paramount importance, as is being given the opportunity to learn, associate with others and be involved in different activities. We felt

that getting more nutritional food in custody, mail being delivered properly and being treated with respect & dignity are important issues that needed addressed in a prison environment«.

Being treated with respect and dignity should be non-negotiable for all children and young people, regardless of whether or not they have committed an offence; there is a fine line between losing your freedom and losing your rights.

Many young people in the group spoke about the importance of knowing their rights in prison *»inside out«*. Rights in this respect are very important to the young people; they related them closely to prison systems, rules and complaint procedures, in connection to the *UNCRC*. Participants were also able to reflect upon how their enjoyment of rights may differ due to their current situation, in this sense they focused very much upon rights concerning entitlements, safety, protection, family contact, access to services and their right to participate [to opt in or out].

Participants felt it was important to raise the point that all their rights should be respected and that they are all interlinked – with no right more important than another. However, the following Articles of the *UNCRC* came up repeatedly during discussion, therefore, the young people felt they should be particularly promoted and considered in order to ensure they are respected as young people and their rights are implemented.

Relevant Articles are as follows: Articles 2, 12, 14, 15, 16, 17, 19, 27, 28, 30, 31, 34, 36 and 37.

¹⁶ Scottish Government, *A Guide to Getting It Right For Every Child*, June 2012.
Online at: <http://www.scotland.gov.uk/resource/0039/00394308.pdf>

DISCRIMINATION

Young people spoke of the negative stereotypes and discrimination they face as a result of being in PYOI [combined with media backlash] both inside the prison and outside within the community. Inside, some young people spoke of being seen as a »dafty« or »worthless« and were treated disrespectfully by certain members of the prison staff; they felt that some staff did not listen to their views or explain why certain decisions were being made. This was viewed by participants as a serious issue because the young people themselves did not have enough knowledge of what they were [and were not] entitled to, and what their rights actually are [however, others felt they were respected by the majority of the staff and that they were indeed a source of support and opportunities]. Young people spoke of the discrimination and stereotypes they have faced/ or might face as a result of having convictions or a »young offender label«. Some spoke of experiencing this from their peers and family, the community, the police and in particular, potential employers. Young people also spoke about some negative experiences with the police »if they were known« in the community; they felt they could be disrespected and stigmatised as a result of their young offender label.

Some young people had aspirations to work and/or go on to college when they were liberated. Access to college and training was seen as fairly accessible, however, young people felt they were/or would be discriminated against by potential employers and

did not feel they were treated equally when they had to disclose their convictions. Some felt »judged« and discriminated against when they had disclosed in the past, and had only found short term employment by withholding the truth. Participants felt that the current disclosure system was particularly unfair and damaging for young people, especially if they had »served their time« for a petty crime. One participant strongly felt it was wrong that [despite the crime] at the age of 17, his full name, address and trial details were printed in a newspaper branding him as a »knife thug«, a stigma which would not only stay with him into adulthood, but has also impacted negatively on his family.

One of the main issues which the young people wanted to change was the discrimination and stigma of young people in protection. Many of the participants generally believed that the Protection Hall was only for sex offenders; even when they understood that there might be many reasons for protection, the young people found it difficult not to automatically label anyone in protection as a sex offender. The young people learned that other vulnerable groups were often in protection due to bullying, mental ill-health, communication difficulties, language barriers, or because they feared that their ethnicity or sexual orientation would not be accepted in the main halls. Participants felt that protection needed to change for these groups, so that they can access activities and support without being segregated or labelled.

PARTICIPANTS' RECOMMENDATIONS

Increased training to help improve staff and young people's attitudes on equality and diversity issues;

More peer support initiatives – young people acting as hall representatives and supporting inductions. Representatives could use their experiences to offer practical advice and support to help young people adapt to prison life and provide information about the different activities and support on offer;

Create a separate protection space for other vulnerable groups who have not committed a sexual offence. Participants believed that this would reduce the stigma that some young people face and enable them to reintegrate into the main halls;

Young offenders must be better supported to understand the UNCRC and what it means while in prison;

Under 18s require more information and opportunities to learn about the UNCRC;

Prison officers need better knowledge and understanding of the UNCRC, so that they can not only help young people to understand their rights but to further ensure young offenders rights within their decision-making. Training should be provided to support this.

PARTICIPATION

To the young people, participation was understood as »taking part in different things«. The young people had experience of participating in a range of activities including: leisure and recreation activities [football, weights and the gym were very important], education, religion, work parties and youth work [which included drop-ins, pool, table tennis, games and so on] and various group work programmes including: health and well-being, *Duke Of Edinburgh Award Schemes*, *Big Man Peer Education*, music, fundraising, equality and diversity work and peer literacy. There are a range of accredited training courses available and a wider peer education training programme is also on offer.

Young offenders understood participation in the youth work programmes as voluntary, with the young people signing up a week in advance to attend and having the option to opt out. Participating in youth work programmes was valued by young offenders, and they spoke highly of the benefits of having understanding youth work staff, varied programmes and a space in which they could get support and interact with their peers.

Young people complained that although they were said to have the option to decide whether they worked or participated in activities, there were times when this did not always happen or it resulted in tensions between young people and prison staff.

For example, young people talked about feeling forced to go to their work party as it would be »held against us, like patched [they would be left behind], for the next time we want to go«. Participants felt this was unfair, especially if the reason they had not attended was because they were unwell or having a difficult time, for example, »[if] you heard bad news from home«. Participants also felt youth work activities were sometimes regarded by prison officers as privileges, when it was actually their right to access them. Examples of this included staff from halls calling up to say they were not attending if the young person was deemed to be »nippy [difficult]«. It was also reported that, at times, staff would judge what they felt was more important and focus towards employment activities as opposed to what is in the young person's best interests. Although this was not always the case, it was said to very much depend on certain prison officers. Whilst the young people had good relations with staff overall, it was felt there were times that their requests were not taken seriously by prison officers and their views were not listened to. Handing complaint forms to prison officers [especially if the complaint was regarding them] was, naturally, particularly problematic for young people. On a positive note such issues were seen to be challenged by youth work staff involved.

It was evident that the young people who participated in the *UNCRC* Peer Education Training cared not only about their own rights, but about the rights of others. In feedback, the young people said that they were committed to participating in

»something which matters«; »it's important as it **AFFECTS US... WE ARE MAKING CHANGE HAPPEN** and we have **HELPED OTHER BOYS** to learn and **STAND UP FOR THEIR RIGHTS**«.

PARTICIPANTS' RECOMMENDATIONS

- Improve the complaints system by providing hall representatives or confidential complaint boxes which are only accessible to young people and the Governor;
- More spontaneous opportunities to participate as opposed to always being 'booked out' a week in advance;
- Involve young people in more consultations; provide opportunities for young people to voice their opinion and to practice their participation rights;
- Provide more information and opportunities for young offenders to learn about the *UNCRC*. All prison staff should support young people with this, paying particular respect to the views of the child under Article 12 of the *UNCRC*;

- Consider alternative protection support and accommodation for non-sex offenders and/or work to address stigma by dispelling protection myths and stereotypes;
- Reconsider privilege and sanction schemes which reduce family contact and disrupt education;
- Consider the use of hall representatives and more peer-led initiatives to support young offenders to raise issues and influence change. Hall representatives and peer-led initiatives should be implemented to provide peer support for first-time offenders and for prison leavers.

SANCTIONS AND SEGREGATION

Participants felt that a number of rights issues were connected to solitary confinement, more commonly referred to as segregation; they were particularly concerned about their ability to associate and participate in education, training, and youth work during segregation. Whilst the young people understood the purpose of segregation, they found if they were segregated for any real length of time, not being able to associate or participate in group educational activities negatively affected their confidence, motivation and general well-being. Young people spoke of losing confidence and motivation, and found it difficult when they returned to their cell as they had to readapt to look after themselves and interact with their peers. Bullying was also seen as an issue intrinsic to prison life.

Sanctions can differ between institutions and young offenders believe they generally lack empowerment, resulting in reduced knowledge and understanding of their basic entitlements. Participants were also unsure about regime times and when they could access the phone; family contact was raised as one of the most important issues by almost all of the young people. Making phone calls and receiving visits from family and friends are of vital importance to a person's well-being and it was felt that increasing this contact in the lead up to liberation would make transitions more manageable.

PARTICIPANTS' RECOMMENDATIONS

Review of the prison regime, to ensure clarity and consistency across all institutions;

Consider more reward schemes, and promote more responsibility for good behaviour;

More efforts to support young people to understand why requests are refused and how this relates to the regime;

Reconsider privilege and sanction systems which reduce family contact;

More flexibility in the times that young people are able to use the phone to contact family [i.e. after work hours, in times of ill-health or bereavement];

More peer education around the effects of bullying.

WORK AND HEALTH

Participants created a list of the main factors they believed would and should keep them happy, healthy and safe:

Happy:
»**ACCESS TO FAMILY AND FRIENDS** – visits, phone calls, letters and photos«;
»**GETTING OUT** at rec«; »**CANTEEN**«;
»keeping **GOOD HYGIENE – GOOD SELF-ESTEEM**«; »to be **TREATED SOMETIMES**«;
»**BEING RESPECTED** and not treated like a dafty – not stupid just ‘cause we are in jail«.

Healthy:
»**FOOD** – meat, fruit and veg«;
»**REGULAR EXERCISE**«; »**FRESH AIR** – we need bigger windows«;
»**EDUCATION**«; »**WORK**«; »**YOUTH WORK**«; »to **KEEP STIMULATED**«;
»having access to a mop to **CLEAN YOUR ROOM**«; »**CELL HOBBIES**«; »access to **HEALTH CARE/DENTIST/DOCTORS**«.

Safe:
»**STAYING ALERT** and aware of surroundings«;
»**AVOIDING TROUBLE/CONFRONTATION** with staff«;
»**KNOWING WHEN TO WALK AWAY**«;
»watching your back«; »stick with your group«;
»don't go looking for trouble/don't stand out«.

The young people raised issues about the equipment and some of the duties they were expected to carry out in garden parties. They felt this infringed upon their right to be protected from work which was harmful to their health – in particular, with regard to dealing with waste and the health and safety/hygiene standards they had while sorting and moving litter, sanitary items and cleaning products without a protective mask. Young people also felt their pay was not a fair reflection/incentive for some of the jobs, and did not encourage the value of employment.

Key areas the young people felt require attention include: more healthy cooked food to aid their development, »a lot of the food is processed, we lack intake of fresh vegetables«, »we get 5 [servings of fruit and veg] per week not per day – we need more variety«; there are fewer options in the canteen for certain religious groups, suitable meats such as halal were often not available and the young people often did not know on which days suitable meats should be on offer – affecting their diet and ability to exercise properly – the young people felt this was discriminatory and unfair; there is a lack of variety in the canteen, not many healthy options and the funds are not enough to eat adequately, to buy toiletries and phone cards [leaving young people often having to rely on their peers inside to help them, perhaps encouraging the trade of banned items]; some

young people spoke of their cells being freezing and when being moved many stated it was particularly cold without hats, scarfs, coats and so on in winter; the young people would like more suitable clothing: belts or the correct sizes, they complained about their jeans being too big, constantly falling down and having to hold them up with plastic tags; access to a dentist – young people felt the waiting times need to be reconsidered for emergency treatment, participants complained about waiting 3 weeks for treatment, leading them to self-medicate; access to luxuries such as haircuts, which heightened self-esteem and were seen as particularly important when being visited by professionals, friends and family; exercising was really important to the young people, for both their physical and mental well-being – fresh air and sunlight are important for health, current times in the morning are awkward, too early and they felt it was a particular struggle in winter due to adverse weather and reduced day light; a lack of adequate clothing for winter weather; uncomfortable beds were said to give the young people sore backs and necks; gym availability was also an issue – a lack of available sessions and having to choose between exercise and youth work meant that many were missing out, leading to a reduction in exercise, something they felt was vital to their physical and emotional well-being; bullying.

PARTICIPANTS' RECOMMENDATIONS

- Review provisions for basic rights entitlements such as warmth, comfort, and nutritional food;
- Make exercise a priority;
- Better dental provision;
- Increased pay would boost motivation and aid in creating a stronger work ethic;
- Improved safety-gear for hazardous jobs.

PRIVACY, RESPECT AND FAIR TREATMENT

Participants discussed the system surrounding the right to complain and were found to be very knowledgeable about the procedures. Nonetheless, certain prison officers themselves were often seen as a barrier, and participants felt those in positions of power could influence and control how their rights were implemented or infringed upon. Furthermore, responsibility and respect were big factors, both from and towards prison officers and young offenders.

To some degree participants felt a lot of their basic rights were met in principle and that these rights were affected by their own behaviour. One of the main issues the young people raised in regards to this was longer term staff perhaps becoming »set in their ways«. Young people felt requests or being taken seriously depended very much upon »who you were asking«, their personality and their levels of respect for young people in general. The strip search was also mentioned as something which some young people felt could [and should] be treated with more dignity, sensitivity and respect. Indeed, some young people complained about being strip searched by the police when they were 15 years old in a police station with no one else there.

Transitions and setting up home: young people said that being unable to apply for community care grants in prison makes it really difficult for people to set up home and settle when they are released. They suggested that there needs to be more availability of suitable permanent housing for young people who have served their time. Participants spoke of returning to »bad influences« - young people and older adults involved in alcohol, drugs and crime - making it difficult to change their behaviour, once released. Religion, and the ability to practice it, is of vital importance to some participants. Whilst they commented there had been improvements, some young people felt their rights to practice their culture and religion could feel like privileges. It is recommended that there be further training and awareness-raising for staff, so cultural and religious practices can become part of everyday life and important religious festivals can be celebrated.

Participants felt that having a criminal conviction was a huge barrier for them and that the disclosure system made it difficult for people to move on after prison. Some young people felt this was particularly unfair for young people and those who had committed less serious crimes but were automatically discriminated against.

PARTICIPANTS' RECOMMENDATIONS

There should always be an anonymous option available for those who wish to file a complaint;

Increased knowledge for young offenders concerning their rights and how to ensure they are being met;

More transitional housing;

Increased awareness of different religions and their practices;

The reconsideration of the disclosure system with regards to young people who committed less serious crimes and have served their time.

ACCESS TO EDUCATION, EMPLOYMENT AND TRAINING

Educational learning is highly valued by the young people [indeed, many of the young people had aspirations to work and go to college once liberated], however, many felt they would like increased variety and access to educational opportunities tailored to their individual skills and talents – concerns were voiced by some who stated they felt educational opportunities were mostly targeted at those with literacy issues. Access to college or training was seen as fairly good, however, young people were concerned about discrimination in employment and the current lack of further educational opportunities. Young people would also like books to be more readily available [particularly whilst in segregation], and stimulating opportunities in the evening [especially on weekends] as they spend large amounts of time in their cells. Great importance was also placed on continued *UNCRC* peer education; young people felt learning and knowing their rights is essential to their development. Exploring rights enables young people to understand not only their rights, but their responsibilities, allowing them to reflect upon how their offending behaviour may affect their full enjoyment of rights – and the rights of others.

PARTICIPANTS' RECOMMENDATIONS

Greater pressure should be placed on education, employment and training providers to respect young people's rights and to create more opportunities to support young offenders into positive life paths;

Continue to hold career fairs and invite prospective employers along; having prospective employers in attendance provides an opportunity for young people to challenge stereotypes and demonstrate the unique skills base that they have to offer;

Help young people to create and sustain positive life paths through better supported community-based placements and training;

Provide increased further education opportunities and make university courses more accessible for young people, so they are supported to begin their studies while serving their sentences and continue this learning within the community, once released.

HAVING THE RIGHT TO...

and not treated like a daffy

keep stimulated

access to family and friends – visits, phone calls, letters and photos

regular exercise

education

OUR IDEAL COMMUNITY

be respected

fresh air – we need bigger windows

work

youth work

keeping good hygiene – good self-esteem

food – meat, fruit and veg

cell hobbies



**THE MEDIA
ALWAYS
SAY BAD
THINGS
ABOUT US.**

**WE HAVE NEWSPAPERS COMING
ONTO OUR CAMPS TRYING TO TAKE
PICTURES OF US.**

**YOUNG
GYPSY/TRAVELLERS**



NB: Please see *Article 12 in Scotland's* additional Alternative Report: *I Witness: The UNCRC in the United Kingdom, Young Gypsy/Travellers' Voices* for a more in-depth look at the difficulties faced by young Gypsy/Travellers living across the United Kingdom.

Discrimination is still one of the biggest barriers to site development, as well as to full access to healthcare, education, and employment for Gypsy/Travellers. It is crucial that work is carried out at both a local level to encourage the settled community to accept the Gypsy/Traveller way of life, and at a national level, through a Government-led public awareness campaign, to establish a zero-tolerance approach to discrimination against Gypsy/Travellers. We expect the Scottish Government and COSLA to make formal responses to this report, with tangible and achievable measures to meet our recommendations.¹⁷

Article 12 in Scotland wholly agrees with the above statement. Frustratingly, little has changed since the report *Where Gypsy/Travellers Live* was first published in 2013 with regards to implementing change for the Gypsy/Traveller community, and the vulnerable and disenfranchised children and young people who are a part of it. Free and meaningful participation in decision making processes is key to ensuring that young Gypsy/Travellers views and concerns are taken into account. In doing so, young Gypsy/Travellers

will have the space, knowledge and resources in order to empower themselves to become active participants in holding to account both local and national governments, to ensure improved public access to information and transparency in decision-making, creating increased opportunity to participate in critical debate and scrutiny of often discriminatory practices. Accommodation status should not cause or pose barriers to an already marginalised group of young people in accessing effective measures for the violation of their human rights. Nor should a community that exists out with the 'mainstream' be denied basic services and facilities such as water, sanitation, access to social facilities and so on. *Article 12 in Scotland* expects to see all recommendations made by the *Scottish Parliament's Equal Opportunities Committee* in their report *Where Gypsy/Travellers Live*¹⁸ become a reality as soon as is practicable, thus fulfilling the rights entitlements of the Gypsy/Traveller community living in Scotland today.

The issues and inequalities faced by the community regarding their access to [and realisation of] their human rights, as a result of poor access to social justice and experiencing multiple discrimination at all levels, are deeply disturbing. During consultation, participants raised their concerns in relation to the *UNCRC* Articles they felt were most relevant to their community, they are as follows: Articles 2, 6, 12, 14, 15, 16, 18, 19, 24, 27, 28, 29, 30 and 31.

¹⁷ Scottish Parliament, Equal Opportunities Committee in their report *Where Gypsy/Travellers Live*; [1st Report 2013: p35.
Online at: <http://www.scottish.parliament.uk/S4/EqualOpportunitiesCommittee/Reports/eor-13-01w.pdf>

¹⁸ Ibid

DISCRIMINATION

Discrimination, harassment and abuse are all themes which coexist with being a member of the travelling community; it is apparent that young Gypsy/Travellers are currently facing unacceptable levels of discrimination, harassment and abuse at the hands of the media, the authorities and the settled community.

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:

»We used to have bricks thrown at us and called names every day at one site, but you just get used to it«;

»I want people to have

MORE UNDERSTANDING ABOUT GYPSY/TRAVELLERS and to be less **DISCRIMINATED AGAINST** – not to be all branded the same«;

»on one site when we were shifting [moving on] last week, there were men who came to where we were camped and were throwing metal poles at our trailers«; »when we are shifting, it can be bad but when we are on our usual site, its fine because people know us here«; »a lot of people don't like us, some people are fine but others are not«.

Negative stereotyping – expressed through the public and media's allegations of increased crime when Gypsy/Travellers enter an area – has led to the wide-spread belief that the Gypsy/Traveller community is comprised of criminals, leaving young Gypsy/Travellers increasingly cast-out from mainstream society. This is in spite of evidence to the contrary; indeed, the Association of Chief Police Officers state that they have no disproportionate problems of criminal activities within the travelling community, while the Equality and Human Rights Commission believe: 'the suspicion with which Travellers are regarded means they are likely to be reported by neighbours or targeted unfairly by the police.'¹⁹

Forced to live 'illegally', many are being pushed to the fringes of society. Those who are living on one of the few council sites available in Scotland can be, and have been, subjected to racial harassment from those living around them:

*»we feel like **GYPSY/TRAVELLERS ARE AN ENDANGERED SPECIES**«.*

In short, it has become widely acceptable to discriminate against, harass and racially abuse Gypsy/Travellers.

THE MEDIA

Across Scotland, and indeed the United Kingdom as a whole, Gypsy/Travellers continue to be regularly vilified by certain representatives of the media. This deliberate reification of an already marginalised group is not only unethical, it also serves to put a whole community in danger:

»the media always say things that are bad about us, we have newspapers coming onto our camps trying to take pictures of us, asking us questions«;

»THE MEDIA TARGETS US, THERE IS NEVER ANYTHING POSITIVE SAID ABOUT TRAVELLERS and they always stereotype us. **IT MAKES PEOPLE JUDGE US«;** »people learn how to think from their parents/family/TV«.

Unbalanced reporting encourages prejudice; Gypsy/Travellers are a diverse people, and a vulnerable group in the hands of the media. Negative portrayals of Gypsy/Travellers fuel division and segregation from the settled community, increase prejudice and discrimination, and serve to galvanise inaccurate, widely held social beliefs about the culture of Gypsy/Travellers. Led by the young people who make up the Management Committee of Article 12 in Scotland's Young Gypsy-Travellers' Lives Project [and who have identified negative media coverage as one of the main driving forces in the discrimination faced by their community], we have

committed to a 4 year audit of online news publications within Scotland.

Our latest report found:

- 195 articles over 12 months in 21 publications – an average of around 4 articles per week; the number of articles has increased every year since the beginning of this audit;
- 62% of articles were focused on sites [unauthorised encampments, official sites, plans for new official sites and so on], 38% discussed the Gypsy/Traveller community in general, 24% of articles contained negative stereotyping and 12% focused on crime. Only 0.5% reported on life from the perspective of a member of the Gypsy/Traveller community;
- Only 7% of articles were classed as positive; negative reporting accounted for over half of audited articles, with a further 15% falling within the categories of discriminatory and racist;
- Nearly a fifth of publications audited still do not capitalise 'Gypsy' and/or 'Traveller'. This is disrespectful and does not give due regard to ethnic status;
- Social networking sites have created an environment from which individuals and groups can make worrying statements

¹⁹ Equality and Human Rights Commission [2009] Inequalities experienced by Gypsy and Traveller communities: A review, p164.
Online at: http://www.equalityhumanrights.com/uploaded_files/research/12inequalities_experienced_by_gypsy_and_traveller_communities_a_review.pdf

and suggestions regarding Gypsy/Travellers [and indeed other ethnic minorities] via public platforms. This is especially worrying given the sharp increase recent years have seen in the cyber bullying of young people.²⁰

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.

²⁰ Article 12 in Scotland, *Discrimination and online media*, 2014.
Online at: http://www.article12.org/wp-content/uploads/2014/12/YGTL-Media-Audit-Year-3_Final-.pdf

PARTICIPANTS' RECOMMENDATIONS

The media should use its power to effect positive changes and show an increase in more neutral and ethical reporting;

A more robust monitoring system for on-line reader comments/social media sites; stricter guidelines regarding the reporting of Gypsy/Travellers;

Participants recognise the right to free speech, but this cannot extend to racial profiling;

More awareness-raising projects, like *Young Gypsy Travellers' Lives*;

An immediate increase in the number of sites and available pitches [permanent, transit and private]; creating more pitches is essential if there is to be a reduction in roadside encampments – one of the key driving forces in the tension towards the Gypsy/Traveller community.

ACCOMMODATION

The UK ratified the *International Covenant on Economic, Social and Cultural Rights*, Articles 2 and 11, on 20th May 1976 – without reservation. Accordingly, the UK has obligations to take steps to ensure, and sustain, the progressive realisation of the rights to adequate housing, making use of the maximum of its available resources. Progressive realisation represents a strong presumption against retrogressive measures in the protection and promotion of human rights. State parties cannot make backwards measures without offering evidence based justification of the need to take such measures, and without having weighted various alternatives. Most importantly, governments must put in place effective safeguards to protect the most vulnerable of society, if such decisions are made.

The lack of official sites, the blocking off of traditional stopping places and the discrimination many face when they try to camp on public campsites, result in Gypsy/Travellers often being forced into camping on unsuitable plots of land: next to busy roads, on industrial estates, near pollutants and so on. Others, having been subjected to continuing harassment from the media, local authorities and members of the settled community, choose to camp very remotely so as to avoid further victimisation: *»if they [the authorities] would be civil, we would move – but they have no respect for us«.*

These types of camps are not suitable for various reasons, and it is difficult to access the services most of us take for

granted such as fresh water, electricity and basic health care – leading to the community becoming increasingly cut-off and cast-out.

»THERE IS A LACK OF PERMANENT TRAVELLER SITES. *When you are moved on, you're told there are plenty of Traveller sites but people don't realise* **YOU HAVE TO PUT YOUR NAME ON A WAITING LIST, IT CAN TAKE MONTHS!«**

Site issues raised by participants include: high electricity rates and poor energy efficient heating, with some families paying up to £150 per week for power, or those who could not simply going without basic necessities such as heat or leaving the site altogether [forcing more children and young people into roadside encampments]; the threatened closure of a trusted school [Castlebrae High School] potentially leaving local children and young people without access to an education and recreational activities; site issues such as: infestations of rats; drains overflowing with sewage and council employees leaving the removed contents of the drains in black sacks on site, exposing the community to further health hazards; experience of illness and missing school due to poor sanitation facilities; damp utility blocks; drug paraphernalia left on the periphery of sites; parks in a poor state of disrepair with no bin to dispose of rubbish and equipment needing to be cleaned, updated and made safe; the chip stones surrounding plots host a range of

germs, vermin faeces and cannot be cleaned adequately; fly tipping near the site blamed on the community; unsafe roads and the concrete at some plots has massive gaps which can be hazardous for tripping over [and fill up with ice in winter]; trees left to grow to an unsafe height over families' plots; shrubbery around plots has not been cut back in years, making it difficult to reach any rubbish caught in them; bins on site are only lifted once each fortnight.

»**OUR SITES ARE VERY FAR AWAY FROM EVERYTHING:** *swimming pools, school [we don't get transport provided anymore], cinemas, shops and places to eat*«;

»**OUR RUBBISH DOESN'T GET LIFTED OFTEN ENOUGH** *and we can get rat problems on site*«;

»**THERE ISN'T ENOUGH PARKING SPACES** *on our site, we need the site to be upgraded*«;

»*the chalets are terrible and get damp*«;

»**THERE NEEDS TO BE BETTER PUBLIC TRANSPORT**«;

»**WE WOULD LIKE A BETTER PARK TO PLAY IN ON SITE,** *the one we have is rusty and dangerous because you slip*«.

Such inadequate standards of living pose serious risks to participants' health and well-being. The geographical location of sites and the lack of public transport are also barriers which restrict young Gypsy/Travellers access not only to education, but to social and recreational activities. Young Gypsy/Travellers rights to associate and play are also reported as being disproportionately affected due to the lack of safe and suitable spaces for children to play on sites. The few that are lucky enough to live on private land are in the minority. Planning permission is rarely granted, in part largely due to local opposition from residents and council officials. Being forced to move constantly puts young Gypsy/Travellers behind the settled community in terms of their access to legal representation, healthcare, education and employment – factors which all impact upon their daily lives.

Article 12 in Scotland, were particularly concerned by young people's reports on how their privacy rights were violated by journalists on sites. It is also apparent that the community's cultural rights are not respected; most young people reported that they have become the victims of hate crime when they travel to new areas. It is particularly concerning when children as young as 10 years old report that they are 'disliked' by members of the settled community.

PARTICIPANTS' RECOMMENDATIONS

The lack of adequate sites, both transit and permanent, has reached a crisis point; local authorities have a duty to push through the creation of more, decent, appropriately located authorised sites. This would in turn reduce the amount of roadside encampments, a key driver in tensions, and lead to less negative media coverage;

Young Gypsy/Travellers must be consulted with regards to the type, location and facilities of planned sites;

More young Gypsy/Travellers should be educated on, and involved with, the planning process, through government led initiatives such as the work of *Planning Aid Scotland*.

EDUCATION

Many of the skills traditionally required by Scottish Gypsy/Travellers are not dependent upon participation in formal education. Issues such as a lack of authorised sites [which makes long-term access to education difficult], and the unacceptable abuse and bullying Gypsy/Travellers often face at school because of their ethnicity and way of life, means that Gypsy/Travellers often do not complete mainstream education:

»**AT COLLEGE I WAS MADE TO FEEL WORTHLESS.** *People would snigger and laugh at you and then you think 'well, what's the point?'*«

A more culturally aware approach to education needs to be implemented on a nationwide basis; remote learning – or 'e-learning' – provides a realistic platform for non-mainstream education, as would on-site teachers. More Gypsy/Travellers working in the teaching profession would also perhaps encourage young Gypsy/Travellers to attend school, thus helping to resolve the literacy issues that many young Gypsy/Travellers living in Scotland face today. Literacy issues impact upon many important areas of everyday life, such as: health care, employment and learning to drive.

»*It would be good if there was BETTER TRAINING FOR TEACHERS ABOUT OUR CULTURE. Or even if we had Gypsy/Traveller teachers.*«

PARTICIPANTS' RECOMMENDATIONS

More peer-led awareness-raising/conflict resolution workshops delivered [such as the successful model rolled out by the YGTL throughout the duration of their current project], nationwide, throughout schools in Scotland. Across Edinburgh, the YGTL workshops saw a 69.4% positive change in attitude, an 82.4% positive change recorded at *Kemnay Academy* in Aberdeenshire, and a 66.8% positive change in attitude at *Larkhall Academy* [findings taken from *Article 12 in Scotland* internal reports, these are available on request]. These findings clearly demonstrate that awareness-raising in school is not only successful, but also essential in the fight to end the discrimination, abuse and racial harassment faced by Gypsy/Travellers on a daily basis;

Scottish schools to include meaningful rather than tokenistic education about the culture, history and contributions Scottish Gypsy/Travellers have made to Scottish society. *Kemnay Academy* is commended for implementing this as a result of hosting a series of YGTL workshops;

The nationwide implementation of a more culturally sensitive, easily accessible form of learning;

Awareness-raising training for teachers;

A drive to see more teachers in schools that come from the Gypsy/Traveller community;

Accredited courses for keen young Gypsy/Travellers where they can gain a qualification through vocational learning.

WORK

Many young Scottish Gypsy/Travellers are self-employed; this is due in large to both their lifestyle, and the fact that discrimination and prejudice still play a major part in the problems they face in gaining employment within the settled community. Indeed many often hide their ethnicity from employers and colleagues for fear of losing their job:

*»I was employed in a clothes shop as a teenager. One day my cousin came in and we were told to **WATCH THEM BECAUSE THEY WERE ‘GYPSIES’**. I told them that was my cousin they were talking about, and a few weeks later **I WAS ACCUSED OF STEALING CLOTHES FROM THE SHOP.**«*

This discrimination, coupled with the literacy issues that are still all too prevalent, means that Gypsy/Travellers are still living and working very much as an insular community.

PARTICIPANTS' RECOMMENDATIONS

More work placements tailored for young Gypsy/Travellers;

Increased vocational learning in schools.

HEALTH

Health is one of the key areas in which participants face major discrimination and inequality. Many find it difficult to access a decent level of health care – a basic human right which the majority of the settled community in Scotland take for granted. Issues such as a lack of fixed address and a reluctance to interact with health professionals, [due to familial mistrust and experience of prejudice and discrimination] have led to Gypsy/Travellers suffering a range of preventable health problems – leaving them subject to a shorter life expectancy [compared with the general population]. According to the *Equality and Human Rights Commission [EHRC]*, the life expectancy for Gypsy/Travellers, both male and female, is around ten years less than the national average. The *EHRC* further states that Gypsy/Traveller parents are 20 times more likely to experience the death of a child than parents within the wider general population.²¹

The absence of any real culturally tailored health care system, stress as a result of the lack of official sites/continually being moved on by authorities, discrimination within the work sector and literacy issues can all cause physical and mental ill-health – with mental ill-health still being a subject of fear and denial. It is important also to note that being forced into ‘bricks and mortar’ accommodation can itself bring its own range of issues.

²¹ *Equality and Human Rights Commission, 2009, Gypsies and Travellers: simple solutions for living together.*

PARTICIPANTS' RECOMMENDATIONS

More flexible healthcare for the Gypsy/Traveller community;

Increased training for health care professionals with the aim of building trust and encouraging young Gypsy/Travellers to access their right to decent medical care.

PARTICIPATION

Structural inequalities are a continuing barrier for young Gypsy/Travellers, principally the lack of opportunities that recognise their contributions as active citizens. Participants highlighted that they can now identify that this has been one of the main drivers in treating them as the ‘other’. Gaining work experience was viewed as a key tool to ensure their aspirations become a reality. Aspirations included:

»go into further education«; »continue to become more independent«; »peace and respect as a Traveller«; »become a Gypsy Traveller Liaison Officer«; »understand myself better«; »pass my driving test«; »become less discriminated against«; »get a job«; » have more self-belief«.

Whilst positive change has been apparent for themselves as well as their community, it is obvious that more action must be taken at both local and national levels to improve the situation for Gypsy/Travellers. Participants felt that 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. The voices of young Gypsy/Travellers speak for themselves:

»THINGS WOULD IMPROVE IF PEOPLE LISTENED TO US.«

»I now realise there are SO MANY RIGHTS THAT GYPSY/TRAVELLERS ARE NEGLECTED FROM.«

»I HAVE LEARNT SO MUCH ABOUT MY OWN RIGHTS *and I am becoming very confident with myself.«*

»GYPSY/TRAVELLERS HAVE THE SAME RIGHTS AS ANYONE IN THE U.K. *We may live different lives but we still have the same rights.«*

»PLANNING IS RELEVANT IN ALL ENVIRONMENTS, *it is a complicated process that should involve everyone but often does not.«*

»PLANNING PROCESSES NEED TO BECOME MORE RELEVANT TO OUR CULTURE *and important decision makers need to gain a better understanding themselves.«*

»IT IS IMPORTANT TO LEARN ABOUT YOUR OWN ROLE WITHIN PLANNING PROCESSES; *we now know where to look for information.«*

»GAINING USEFUL KNOWLEDGE THAT CAN BE PASSED ONTO OTHERS IS IMPORTANT.«

No young Gypsy/Travellers had heard of the *UNCRC*, prior to their involvement in the Reporting Process [although some had heard of 'rights']. It is vital that young Gypsy/Travellers are meaningfully engaged in decision making processes, in every aspect of their lives.

PARTICIPANTS' RECOMMENDATIONS

Local authorities must ensure that they are transparent in their decision making processes and are willing to engage with the Gypsy/Traveller community;

The young Gypsy/Travellers who participated in our *UNCRC* Reporting Process are now very much aware of their rights. It is recommended that the *UNCRC* is promoted widely in a format that is easily accessible to young people in the Gypsy/Traveller community;

Increased awareness-raising to help foster a more positive relationship between young Gypsy/Travellers, the authorities and their peers within the settled community.



HAVING THE RIGHT TO...

OUR IDEAL COMMUNITY

SUMMARY AND OVERARCHING KEY ACTION POINTS

*Scottish Ministers have stated their commitment to creating a modern, inclusive Scotland that protects, respects and realises the human rights of everyone.*²²

The Scottish Government's submission to the 5th UK Government Report to The UN Committee on the Rights of The Child clearly highlights the differences between the UK jurisdictions and the varying rights challenges we face. We recognise and commend the Scottish Government's endeavours to make children and young people's fundamental rights a reality for **all** by enshrining the UNCRC in policy and practice vis a vis the GIRFEC approach and the Children and Young People [Scotland] Act 2014. We additionally commend their continued commitment to rights and the improvement of services available to children and young people in times of austerity. Nonetheless, it is clear that vulnerable groups of children and young people,

such as those whose voices comprise the main body of this report, are still facing unacceptably high levels of discrimination on a daily basis in almost every aspect of their lives. The most marginalised in society are often the most in need of support, and indeed can be the most difficult to reach; many vulnerable groups of children and young people living in Scotland can become 'hidden' from wider society.

It is of vital importance that all marginalised, 'hidden' and 'hardly reached' children and young people not only become more visible, but that they are supported to understand their rights, and achieve positive change vis a vis the many recommendations they have put forward in this report. We believe that governments, professionals, and the wider community all have a role to play in making this a reality.

²² Scottish Government submission to the 5th UK Government Report to The UN Committee on the Rights of The Child, paragraph 9.

Overarching key action points

- 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 via 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 with 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 principles of 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;
- 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 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.

FINAL CONCLUSIONS

Numerous rights issues have been documented in this report, however, it is apparent that the overarching theme of the data gathered is one of discrimination. Discrimination, combined with poor participation and a lack of knowledge surrounding the *UNCRC*, is negatively impacting on the realisation of rights for vulnerable and marginalised groups of children and young people.

We encourage the *Scottish Government* 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. Whilst these issues relate directly to each of the groups' experiences; concerns have been raised by all of the young people with regards to their unequal access to universal rights and the ability to participate.

Not only can these young people offer solutions, but they can also use their knowledge and lived experiences to influence future change. There is a real need to 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.

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 there are gaps in the general public's knowledge and understanding of children's rights. 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.

We believe 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. To achieve this, the *Scottish Government* must take urgent action to increase adult's, and children and young people's, knowledge and understanding of the *UNCRC*. We believe that all professionals who work with

children and young people should attend mandatory *UNCRC* training. We further recommend that more resources are allocated to ensure vulnerable children and young people have equal opportunities to learn about their rights, to monitor implementation and to participate in local and national decision making processes. We believe that 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*, the *Office of the Commissioner for Children and Young People* and the *Equality and Human Rights Commission*] who work for, or in the interests of, children and young people, consider more free and meaningful forms of participation which respect participation rights.

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 **all** children and young people's rights are promoted and respected in Scotland.

UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (UNCRC)

The following outlines the 54 Articles of the *United Nations Convention on the Rights of the Child [UNCRC]*. **Articles 1 – 40** describe the rights that Governments must make sure young people have; **Articles 41 – 54** describe the things that adults and Governments must do to make sure all young people realise all their rights.

ARTICLE 1: Every young person under 18 years of age has all the rights in this *Convention*.

ARTICLE 2: The *Convention* applies to all young people under 18 years of age whatever their race, religion, abilities, whatever they think or say, whatever family they come from.

ARTICLE 3: All organisations that work with or for young people should work towards what is best for each child or young person.

ARTICLE 4: Governments should work to make these rights available to all young people.

ARTICLE 5: Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly.

ARTICLE 6: All young people have the right to life. Governments should insure that young people survive and develop healthily.

ARTICLE 7: All young people have the right to a legally registered name, the right to a nationality and the right to know and, as far as possible, be cared for by their parents.

ARTICLE 8: Governments should respect young people's rights to a name, a nationality and family ties.

ARTICLE 9: Young people should not be separated from their parents unless it is for their own good, for example: if a parent is mistreating or neglecting a young person. Young people whose parents have separated have the right to stay in contact with both parents, unless they may harm the young person.

ARTICLE 10: Families who live in different countries should be allowed to move between those countries so that parents and young people can stay in contact or get back together as a family.

ARTICLE 11: Governments should take steps to stop young people being taken out of their own country illegally.

ARTICLE 12: Young people have the right to say what they think should happen when adults are making decisions that affect them, and to have their opinions taken into account.

ARTICLE 13: Young people have the right to get and share information as long as the information is not damaging to them or others.

ARTICLE 14: Young people have the right to think and believe what they want and to practice their religion, as long as they are not stopping other people from enjoying their rights. Adults should guide young people on these matters.

ARTICLE 15: Young people have the right to meet together and to join organisations, as long as this does not stop other people from enjoying their rights.

ARTICLE 16: Young people have the right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes.

ARTICLE 17: Young people have the right to reliable information from the mass media. Television, radio and newspapers should provide information that young people can understand and should not promote materials that could harm young people.

ARTICLE 18: Both parents share responsibility for raising their children and should always consider what is best for their children.

ARTICLE 19: Governments should ensure that young people are properly cared for and protect

them from violence, abuse and neglect by their parents or anyone else who looks after them.

ARTICLE 20: Young people who cannot be looked after by their own families must be looked after properly by people who respect their religion, culture and language.

ARTICLE 21: When young people are adopted the first concern must be what is best for them. The same rules should apply whether the young people are adopted in the country where they were born or taken to live in another country.

ARTICLE 22: Young people who come into a country as refugees or asylum seekers should have the same rights as young people born in the country.

ARTICLE 23: Young people who have any kind of disability should have special care and support so they can live full and independent lives.

ARTICLE 24: Young people have the right to good quality health care and to clean water, nutritious food and a clean environment so that they will stay healthy. Rich countries should help poorer countries to achieve this.

ARTICLE 25: Young people who are looked after by their local authority rather than their parents should have their situation reviewed regularly.

ARTICLE 26: The Government should provide extra money for young people from families in need.

ARTICLE 27: Young people have a right to a standard of living that is good enough to meet their physical and mental needs. Governments should help families who cannot afford to provide this.

ARTICLE 28: Young people have a right to an education. Discipline in schools should respect a young person's dignity. Primary education should be free. Wealthy countries should help poorer countries achieve this.

ARTICLE 29: Education should develop each young person's personality and talents to the full. It should encourage young people to respect their parents, their own and other cultures.

ARTICLE 30: Young people have a right to learn and use the language and customs of their families, whether or not these are shared by the majority of the people in the country in which they live.

ARTICLE 31: All young people have a right to relax and play, and to join in a wide range of activities.

ARTICLE 32: The Government should protect young people from work that is dangerous or might harm their health or their education.

ARTICLE 33: The Government should provide ways of protecting young people from dangerous drugs.

ARTICLE 34: The Government should protect young people from sexual abuse.

ARTICLE 35: The Government should make sure that young people are not abducted or sold.

ARTICLE 36: Young people should be protected from any activities that could harm their development.

ARTICLE 37: Young people who break the law should not be treated cruelly. They should not be put in prison with adults and should be able to keep in contact with their families.

ARTICLE 38: Governments should not allow young people under the age of 15 to join the armed forces. Young people in war zones should receive special protection.

ARTICLE 39: Young people who have been neglected or abused should receive special help to restore their self-respect.

ARTICLE 40: Young people who are accused of breaking the law should receive legal help.

Prison sentences for young people should only be used for the most serious offences.

ARTICLE 41: If the laws of a particular country protect young people better than the *Convention* then those laws should stay.

ARTICLE 42: The Government should tell all adults and young people about the *Convention*.

ARTICLE 43: A group of ten experts from all over the world [*The Committee on the Rights of the Child*] has been set up to make sure that Governments are doing all they can to give young people their rights. This group usually meet at the *United Nations* Headquarters in Geneva.

ARTICLE 44: Governments have to submit their first report to *The Committee on the Rights of the Child* within two years of signing up to the *Convention* and on a five yearly basis after that. Government reports have to explain how they are making sure that all young people get the rights, and if they are not, why they are not.

ARTICLE 45: *The Committee on the Rights of the Child* can ask non-governmental organisations [NGOs], with an interest in or working with young people, their views and opinions on the state of children and young people's rights. Based on information received from Governments and NGOs *The Committee on the Rights of the Child* can make suggestions and recommendations as to how those Governments should improve the situation for children and young people.

ARTICLE 46: The *Convention* is open to all countries to sign up to. Signing up means that your Government agrees that the *Convention* is a good idea.

ARTICLE 47: The *Convention* is subject to ratification. Ratification means that your Government formally approves the *Convention*, meaning it agrees to put the articles of the *Convention* in to action in your country. Governments have to inform the *United Nations* of their decision to ratify.

ARTICLE 48: The *Convention* is open for accession by any country. Accession means the formal acceptance of the *Convention* by your Government. Governments have to inform the *United Nations* of their decision.

ARTICLE 49: The *Convention* enters into force thirty days after a Government has informed the *United Nations* of its ratification or accession. This means that after thirty days the Government has a duty to ensure that all children and young people get their rights and to report back regularly to *The Committee on the Rights of the Child*.

ARTICLE 50: Any country can propose an amendment to the *Convention*. Any proposed amendment has to be considered and voted on by all countries who have signed up to the *Convention*. Agreed amendments only have to be adhered to by those countries that have voted for them. Those countries who did not vote in favour remain bound only by the original articles or any other amendments that they have voted for.

ARTICLE 51: Governments have the right to make certain reservations to their obligations as set out in the *Convention*. For example, a Government may reserve the right not to afford young people who come into a country as refugees or asylum seekers the same rights as young people born in the country [ARTICLE 22].

ARTICLE 52: Governments can withdraw their agreement to apply the *Convention*. They have to inform the Secretary-General of the *United Nations* of their decision. Their withdrawal enters into force one year after their notification to the *United Nations*.

ARTICLE 53: The Secretary-General of the *United Nations* is the person responsible for the *Convention*.

ARTICLE 54: The originals of the *Convention*, in English, Arabic, Chinese, French, Russian and Spanish languages, are held by the Secretary-General of the *United Nations*.

