



# THE UNCRC IN SCOTLAND:

*Young Peoples' Voices Revisited*

# 2023



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## ABOUT ARTICLE 12 IN SCOTLAND

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

Our work is underpinned by the principle of free participation: the right to participate as equal citizens at all levels of society without fear or favour 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 living in Scotland today, with our core focus being the support and empowerment of young Gypsy/Travellers – whether they be living on sites, in bricks and mortar housing or living remotely, rurally or 'shifting' [living roadside].<sup>1</sup>

## ABOUT THIS REPORT

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The *UNCRC in Scotland: Young Peoples' Voices Revisited 2023* aims to provide a narrative rich insight into the concerns, experiences, hopes and aspirations of some 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.

This report is a summary of the views, opinions and recommendations in relation to the rights of the children and young people who participated in our research processes; it is not an evaluation of law, policy and practice vis a vis the implementation of the *UNCRC* in Scotland. This report has been written with the additional aim of being jargon-free and informative to those who wish to learn more about the *UNCRC* and the issues impacting on the rights entitlements of some of Scotland's most marginalised and least platformed young people. This report was originally submitted to the *Committee on the Rights of the Child* in PDF format in December 2022.

## PARTICIPANTS

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*Article 12 in Scotland*, directly engaged with 128 least platformed young people across Scotland [and the professionals working with and for them] via the process of virtual workshops, rights-based peer education and online surveys; engaged young people via our *UNCRC* For Beginners teaching pack, which was sent out to schools, third sector organisations, and to the Office of the *Children and Young People's Commissioner Scotland* – with an estimated reach of 1685 young people and staff – and, pre-pandemic, delivered rights-based workshops to 244 young people from 6 primary schools across the Perth and Kinross Local Authority area. Participants included: care-experienced young people living on the Scottish Islands; young dyslexic people; young Gypsy/Travellers, young homeless people and young LGBTQIA+ people.

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<sup>1</sup> Further information on the work of *Article 12 in Scotland* can be found at: [www.article12.org](http://www.article12.org)

## METHODOLOGY

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*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 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

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This Alternative Report is set against the backdrop of the COVID-19 Pandemic. One of our key challenges was moving the entirety of our *UNCRC* Reporting Process data-gathering work online and changing our methods from face-to-face/peer education work with young people and our partner organisations, to reaching out and connecting virtually. We created a number of online surveys, information videos for our social media platforms, infographics, a virtual *UNCRC* workshop [available upon request] and a *UNCRC* For Beginners teaching pack [also available on request] for our partner organisations to work through and feedback any findings to *Article 12 in Scotland*. In addition to this was our offer of tailored video-conferencing to any interested/relevant group/organisation working with marginalised young people.

Throughout the Covid-19 pandemic and subsequent lockdowns, *Article 12 in Scotland* ran an anonymous survey called *Article 12 in Scotland: UNCRC Reporting Process; Your Voice Matters*, aimed at marginalised groups of young people living in Scotland. Responses came from a wide-range of seldom platformed groups. Information from these surveys has been disseminated throughout the report.

Our virtual *UNCRC* workshop was developed with the intention to skill-up young people around 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, surveys and other data gathering methods are included in this report.

## RESPECT FOR PARTICIPANTS' RIGHTS AND DIGNITY

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Prior to participation, potential participants 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 [2018]*. 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 AND INTEGRITY

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All methods were subject to audit and advice from the Senior Management Team of *Article 12 in Scotland*. Participants in our workshops were offered full feedback.

## ABOUT THE UNCRC

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### WHAT IS THE UNCRC?

The *United Nations Convention on the Rights of the Child*, or the *UNCRC*, is the basis of all of *UNICEF*'s work. It is the most complete statement of children and young people's rights ever produced and is the most widely-ratified international Human Rights Treaty in history. The UK signed the convention on the 19th April 1990, ratified it on the 16th December 1991 and it came into force on the 15th January 1992.

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 2015 and published its Concluding Observations on the report in October 2016.

The fact that a country has ratified the *UNCRC* does not guarantee that the rights in it shall be respected, protected and fulfilled. This can only be ensured when steps are taken to implement the *Convention* into domestic law, policy and practice. The *Scottish Parliament* historically voted to incorporate the *UNCRC* into Scottish Law in March 2021, marking a significant step towards ensuring and strengthening the protection of the rights of children and young people across Scotland.

*UNICEF* states that 'the Convention has 54 Articles that cover all aspects of a child's life and sets out the civil, political, economic, social and cultural rights that all children everywhere are entitled to. It also explains how adults and governments must work together to make sure all children can enjoy all their rights. Every child has rights, whatever their ethnicity, gender, religion, language, abilities or any other status.

*The Convention must be seen as a whole: all the rights are linked and no right is more important than another. The right to relax and play [Article 31] and the right to freedom of expression [Article 13] have equal importance as the right to be safe from violence [Article 19] and the right to education [Article 28] [...] All UN member states except for the United States have ratified the Convention.*<sup>2</sup>

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 are usually compiled and submitted to the *Committee*.

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<sup>2</sup> <https://www.unicef.org.uk/what-we-do/un-convention-child-rights>



# THE UNCRC REPORTING PROCESS

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The *UNCRC* Reporting Process presents an opportunity for Non-Governmental Organisations [NGOs], Civil Society Organisations [CSOs] and National Human Rights Bodies and Agencies to present evidence concerning children and young people's rights to the international legal body responsible for monitoring the implementation of the *United Nations Convention on the Rights of the Child* [UNCRC]. As well as offering an alternative view-point of governmental policies, the Reporting Process can be a route for organisations to influence political, legislative and practice agendas.

The UK has recently opted into the simplified reporting procedure, with the current *UNCRC* reporting cycle taking place between 2020 and 2023.

## THE UNCRC: YOUR RIGHTS

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The *UNCRC* is a list of 54 Articles that cover all aspects of life for young people under the age of eighteen. 42 of the Articles describe the rights that the government must make sure you have; Articles 43–54 set out how adults and governments must work together to make sure all children can enjoy all their rights. This brief guide, set out in four sections, shows what your rights are: Remember these rights are for people under the age of eighteen.<sup>3</sup>

### BEING FAIR – NON-DISCRIMINATION RIGHTS

Article 1 states that everyone under the age of eighteen is entitled to all the rights in the *UNCRC*, and Article 2 spells out that the *Convention* applies to everyone, regardless of their own, or their parent's or legal guardian's: race, sex, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability, sexual orientation, birth or other status.

The *UNCRC* says that it is important for you to know who you are and where you come from, so Article 7 gives you the right to a name, a nationality and a birthday. Because these details must be recorded, with details of your parents, this is a way of making sure society recognises you and respects you as a person in your own right.

Your rights not only make sure you are treated fairly, but also make sure that we treat each other fairly too. This means that any form of discrimination is unacceptable, that excluding people or disrespecting them based on who they are will not be tolerated.

### TAKING CARE OF YOU – PROTECTION RIGHTS

There are lots of ways that children and young people need protection. Sometimes the people you depend on let you down, or sometimes there are situations where there might be risks. Article 3 of the *UNCRC* states that everything concerning you must be in your best interests. Obviously, before you can enjoy any other rights, you have to survive and develop, which is covered by Article 6.

Protection from harm is obviously the main aim of many of the Articles in the *UNCRC*, so we'll have to be brief even though these are really important. You have the right to privacy [Article 16], and to protection from any kind of abuse [Article 19] or torture [Article 37]. No one is allowed to exploit you in any way [Article 36] or to kidnap you [Article 35]. These things could happen in everyday life or during situations such as wars. Article 39 says that if you have been a victim of any of these things you should have care to help you recover.

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<sup>3</sup> A list of the *UNCRC* Articles can be found in Appendix 4.

Your family is in the most important position to care and support you according to Articles 5 and 18. The government must respect this and support parents, and if for any reason you are split up from your parents, they must do their best to get you together again or help you keep in contact [Articles 9 and 10].

If you are in a situation where your family cannot look after you, the government must make sure you are placed in good care [Article 20], which is regularly reviewed [Article 25]. If you are adopted, this must be in your best interests [Article 21].

You might be interested to know that Article 33 gives you the right to be protected from drugs and dealing. If you are ever in trouble with the law, Article 40 gives you the right to legal representation and to fair treatment.

If you work, Article 32 says that you should not be involved in jobs which threaten your health or education and that the government must set rules about work for children and young people.

### MEETING YOUR NEEDS – DEVELOPMENT RIGHTS

The *UNCRC*, realises that things must be provided for people while they are young if they are to grow up safe, healthy and happy. It is all about having what you need to achieve your potential as a person and as a member of society. Information is important to help you get what you need, as well as to make decisions. Article 17 means that information should be given to you in ways you can understand, and on things which are important to you.

Health is really important to everyone. The *UNCRC*, says that everything must be done to make sure you don't get ill in the first place [such as living in a clean, nurturing environment]. You also have the right to access to health services - these rights are in Article 24. Remember Article 12 gives you the right to have a say in your medical treatment.

If disabled people need particular care and tailored education to enable them to achieve their potential and take part in society, Article 23 says they should have this.

Education is another matter that the *UNCRC* believes to be crucial. Two Articles cover this: Article 28 gives you the right to go to school, and Article 29 states you should have an education which gives you respect for human rights and a fair society, and enables you to personally develop your talents and abilities as much as possible.

Personal needs and the ability to take part in society can depend on money. The *UNCRC* says that you should have the right to social security, Article 26, and then Article 27 state that you should have a reasonable standard of living, and that if your parents cannot meet this, the government must help them.

The *UNCRC* tries to make sure you have your rights by suggesting that the government should ensure that they organise services in the best way for everyone.

### TAKING PART – PARTICIPATION RIGHTS

The *UNCRC* recognises people under the age of eighteen as important members of society. It gives you the right to take part in making decisions that affect you personally, but it also realises you will want recognition for your views and feelings by other people in society too. Article 12 gives you the right to express your opinion in any decision that will affect you. Adults should respect your views and take them into account.

Article 14 is the right to decide your own beliefs and opinions. You should be free to think for yourself about how you feel. This could be on issues such as religion, or perhaps about causes like the environment, animal rights or human rights - whatever you feel strongly about! The *UNCRC* states it is

still important for adults to help you work out your beliefs, which can be difficult with so many different ideas and viewpoints.

Article 13 says you can express yourself in lots of different ways – such as by talking, writing, and artwork – as long as this does no disrespect to anyone else. You can also get any information you need to help you think about issues too.

Article 15 means you can join clubs or organisations, or even set up your own. You also have the right to meet with other people. Additionally, you have the right to play, leisure and recreation [Article 31], and if you are a member of an ethnic or religious community, you should be able to enjoy your own culture.

These rights make sure you can be part of society, and give you the right to work out what part you want to play. The *UNCRC* says it is important that while respecting your rights, adults also have to help you work out right from wrong. Whatever you do, you still have to stay within the law, and respect the rights of others.

Peoples'

# INTRODUCTION

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***“The right I care most about is the right to be heard!”***

## YOUNG GYPSY/TRAVELLER

*Article 12 in Scotland* recognises the meaningful ways in which the *Scottish Government* has implemented change for children and young people since the *Committee* published its Concluding Observations in 2008, and more recently in 2016; particularly in light of the global COVID-19 pandemic, BREXIT, the cost-of-living crisis, welfare system reforms, budget cuts and limited devolved powers available during these uncertain times. We once again 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.*”<sup>4</sup>

Nonetheless, it is clear that some of Scotland’s most marginalised children and young people continue to experience major inequalities regarding the realisation of their fundamental human rights, with the media, unsurprisingly, emerging as a key factor. These inequalities have been highlighted once again - indicating very little real, lived change - during the most recent Reporting Process. The rights to live a life free from discrimination and to be respected are key rights’ entitlements; entitlements which underpin the general shift in laws and policy in Scotland today. That said, many children and young people continue to face discrimination, negative stereotyping and social stigmatisation on a daily basis, with marginalised young people being disproportionately affected. Barriers to the active and meaningful participation of children and young people must be removed; those in power have a responsibility to ensure that their views are taken into account [as the experts of their own realities] and enshrined in policy and practice at all levels. Primary rights to participation, protection, development and survival are not being met.

We commend the *Scottish Government* for the *UNCRC (Incorporation) (Scotland) Bill*, which, once enacted, will build upon a number of laws and policies in Scotland that are already in place to protect the rights of children and young people [*Children and Young People (Scotland) Act 2014*, *Getting It Right For Every Child [GIRFEC]*, *Child Rights and Wellbeing Impact Assessments [CRWIAs]*, *Scotland’s National Action Plan for Human Rights [SNAP]*, *Children (Equal Protection from Assault) (Scotland) Act 2019*, *Children (Scotland) Act 2020* and the *UK Government’s Human Rights Act (1998)* – which is currently, and of upmost concern, under threat of repeal]. Scottish society is striving towards a fairer, more equal place for all – in stark contrast with current *UK Government* policy and practice. Nonetheless, it is clear that some of Scotland’s most marginalised children and young people are still experiencing major inequalities regarding the realisation of their fundamental human rights. Consequently, we feel the following areas require urgent attention in order to ensure all Scotland’s 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 exclusive to]: 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.

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

While many of these areas of concern have seen improvement in recent years, it is important to remember that these areas for improvement cover some 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.

For the purpose of this report, *Article 12 in Scotland*, directly engaged with 128 seldom platformed young people [aged approximately 11-25] from across Scotland and the Scottish Islands [and professionals who work with and for them] via the process of virtual workshops, rights-based peer education and online surveys; engaged young people via our *UNCRC For Beginners* teaching pack, which was sent out to schools, third sector organisations, and to the Office of the *Children and Young People's Commissioner Scotland* – with an estimated reach of 1685 young people and staff – delivered rights-based workshops to 244 young people from 6 primary schools across Perth and Kinross Local Authority area, pre-pandemic, and, additionally, created and published numerous information videos surrounding the *UNCRC* and children and young people's rights in Scotland with a total reach – at the time of writing – of 22,945 engagements across our social media platforms on *Twitter* and *TikTok*. Participants included: care-experienced young people living on the Scottish Islands; young dyslexic people; young Gypsy/Travellers, young homeless people and young LGBTQIA+ people.

Revisited

## GENERAL MEASURES OF IMPLEMENTATION (ARTS 4, 42 AND 44 (6))

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Article 12 in Scotland welcomes the *Scottish Government's United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill* which was passed unanimously in March 2021 – something that we – and many other children and young people's human rights defenders have long advocated for.

Law and policy must account for the unique needs of marginalised groups of children and young people, such as: young Gypsy/Roma/Travellers, young disabled people, care-experienced young people, young carers, young people experiencing mental ill-health, young offenders, young LGBT-QIA+ people, young people with refugee status, young homeless people and all other marginalised and disenfranchised groups. We hope the *United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill* will help and empower rights holders to challenge public authorities when their actions are incompatible with their rights as set out in the *UNCRC*.

During the Reporting Process we sought the views of seldom platformed young people concerning the *UNCRC* and what it means to them:

What does the *United Nations Convention on the Rights of the Child* [UNCRC] mean to you?

*"No LGBT child rights"; "I have never heard of it" [stated numerous times]; "I have no clue what it is"; "Making sure a child's life is the best it can be"; "It protects my rights"; "Important to have when successfully enforced"; "Don't know what that is"; "It should give us rights but we don't get them all"; "I can't go to school so it doesn't give us the right to education. If it wasn't for Article 12 we [young Gypsy/Travellers] wouldn't get any education"; "People think we [young Gypsy/Travellers] get everything for free so there needs to be education for people to tell them it isn't true"; "Protection for rights"; "That every child has rights that adults follow – very important to me"; "That I'm not a slave"; "Right to an education, it means people have a future that are less affluent".*

How important is the *UNCRC* in ensuring that your rights are protected?

*"Probably important but we aren't told"; "Pretty damn important"; "Very, but needs to be enforced more and talked about more in school"; "It means a lot, as it means in Scotland children have the right to life"; "It's good to know what people should be held accountable for"; "It is good that there is someone above our government telling them that they have to look after you"; "Extremely, my rights as a young person are as important and valued as an adult"; "Very important".*

Do you think that the *UNCRC* should be incorporated into Domestic Law in Scotland?

*"Yes" [stated numerous times]; "Yes! That's important"; "Yes, because it protects children's rights"; "Yes, we would feel more confident and could go to the police if it was all law"; "We need clear laws saying treating Travellers badly is wrong and the *UNCRC* being law might cover it"; "Yes, I thought it already was..."; "Yeah it [UNCRC rights] should be made into law because why take away our human rights?".*

What is your top reason for why the *UNCRC* should [or should not] be incorporated?

*"Because it helps kids"; "It can protect young people"; "Gives much needed rights that are not currently enforced enough"; "Because children and young people and their rights are as important and valued as adults and should be treated as such"; "I think it should be as it helps impoverished children have a better life"; "Domestic law deals with kids so their rights need to be respected"; "Sounds like a good thing to do"; "There is lots of hate. Police don't help. If they hear the name [...] they won't come. We broke down on the road and the police just got in their cars and left when they*



heard our name. If it was in the law then they would have no choice but to help you”; “On YouTube under the videos on ‘Traveller Traditions’ there are really awful comments. We would feel more confident and could go to the police if it was law”; “We could have a happy life like everyone else and wouldn’t need to hide behind doors and put our hoods up when we go out to hide who we are”; “Because it protects children’s rights”.

## RECOMMENDATIONS:

1. policy and practice is compliant with the *UNCRC* in order to facilitate equality and continuity of access to children and young people’s rights – across the UK - as set out in the *UNCRC*. The *UK Government* should follow the *Scottish Government*’s lead and incorporate the *UNCRC* into law;
2. any necessary amendments to the *United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill* are made as soon as possible in order to allow the Bill to be enacted: “Instead of getting rid and restarting it is better to just have them make the small changes rather than just getting rid all together as we still need them [our rights].”; “It would be better to amend rather than starting a new law I think.”
3. legislation surrounding children and young people is subject to continual scrutiny and recommendations made by the *UNCRC Committee* are given due consideration on a regular basis;
4. additional funding be made available regularly, and directed towards relevant stakeholders already involved with *UNCRC* awareness-raising and the Reporting Process, in order to ensure that the children and young people they represent can be fully informed and empowered to amplify their voice;
5. the monitoring and evaluation of policy and legislation is transparent and jargon-free in order to make it accessible to all, and enable inclusive dialogue surrounding children and young people’s rights. This should be undertaken annually;
6. that children and young people, particularly marginalised children and young people, are meaningfully involved in the *Child Rights Impact Assessments* process;
7. all professionals and policy makers are trained in order to fully understand the *UNCRC*;
8. transparent financial support is in place to ensure children and young people’s rights are at the forefront of all local and national policy planning – particularly given our current economic climate;
9. financial provisions continue to be in place to mitigate the effects of the COVID-19 pandemic on already marginalised groups;
10. that children and young people already living in poverty are not forgotten, and will receive additional support to ensure they do not fall further behind due to the effects of austerity;
11. we are not in favour of the *UK Government*’s ‘Bill of Rights’ and believe the *Human Rights Act (1998)* should continue to be upheld. If this ‘Bill of Rights’ does go ahead, then we urge the *Scottish Government* to mitigate any infringements of human rights where devolution allows.

## DEFINITION OF THE CHILD (ART. 1)

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Article 1 of the *UNCRC* defines the age of the child as being all those under 18 years old: Article 12 in Scotland believes that the *UNCRC* must go further to push the rights of marginalised children and young people, protecting them up until the age of 25: *"I do believe it [UNCRC] should protect you till you are 25 as at that age you should still be entitled to them [protections] as everyone is different and still might need the support from them."*; *"Everyone says I am not mentally the age I am but when I turn 18 I'm expected to live like an adult. I should be classed as a "child" or "young person" to 21 years old."*

We asked if all young people in Scotland experienced the same enjoyment of their rights: *"no, some people are left out, poorer kids"*; *"not everybody, some children will not be allowed to enjoy their rights"*; *"I think that some children will be and others won't"* such as *"children that don't have any family"*; *"refugees, people in care"*; *"poorer children and children from different countries."*

### RECOMMENDATIONS:

1) the State Party must ensure all children and young people, and in particular marginalised children and young people [such as young people experiencing mental ill-health, care-experienced young people; young homeless people, and young disabled people], are treated as individuals and not stereotypes; that law and policy, help and support is tailored to individual need and not a generalised cut-off age – in particular, offering support and protection under the *UNCRC* to all marginalised children and young people that may require it;

2) young marginalised people should never be pushed into adult services before they are ready due to an arbitrary age cut-off limit.

## GENERAL PRINCIPLES (ARTS. 2-3, 6 AND 12)

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### NON-DISCRIMINATION (ART. 2)

#### YOUNG GYPSY/TRAVELLERS

*"Right now, I don't feel like there's anything the government can do to stop it."*

Discrimination, harassment and abuse are all themes which coexist with being a member of the Travelling community; little has changed in terms of the discrimination faced by young Gypsy/Travellers at the hands of the media, the authorities and the settled community.

Participants' Responses [within the identity grouping of young Gypsy/Traveller, there were also the following sub-identities: young carer, care-experienced young person, young disabled person, young LGBTQIA+ person, ethnic minority]:

*Article 12 in Scotland* asked: have you ever been a victim of discrimination as a result of being part of a marginalised group? This could be from members of the public, local authorities or authorities such as the police: Yes - 63.64%, No - 36.36%:

*"Abuse shouted at us. Not allowed in certain places. Hates crimes. Online abuse."*; *"Sometimes we are not welcome in venues. People think we are up to no good. They think we don't pay our way."*



*They treat us like criminals.”; “Name calling in primary school. Shouting things like “Ya Pikey, Ya Gypsy”. It was horrible.”; “Direct use of racially derogatory language and innuendo.”; “Because I’m half Gypsy [my mums a Traveller] pupils at my school kept commenting on it saying I’m not a real Gypsy.”; “Been called racist names in public for no reason.”; “Had my children removed with no mental health support, allowed to be homeless, not having assault case taken seriously, left in addiction.”*

The identity of Gypsy/Travellers can take many forms: some families are constantly on the road [‘shifting’], 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:

*“I am currently in a house in a scheme with members of the public and I don’t even want to put my kids out to play in fear of them being harassed and bullied.”; “There are also pubs in my area that have ‘No Gypsy’ signs in their car parks.”; “I find it hard to book a place for functions like birthdays and weddings. It is because they find out you are a Gypsy and don’t want you here.”; “Facebook always has posts about Gypsies being ‘dirty’. Also, when Gypsies pull on to a campsite with no bins, and rubbish is left – that all gets shared online and in the paper, and gives other Gypsies bad names when we are not all the same. You get non Gypsies doing the same thing but not all settled folk get blamed for it all so why blame all Gypsies?”; “I have been targeted because of my accent, people think I am weird and they don’t understand me they look down on me.”; “A local park was even closed down for a while by the council as they said it had ‘Gypsy/Traveller germs’.”*

*“I can be walking down the street with my friend, and I have had people come up to me who have heard how I speak and say to me ‘you’re a gypsy’ and they have tried to attack me. They have also thrown rocks and stones at us.”; “I have been stereotyped a lot – mainly from other teens on the street labelling me a thief, robber, that I con people.”; “I have also been refused service and my young daughter’s friend’s parents have banned them from being friends once they found out were Travellers.”; “I got bullied in primary school, always got called a Gypsy, thief, tramp diseased and so on.”*

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, and at risk or harm:

*“I have known someone who was fired and accused of stealing from their job just because they were a Traveller, even after she proved it wasn’t her that was stealing.”; “Personally, I have faced discrimination most of my life. Most times its if I go into a store and 9/10 time I’m watched by the security. I have been stopped by the police over 10 times and questioned on the spot on what I’m doing and where I’m going. I have never committed a crime in my life, but it has left Travellers like me feeling like criminals.”; “I feel like I get judged a lot by people in public due to who I am.”; “I feel Gypsy/Travellers get judged a lot.”; “I have [been discriminated against] in shops, from teachers and the police”.*

Article 12 in Scotland asked: do you have any safety concerns you wish to raise in regard to discrimination?: Yes: 45.45%; No: 54.55%:

*“Sometimes when I’m not with my family and community I don’t feel safe. It feels scary and horrible to be hated because of who you are.”; “No one really knows that we are Travellers apart from my best friends.”*

*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: *“I don’t like being in public places in fear of being discriminated against.”; “I have a few safety concerns but most from young teens as that’s the age group most likely to inflict violence on us. I am talking about personal experience.”* In short, it has become widely acceptable to discriminate against, harass and racially abuse Gypsy/Travellers.

## **THE MEDIA**

NB: please see Appendix 2 for: The media and the Gypsy/Traveller Community: A case study.

*“I have always seen just bad news online never good news about Travellers.”*

Article 12 in Scotland asked: do you feel that the media plays a part in the increase of discrimination? This could include social media, newspapers, TV, etc: Yes: 90.91%; No: 9.09%:

*“Sometimes it’s like the media want to make it worse. They use old photos, or photos of different sites. Sometimes they use photos that aren’t even real Travellers. It’s like they want people to hate us.”; “They say that we leave rubbish but we don’t. We tidy up our mess.”; “Travellers can be discriminated against in restaurants and bars, with notes on the doors stating Travellers are not welcome.”; “People usually go on their phone and write statuses on Facebook making fun of Travellers and mimicking their language mockingly.”; “I have seen discrimination in the news and social media a lot. Not letting Travellers into shops was on the news that I saw on TV.”; “Disproportionate covering of ‘non stories’ or negative reporting, not seen a positive story covered.; TV shows about Travellers never show us in a good way and only portrays us as the stereotype people think we are when we’re not - we’re all different.”; “Tories with anti Gypsy/Roma/Traveller propaganda, media with anti Gypsy/Roma/Traveller propaganda, care-experienced stereotypes.”*

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: *“Yes, it is the worst out of them all, they make us out to be savage and it is one of the main problems causing discrimination in our community [participant was referring to all types of media].”; “They always brought up My Big Fat Gypsy Wedding.”; “There is lots of concern around the media making stories up and riling the settled community up against Gypsy/Travellers.”; “Travellers get discriminated against on social media all the time.”; “Yes. I feel the media play a huge part towards discrimination against Gypsies and Travellers. They always dig out a story involving us just to rile the public up.”; “A lot of people still believe in what the media says and make their assumptions of us from that. I refuse to let any other young people in my family watch anything about Gypsies and Travellers on TV as I don’t want them seeing how bad the media portray us.”*

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: *“we need to change discrimination laws for people to have harsher punishments when a Traveller is discriminated against.”*

## **CARE-EXPERIENCED YOUNG PEOPLE FROM THE ORKNEY ISLANDS**

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 care-experienced 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.

Participants' Responses [within the identity grouping of care-experienced young people, there were also the following sub-identities: young carer, LGBTQIA+ young person, other/ex young care-experienced young person]:

*Article 12 in Scotland* asked: have you ever been a victim of discrimination as a result of being part of a marginalised group? This could be from members of the public, local authorities or authorities such as the police: Yes: 85.71% ; No: 14.29%:

*"Getting accused of crimes I did not commit simply because I was in care."; "Growing up in Orkney, I was constantly subjected to homophobic and racist discrimination. Slurs were thrown at me in school because of my skin colour and my sexuality. This has also happened on nights out in Orkney." Professionals working with young care-experienced people were also consulted, with 100% of respondents stating that they felt that the young people they work with face discrimination as a result of being part of a marginalised group: "Small community, people gossip. Young people have less anonymity than those in bigger areas."; "The small community has it's good and weaker points. Sometimes our young people do not have anonymity the same way they might in larger areas. They can sometimes face discrimination due to people in the community knowing their story through gossip or by people thinking they know and guessing reasons."*

Participants 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 'care-experienced' young person brought them even further stigma.

#### Participants' Responses:

Do you feel that the media plays a part in the increase of discrimination? This could include social media, newspapers, TV, etc: Yes: 50.00%; No: 50.00%:

*"The UK media [...] allow a narrative to form and people in places of power allow this and don't question it." Workers also felt that the media fuels the discrimination and stereotyping faced by young care-experienced people, with 66.67% of respondents stating that yes it did, while 33.33% felt it did not: "Local paper 'names and shames' from court. Young people can be looked over for jobs and have the whole community talking about them."; "Named in local paper if a crime is committed, can mean they are looked over for jobs etc."*

### **GENERAL SURVEY RESPONSES FOR MARGINALISED GROUPS ACROSS SCOTLAND**

Identifying as: young Gypsy/Traveller, young carer, care-experienced young person, young disabled person, young offender, New Scot, LGBTQIA+ young person, ethnic minority, religious minority, young person experiencing or at risk of experiencing homelessness, other: including: native, none of the above, mental health, native Scot, none, neurodiverse, white Scottish male.

*Article 12 in Scotland* asked: have you ever been a victim of discrimination as a result of being part of a marginalised group? This could be from members of the public, local authorities or authorities such as the police: Yes: 56.86%; No: 43.14%:

*"Abuse shouted at us."; "Not allowed in certain places."; "Hates crimes."; "Online abuse."; "Sometimes we are not welcome in venues. People think we are up to no good. They think we don't pay our way. They treat us like criminals"; "called slurs"; "Multiple racial threats especially around drunk people"; "being asked "can I use the n word" - no not even in a song!"; "because I am Catholic and was the youngest apprentice I was bullied by another colleague."; "Inadequate adjustments in class due to lack of teacher understanding."; "My needs as a dyslexic are not considered in courses and are often misunderstood."; "There is a lack of understanding about dyslexia meaning teachers do not understand it and therefore cannot teach in the way my brain learns. This results in discrimination in the*

classroom.”; *“Violent hate crimes, discrimination at school, being ignored by teachers who, as a result of training, have created a hostile and ignorant environment for reporting queerphobic hate crimes.”*; *“Been called racist names in public for no reason”*; *“Had my children removed with no mental health support, allowed to be homeless, not having assault case taken seriously, left in addiction.”*; *“Being targeted by police because they know I am care experienced.”*

Article 12 in Scotland asked: do you feel that the media plays a part in the increase of discrimination? This could include social media, newspapers, TV, etc: Yes: 82.22%; No: 17.78%:

*“We wish to do what other young people are doing.”*; *“Sometimes it’s like the media want to make it worse. They use old photos, or photos of different sites. Sometimes they use photos that aren’t even real Travellers. It’s like they want people to hate us”*; *“Social media makes it easier for people to discriminate against other people.”*; *“People will make videos and write articles online discriminating against other people.”*; *“Travellers can be discriminated against in restaurants and bars, with notes on the doors stating Travellers are not welcome.”*; *“No specific examples but the media can be both negative and positive at times.”*; *“People usually go on their phone and write statuses on Facebook making fun of Travellers and mimicking their language mockingly.”*; *“I have seen discrimination in the news and social media a lot. Not letting Travellers into shops was in the news that I saw on tv.”*; *“Being jumped or beaten up just because I am black , never going on a night out because of these reasons.”*; *“Discrimination is when someone is made to feel different for reasons such as a learning difficulty.”*; *“Being called threats to society.”*; *“TV shows about Travellers never show us in a good way and only portray us as the stereotype people think we are - when we’re not we’re all different.”*; *“stereotypes,”*; *“Young people being portrayed as "bad" like as vandals, or taking drugs etc on TV.”*

Article 12 in Scotland asked: do you have any safety concerns you wish to raise in regards to discrimination? Yes: 34.88%; No: 65.12%:

*“Unable to reach full potential in class due to limited understanding and strategies which leads to the classroom being an unsafe place.”*; *“As a young woman I find it hard to travel alone due to my limited reading abilities and not being able to tell the time well. This makes me feel vulnerable and scared as it’s very obvious and sometimes I stand out as a single vulnerable woman alone. It is not easy to find help.”*; *“With dyslexia I feel some teachers treat you differently and you can be made to feel unsafe in the classroom.”*

## **RECOMMENDATIONS**

- 1) robust monitoring of hate speech online and on social media platforms;
- 2) the media use their power in a positive way - to instigate positive change, based on real, lived experiences - with particular regard to discrimination against children and young people from the Gypsy/Roma/Traveller communities, children outside their country of origin seeking refugee protection, unaccompanied asylum-seeking children, internally displaced children, migrant children and children affected by migration;
- 3) more national campaigns must be implemented in order to tackle negative stereotypes and raise awareness of the issues faced by children and young people from marginalised groups;
- 4) schools are encouraged to participate in the *Rights Respecting Schools* scheme;
- 5) increased peer education in school: empowering marginalised children and young people to inform others of their realities;
- 6) funding is in place to ensure that children and young people from marginalised groups – and their families – do not face disproportionate levels of poverty and discriminatory policy and practice;
- 7) peer-led, lived-experience *UNCRC* education be taught in schools to all students and staff;



8) tailored education for young people with dyslexia – there is too much of a ‘one size fits all’ approach: different methods/adaptations will work for different young people – leading to greater attainment and an increase in self-esteem and mental well-being;

9) inclusive policies to ensure all children and young people not in mainstream education are fully aware of the *UNCRC* and their rights entitlements;

10) increased campaigning and awareness raising surrounding the racial abuse still experienced by far too many young people from ethnic minorities – this should be come from a national level, led by grassroots organisations and individuals.

## BEST INTEREST OF THE CHILD (ART. 3)

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Every child and young person must be looked at as an individual with a unique set of needs; there are failings within current practice, with decisions being made based upon broad policies which do not necessarily take into account the child or young person’s best interests.

### RECOMMENDATIONS

1) increase provisions for transitional services [for disabled children and young people, care-experienced children and young people, young carers, young people experiencing mental ill-health, young homeless people and young offenders], which are essential in building upon the foundations for positive life paths;

2) increased support for 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;

3) carers and professionals should carefully consider how protective care can negatively impact upon children and young people’s rights and freedoms.

## RIGHT TO LIFE, SURVIVAL AND DEVELOPMENT (ART. 6)

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The intrinsic right to live, survive and develop is something that those who feel they are having their rights met may take for granted, indeed the COVID-19 pandemic has really shone a spotlight on how much we value our freedom, autonomy, and ability to develop and grow. Marginalised children and young people – and their families and communities – have been disproportionately affected by the COVID-19 pandemic and subsequent lockdowns and restrictions.

Young Gypsy/Travellers stated that: *“it has been hard because people have been not as able to shift [travel]. Stuff has been cancelled.”*; *“Work has been harder to find for my family.”*; *“We couldn’t go out in the trailer [caravan] due to lockdown.”*

Care-experienced young people also felt that the pandemic had a negative impact on their rights: *“I don’t have the right to access services that play a big part in my mental well-being. Because it is illegal for these things to be running - this then affects me negatively. I am working from home alone which is very isolating after a while. The measures taken to keep us safe are acceptable temporarily, however they’re now starting to feel permanent.”* 66.67% of professionals working with care-experienced young people stated they felt the pandemic had impacted negatively: *“Young people who are already disadvantaged are having less access to family, friends and all other agencies. Some are very lonely with agencies only giving short phone call appointments.”*; *“Every way all have been affected.*

*Additionally, being unable to have access to their family if living in care in person.”; “Within some residential child services at the beginning of the pandemic there was a reduction in the young people experiencing distress and the behavioural manifestations of this, such as acting out and running away. It was anticipated when the protective measures were put in place to prevent the spread of the virus that we would experience serious difficulties with compliance, while there have been a few, the vast majority have had no problem adapting to the lockdown. Indeed, many seem happier than they were before the measures were implemented”; “The circumstances of the pandemic in the early stages gave rise to the opportunities for developing relationships and different ways of learning that equalised relationships and created the circumstances for the meaningful participation in decision making. The uncertainty, anxiety, that the pandemic gave rise to and the consequent shared vulnerability may have created conditions that have led to a sense of solidarity. This perhaps led to an increase in empathy, compassion and reciprocity in relationships, decision making in navigating and attempting to understand the new normal.”; “There was a reduction in pressure from the external environment: school, families and peers and engagement with other professionals. This may have empowered residential child care staff and young people, who seem to be focused on the present, co-creating spaces and experiences, rather than working to outcome driven plans with multi-agency involvement; shutting out distractions that can detract from what children may experience as being genuinely cared for.”*

More generally, responses were mixed with survey respondents stating that:

*“I think that there are some positives and negatives. Online learning is not ideal however it has given me the chance to work at my own pace.”; “More things are being sent digitally, therefore I’m more often able to use screen readers, text to speech, etc. before most things were sent digitally, but now it’s literally everything.”; “Got clean away from influences”; “Everyone is using it as an excuse to not help, using it to say it might take longer with the waiting lists”; “more isolated”; “I have no face-to-face support and feel like I’ve lost my self-confidence.”; “Although I was booked to live at college that was never allowed. For my practical course I have only been to college 3 times. This is a long journey for me and that caused problems. I have found it very hard to cope with being stuck in my bedroom and keeping up with online lectures without any social support.”; “There was an increase in acceptance for LGBTQ and awareness but now it’s still as bad as before”; “Online learning has allowed more freedom and learning at own pace”.*

## **RECOMMENDATIONS**

1) all children and young people must be supported to have access to a safe, healthy environment and a wide range of available, accessible support and facilities to aid their development and increase well-being;

2) 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 participation in civil and cultural life; access to personal support; financial assistance and suitable accommodation] of all marginalised children and young people require immediate attention.

## **RESPECT FOR THE VIEWS OF THE CHILD (ART. 12)**

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NB: Please see Appendix 3: Article 12 of the *UNCRC* within working practice [this article was written by *Article 12 in Scotland* for inclusion in the staff newsletter for the *Scottish Children’s Reporter Administration*].

The underpinning principle of *Article 12* of the *UNCRC* is a young person’s right to voice an opinion, reflective of their own realities and lived experience, on matters that affect them and to have that

opinion taken into account in decision making processes that impact on their lives. Or, in other words, an environment that actively encourages the participation of young people by giving space and place to their freely expressed views and opinions.

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

Reaching adulthood does not automatically improve participation levels for marginalised young people; decisions can be made on behalf of the young person, and may come down to a matter of resources, and preconceived ideas around capabilities – rather than taking a holistic approach and looking at individual needs and circumstances; this poses a barrier to meaningful participation.

It is imperative that those who work with and for marginalised young people are knowledgeable and trained around the *UNCRC*. Young people feel strongly that they have the right to have a say in the decisions which affect their daily lives; learning about their rights is important to them, indeed, knowledge of rights is essential not only for establishing positive life paths, but for keeping children and young people safe.

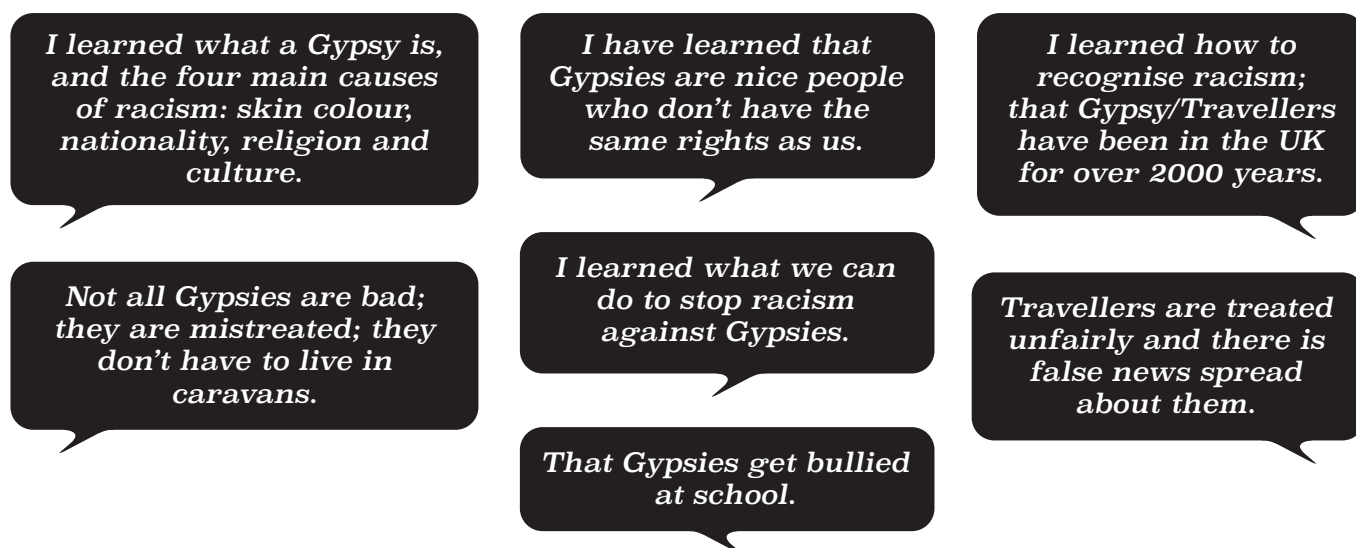
Participants were asked for example of where they feel their voices have not been listened to: *“Anything to do with living space I feel like as a Traveller we have nowhere to go and no say in the matter on how or where we live.”; “With my children.”; “At CAMHS [Children and Adolescent Mental Health Services], they wouldn’t let me say much about what was happening and just decided to tell me that nothing was wrong with me and I wasn’t allowed to give my opinion on the plan, they told me I HAD to do it”; “When mum and dad have meetings in school about me I am never told about what they say”; “At school with learning support. It was always about what fitted within school’s available services and not what I needed. My parents had to push hard for support and often I had to have private tutors to keep up.”; “The climate crisis and the future of our country”; “I wasn’t involved in making the house rules in care homes.”.*

When asked if they felt they had been listened to in the past, participants stated: *“Yes, however some young people don’t get listened to enough”; “A lot of young people haven’t got the voice and should feel they understand their rights so they are made to feel safe in certain areas.”; “A lot of young people have learning difficulties - some families doing this would help to learn how to deal with things and knowing their rights as they grow up.”; “I don’t feel this is taken into account the way it should - like young people’s rights aren’t heard enough.”; “A young person’s opinions need to be taken into account a lot more the same way their rights are”; “There are always going to be barriers due to the lack of understanding from both sides and I don’t think it will ever be solved on both parties. We all need to speak up more.”; “I feel like I can’t speak up.”; “I have never been asked my opinion in school”; “Not always listened to”; “The best interests of the child should always be a top priority that children should never be discriminated against, that they have the right to life, and that their views must be taken into account.”; “Maybe if the older generation listened to us more then maybe it could make a change to the world. Maybe not for the youth today, but maybe for the youth in our future.”*

As experts on their own realities, marginalised and seldom-platformed young people must be given opportunities to have their voices heard – not only with decision makers, but with their peers. Pre and post data from a series of Article 12 in Scotland rights awareness raising workshops in schools indicates more positive attitudes pertaining to Gypsy/Travellers following educational input.

- Please select the statement which comes closest to your own view: ‘Scotland should do everything it can to get rid of all kinds of prejudice’ or ‘sometimes there is good reason to be prejudiced against certain groups’;

- Pre-data indicates that 56% of young people think that Scotland should do everything it can to get rid of all kinds of prejudice and 44% of young people think that sometimes there is good reason for people to be prejudiced against certain groups;
- Post-data indicates that 63% of young people think that Scotland should do everything it can to get rid of all kinds of prejudice and 36% of young people think that sometimes there is good reason for people to be prejudiced against certain groups.



## RECOMMENDATIONS

- 1) the voices of marginalised children and young people are heard on the matters that directly impact upon their lives. Marginalised children and young people must be able to participate, at all levels, in the decision-making processes that affect their lives, and the lives of others from their community;
- 2) marginalised children and young people have a bigger say in the services and choices that are involved in their lives [particularly with regards to personal support, accommodation and education]; there must be a clearer understanding of the issues faced, in order for these children and young people to fully participate at all levels of society;
- 3) all professionals working with, and for, marginalised children and young people are trained up on the *UNCRC*, in order for the principles to be properly implemented into policy and practice for all services, at all levels;
- 4) seldom-heard children and young people know their rights. We believe there is a particular need for this regarding children and young people from the Gypsy/Roma/Traveller communities;
- 5) independent advocacy must be freely available for marginalised children and young people.

## **CIVIL RIGHTS AND FREEDOMS (ARTS. 7-8 AND 13-17)**

Access to information about themselves, their rights and also what their responsibilities are, is essential for all children and young people, but even more so for marginalised children and young people - who are not only perhaps more likely to be having decisions taken on their behalf, but potentially also likely to have their rights put at risk. It is important that we respect all children and young people for their uniqueness; every young person deserves the freedom to be themselves in a safe and supported way.



Lockdown restrictions during the COVID-19 pandemic have also impacted on rights and freedom: *"Genuinely, before COVID I could do anything, but now during covid everything has changed. People losing jobs and can't do anything we used to be able to do."; "I feel the right to work, education and to be heard has been affected."; "When COVID started everyone was more interested in talking about masks and social distancing and basically everything just to do with COVID, no one was interested to talk about anything else that mattered."; "Yeah all of it was difficult, being constantly locked in, everything getting shut down you couldn't do anything even on special occasions, it was horrible."*

#### Survey Response:

Article 12 in Scotland asked the question: what information do you have difficulty finding and why do you feel that this is the case?:

*"A lot of it is not easy to find or understand."; "Not enough support organisations and lack of published information on further education getting to where it can be seen/accessed."; "Benefits available/mental health support."; "all of it."; A lot of it is not easy to find or understand."; "general information on all those listed because of no internet access."; "Lack of information from people who are supposed to be supporting me."; "I don't know where to look or what I'm actually entitled to"; "Yes, this is a big problem, Gypsy/Travellers need to ask for information to get it first time around as usually there's a lot of back and forth."; "Nope, we are fighting a losing battle as I don't think anything has changed in the last 10 years"; "Honestly I don't think there's a lot of information out there for young Travellers."*

Care-experienced participants living in the Orkney Islands were also asked: do you feel that living on an island affects your rights?: Yes: 66.67%; No: 33.33%:

*"So far away."; "Kids who live on the islands get way, way less than kids in care on mainland Scotland." When professionals working with care-experienced young people were asked if living on an island affects the rights of the young people, their response was: Yes: 66.67% No: 33.33%: "Young people can't access the same as others on the mainland. So expensive to go off the island. To join in on national events. Need to stay over and travel at unrealistic times due to travel to and from island."; "Less or different opportunities."*

#### **RECOMMENDATIONS**

- 1) Gypsy/Roma/Traveller culture and traditions must be treated with respect; Gypsy/Roma/Traveller communities continue to face huge levels of inequality and discrimination;
- 2) increased awareness-raising with the settled community to help ease tensions; young Gypsy/Roma/Travellers should lead on this, particularly in their community relationship with the police;
- 3) marginalised children and young people are listened to and involved in decision making processes at all levels, in order to ensure the support that is so crucial to their lives and development is relevant to their needs and the needs of their families;
- 4) information regarding services and support is straightforward and accessible; marginalised young people should be empowered to take control of finding the best fit for themselves;
- 5) improved privacy provisions for care-experienced children and young people;
- 6) more freedom, managed in a safe and appropriate way, for care-experienced children and young people;
- 7) involved professionals are working together, that services are 'joined-up', ensuring marginalised children and young people can access the most appropriate available support;

together, that services are 'joined-up', ensuring marginalised children and young people can access the most appropriate available support;

8) ensure marginalised children and young people will continue to experience empowerment through the organisations that support them, particularly given the current economic climate - the support offered by such organisations is invaluable and should be protected;

9) information and protection will be easily accessible and supported, particularly for children and young people from marginalised groups;

10) marginalised children and young people have a greater say in the services and choices that are involved in their lives; in order for them to fully participate at all levels of society there must be a clearer understanding of the issues they face;

11) information must be explained and documented in jargon-free ways that young people can understand; increased support from professionals, if requested, to help young people find, access and understand information themselves, so they have more choice and can learn to make informed decisions;

12) more supported access to information in order to enter further education, training and employment;

13) respect for honesty and openness from people who support and care for children and young people.

## **VIOLENCE AGAINST CHILDREN (ARTS. 19, 24 (3), 28 (2), 34, 37 (a) AND 39)**

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All children and young people should be able to live their lives free of harm, abuse and violence. Governments, professionals and wider society all have a duty to ensure this is the case.

### **RECOMMENDATIONS**

1) government – UK wide and nationally - must take more responsibility in tackling the negative perceptions of marginalised children and young people;

2) government must implement a stronger stance on bullying;

3) stronger measures to tackle hate crimes and online hate speech, with regards to children and young people from marginalised groups;

4) ensure the neglect and/or abuse of any child or young person is not 'hidden' as a result of isolation measures put in place due to the COVID-19 pandemic;

5) stricter measures put in place to safeguard children and young people from harmful content online.

## FAMILY ENVIRONMENT AND ALTERNATIVE CARE (ARTS. 5, 9-11, 18 (1)-(2), 20-21, 25 and 27 (4))

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Feeling included, safe and secure in your community is of key importance; as is access to essential services, supportive surroundings, appropriate benefits, choices in life and love. Marginalised children and young people may feel they are treated differently, experiencing discrimination on many levels throughout their lives, both as children and young adults.

Attitudinal barriers as well as access barriers, can prevent them from living their lives to the full; particularly with respect to the choice and control they have over their own destiny.

Marginalised children and young people are some of the most vulnerable in society, many face huge levels of stigma throughout every aspect of their daily lives - whilst simultaneously dealing with the associated issues/impacts surrounding why they are classed as marginalised in the first place, leaving them open to an increased risk of mental health problems. This can have a negative impact on not only their physical and emotional well-being, but their ability to function within society and form positive relationships. Many marginalised children and young people have a complex range of rights needs, including the right to a family life and a safe space to call home.

### RECOMMENDATIONS:

- 1) an increase in support and better respite care provisions;
- 2) increased additional support and information for young carers and families experiencing mental ill-health;
- 3) flexibility in services when moving areas;
- 4) young disabled people have a say in their respite care provision;
- 5) marginalised children and young people are able to easily access the right to specialist care and support;
- 6) increased support when leaving care, and not being forced to leave at a certain age before feeling ready;
- 7) access to independent services and organisations that support the rights of care-experienced children and young people;
- 8) the development of professional qualifications regarding participation rights for professionals [such as teachers, social workers, managers and care staff] which would help to enshrine the rights of marginalised children and young people;
- 9) those working with young people living in care strive to protect the young people first and foremost, not themselves;
- 10) support is easily accessible and available to all children and young people, including homeless young people, those with additional learning needs and younger children;
- 11) an increase in benefits in order to access essential respite care – many disabled young people simply cannot afford to pay for care and living costs;
- 12) more respect, choice and control for all children and young people.

## CHILDREN WITH DISABILITIES (ART. 23)

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

Reaching adulthood does not automatically improve participation levels of disabled young people. The articles of the *UNCRC* must go further and offer protection up to the age of 25. Discrimination can take various forms, on many levels, throughout their lives, both as children and young adults. Young disabled people can face attitudinal barriers in addition to physical 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.

In order to remove these barriers, it is essential that young disabled people are listened to and supported, in order for them to meaningfully participate in society, at all levels and influence the policy and services that affect every aspect of their lives. Discrimination is something young disabled people face on a daily basis, with those suffering from hidden disabilities experiencing additional challenges; indeed, the way society is structured can pose the biggest barrier of all. It is crucial that services and professionals gain a better understanding of the issues faced by this vulnerable group of young people, so that they may live their lives to their fullest potentials.

### RECOMMENDATIONS

- 1) local authorities and house builders must consult with young disabled people, empowering them to influence planning and ultimately use their environment with ease and to its full potential;
- 2) awareness of 'hidden disabilities' and how this impacts on access to support and services;
- 3) services and support remain accessible to those with mobility issues;
- 4) improved facilities catering to the specific needs of disabled young people; in particular, improved transport provisions;
- 5) improved support with caring and child-care responsibilities;
- 6) mental health provisions are at the forefront of reform and service reviews;
- 7) mental health provisions are increased, in order to be accessible for all, at the point of need, due to the negative impact of the COVID-19 pandemic and the isolation it has caused, to already marginalised groups;
- 8) increased, rather than decreased, financial support for families from marginalised groups;
- 9) increased awareness of the *UNCRC* for all young disabled people and the professionals that work with, and advocate for, them.
- 10) robust measures to mitigate and/or minimise the economic effects of current and future austerity on the health and well-being of disabled children and young people;
- 11) different modes of public transport in order to suit individual needs, places to safely socialise and access to education and health/respite-care are all imperative;

12) training in place for all professionals working with children and young people, to equip them to provide support for increasing mental ill-health resulting from the COVID-19 pandemic.

## BASIC HEALTH AND WELFARE (ARTS. 6, 18 (3), 24, 26, 27 (1)–(3) AND 33)

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### YOUNG GYPSY/TRAVELLERS

#### HEALTH

Health is one of the key areas in which young Gypsy/Travellers 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.<sup>5</sup>

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.

#### Survey Response:

Participants were asked if they experienced any barriers to accessing health services? This can include services such as doctors, mental health services, dentists, hospital treatments and respite, if applicable: No: 20.00%; Yes: 80.00%:

*“I feel judged. My family says they feel like they are looked down on by some people like doctors and other people.”; “Anxiety issues not being taken seriously”; “ transport issues.”; “I feel comfortable with the health services because I have a settled address.”; “Yes, I do but I live in a house so that’s why, if I did not have an address then it would be a different story as I have heard from other Travellers who don’t have settled addresses.”; ““I now have a settled address but when I was in the trailer, I didn’t have any access to doctors no.”; “Accessing health services is fine for me but a lot harder for those in camps.”; “It can take a long time to get anywhere. I have had health problems and I have felt that I am not taken seriously by some doctors.”; “it can be difficult sometimes”.*

#### HOUSING

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 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.

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<sup>5</sup> 21 Equality and Human Rights Commission, 2009, Gypsies and Travellers: simple solutions for living together



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. These types of camps are not suitable for various reasons, and it can be 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.

Such inadequate standards of living pose serious risks to participants' health and wellbeing. 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.

#### Participants' Responses:

*"The sites are in poor condition and there is a lack of council presence or any other authorities. The lack of wardens on sites which causes confusion in the community as there are folk coming in and out of sites leaving rubbish when they don't have a pitch. Sites should have more bins I think too.";*  
*"The sites in Scotland that I have seen mostly were good regarding how far shops were away and they had sheds outside for the bathroom.";*  
*"A lot of sites have rocky paths and pavements and no grass, hurts kids feet and can be dangerous for kids running around.";*  
*"We need more sites, they always put them in the middle of nowhere.";*  
*"Sometimes our rights are met but most of the time we are looked down on. The younger generation are more understanding.";*  
*"Could be better, the council don't really do anything to help like picking up rubbish. It's hard to get the local councils involved in anything in the sites. Some Travellers still live in poverty in the sites and some sites have a lot of rubbish piled up. I also feel that a lot of the land the sites are built on aren't safe.";*  
*"The sites are far away from the towns which can make it difficult for people to access the things they need.";*  
*"I don't feel a lot of rights have been included as most Gypsy/Traveller sites have been built in locations that are deemed unsafe for most people. Such as being beside train stations, motorways, next to back-roads that could be unsafe for families with disabilities, children, and animals. And not to mention how far from places like hospitals, schools and shops that could be more difficult. Most sites don't have the proper living facilities like running water or a basic toilet.";*  
*"Most caravan sites are miles away from schools so sometimes it can be harder to take the children."*

## CARE-EXPERIENCED YOUNG PEOPLE LIVING IN THE ORKNEY ISLANDS

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#### Survey Response:

Are there barriers to accessing health services? This can include services such as doctors, mental health services, dentists, hospital treatments and respite, if applicable; Yes: 66.67%; No: 33.33%:  
*"Mental health services. 3rd sector agencies. Many have lost funding recently.";*  
*"Difficult to always access mental health supports."*

Are there barriers to accessing health services? This can include services such as doctors, mental health services, dentists, hospital treatments and respite, if applicable; Yes: 66.67%; No: 33.33%: *“Mental health services. 3rd sector agencies. Many have lost funding recently.”; “Difficult to always access mental health supports.”*

## **GENERAL SURVEY RESPONSE: MARGINALISED YOUNG PEOPLE**

Survey Response: Identifying as: Gypsy/Traveller, young carer, care-experienced young person, young disabled person, young offender, New Scot, LGBTQIA+ young people, ethnic minority, religious minority, experiencing or at risk of experiencing homelessness, other [native, none of the above, mental health, native Scot, none, neurodiverse, white Scottish male].

*Article 12 in Scotland* asked: do you have any barriers to accessing health services? This can include services such as doctors, mental health services, dentists, hospital treatments and respite, if applicable: Yes: 28.21%; No: 71.79%:

*“I feel judged. My family says they feel like they are looked down on by some people like doctors and other people.”; “Discharged me from CAMHS and won't let me come back and my mental health is worsening, when I was there the first appointment was fine but the second one the man that was seeing me said that there was nothing wrong with me when I am struggling a lot and feel that I need more help than I am getting.”; “waiting lists”; “I find making myself heard at health appointments difficult.”; “time-blindness as a result of ADHD”; “Anxiety issues not being taken seriously”; “transport issues”; “when I was 17 CAMHS would not help me because I was over 16 and adult mental health services would not help me because I wasn't 18.”*

## **RECOMMENDATIONS**

- 1) awareness of ‘hidden disabilities’ and how this impacts on access to support and services;
- 2) safe, secure and culturally sensitive sites provision for young Gypsy/Roma/Travellers - which is still sorely lacking;
- 3) robust monitoring of Local Authorities and a legal duty to provide good living standards for Gypsy/Roma/Travellers;
- 4) an immediate increase in the number of decent, well-appointed/located sites for Gypsy/Travellers;
- 5) improved transport provision near sites so young Gypsy/Travellers can travel to school, go shopping, socialise with their peers and so on;
- 6) a more flexible, culturally sensitive approach to healthcare for the Gypsy/Roma/Traveller communities in order to ensure the distinct cultural needs of young Gypsy/Travellers are being met - Gypsy/Travellers have the right to good health-care provisions, whether living in a house or on a site;
- 7) more training around the Gypsy/Traveller culture for health-care workers; this would help to build trust and encourage young Gypsy/Travellers to use health-care services;
- 8) health care workers to visit Gypsy/Traveller sites where appropriate;
- 9) services and support remain accessible to those living a transient lifestyle;
- 10) services and support remain accessible to those with mobility issues;
- 11) improved facilities catering to the specific needs of disabled young people; in particular, improved transport provisions;

12) more support with caring and child-care responsibilities;

13) mental health provisions are at an absolute crisis point across the UK, increased funding and a tailored approach must be at the forefront of reform and service reviews for all children and young people;

14) mental health provisions are increased, in order to be accessible for all, at the point of need, due to the negative impact of the COVID-19 pandemic and the isolation it has caused, to already marginalised groups;

15) increased, rather than decreased, financial support for families from marginalised groups;

16) increased awareness of the *UNCRC* for all young disabled people and the professionals that work with, and advocate for, them.

17) robust safeguards in place to mitigate and/or minimise the economic effects of current and future austerity on the health and well-being of marginalised children and young people.

## EDUCATION, LEISURE AND CULTURAL ACTIVITIES (ARTS. 28–31)

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### 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 felt that at times, schools lacked understanding and placed a great deal of pressure and responsibility on young people to fit in and catch up.

#### Survey Responses:

*“I have told my college several times that I’m getting tested for ADHD and that I have a small child and no family support, they don’t do anything to help or make work more manageable.”; “Not understanding me and my situation.”; “Lack of support.”; “Lack of understanding and education of teachers.”; “Although additional time is given, no one considers that every second of this is utilised and I am often exhausted and overwhelmed by the workload. For instance, I don’t get the break between assignments that my peers do as the course work is planned out to their requirements and does not consider the breaks I may need. Also, some lecturers are unsympathetic and make me feel like a problem student despite my good attendance and high grades.”; “I think that teachers do not understand dyslexia and do not teach in the way my brain learns.”; School is a problem for a whole host of reasons too numerous to type here.”; “it’s not the school it’s the people in the school.”; “Offer very limited courses. Need to go off island if they want specific courses.”; “Dyslexia can be considered an issue in some work places.”.*

### YOUNG GYPSY/TRAVELLERS

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. 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.

Participants’ stated: *“Teachers still use derogatory labels, Gypsy/Traveller culture is never discussed in any lesson where other worldwide cultures are being taught/ discussed.”; “When I went to high school I left because of bullying. The police are also a big problem in our community when we are shifting in the summer.”; “It’s way harder for us being Travellers, some of us didn’t go to school/college and to get a job you need a CV and qualifications.”; “It’s different for non-Travellers.”; “Once an employer finds out you are a Traveller, they think you are going to steal from them and stuff.”; “I prefer online learning as I wouldn’t get bullied for being a Traveller.”; “Plus, you don’t get to hear comments like ‘you aren’t good enough, you can’t do it’ and that.”; “I have never been to school”; “They don’t take the education of Gypsy/Travellers as seriously as other kids, Gypsy and traveller kids get less support and less effort into helping the children accomplish their work. I have seen this first hand.”; “I was never put to school so I can’t read, write, and can’t count. I can’t do simple everyday tasks like that.”; “I can’t read or write so makes it difficult to access information anywhere.”; “I got bullied in school when they found out I was a Gypsy, they called me Gypsy mockingly and said to me my kind were disgusting.”; “We don’t get the proper education like them [settled community] so we can’t go and do amazing things like them. If you tell anyone you are a Traveller in school they bully you and have to leave so we can’t get the education we need.”; “I feel like online learning would be easier because less bullying and everyone talks about you in school.”; “We get the same level of education in primary school, but not in secondary school”; “Schools don’t take education seriously with traveller children as they would do with settled children.”; “I have noticed that Gypsy/Travellers find it a lot more difficult to access information and services if they have had little education and find it hard to read, write and use the internet. Most sites don’t have that kind of access, and most Travellers and Gypsies have never been in full-time mainstream education.”; “I left school young as I was bullied”; “They tend to bully Gypsy and Traveller children out of school, attack on sight if they believe you to be one and not to mention the name calling which I don’t like writing down or saying.”; “As a Traveller no one wants to hire us for work because they think we’re all thieves which isn’t the case.”; “Often allowed to slip through tracks left school young struggle to get into education or employment due to lack of qualifications.”; “Identifying your culture leads to mistrust & suspicion.”; “I don’t think we have the same opportunities as non-Gypsy/Traveller people. It’s twice as hard if not impossible to be hired for a job”; “As a Traveller no one wants to hire us for work because they think we’re all thieves which isn’t the case”; “Often allowed to slip through tracks, left school young, struggle to get into education or employment due to lack of qualifications.”.*

## **LEISURE AND CULTURAL ACTIVITIES**

### **Survey Responses:**

*Article 12 in Scotland* asked the question: do you think that you have the same access to opportunities such as work, leisure pursuits and so on as other people do? Young Gypsy/Travellers: Yes: 50.00%; No: 50.00%; Care-experienced young people living in the Orkney Islands: Yes: 33.33%; No: 66.67%’ professionals working with care-experienced young people living in the Orkney Islands: Yes: 33.33%; No: 66.67%:

*“Some of us still follow a different way of life. People think we are thick. Or we don’t want the same opportunities. We might go about things in a different way, but it doesn’t mean we don’t want to be successful.”; “I don’t feel like I would be welcome in some places.”; “No money.”; “Not because of my race or sexuality, just in general. I like many other people, obviously don’t have access to the same opportunities as someone who has the support of their parents.”; “Financially or mentally this support isn’t there.”; “Very little in the forms of entertainment for them. Cinema which shows limited films and the sports complex.”; “Small community, less options and preconceptions by community.”*

## General Survey for marginalised groups across Scotland

Identifying as: Gypsy/Traveller, young carer, care-experienced young person, young disabled person, young offender, New Scot, LGBTQIA+ young person, ethnic minority, religious minority, experiencing or at risk of experiencing homelessness, other [native, none of the above, mental health, native Scot, none, neurodiverse, white Scottish male].

*Article 12 in Scotland* asked the question: do you think that you have the same access to opportunities such as work, leisure pursuits and so on as other people do? Yes: 53.66%; No: 46.34%: “There are more opportunities depending on your family and status and how much money you have.”; “Not getting the support for my mental health issues is making me limited.”; “I can’t feel comfortable in public spaces because I’m transgender and can’t participate in swimming and other activities.”; “No access to broadband in my accommodation.”; “I feel that things are made more difficult than needed”; “lack of money”.

## The impact of COVID-19 on young Gypsy/Travellers

*Article 12 in Scotland* worked intensively during the pandemic providing non-formal learning for young Gypsy/Travellers, creating an online learning platform and sourcing additional funding to provide the young people with Chromebooks and data packages [which they were also supported in how to use effectively and safely]: “Laura [the Article 12 worker] always asks me every week how I’m feeling, if I’m sleeping and what my mood has been like. That is good because sometimes I don’t even think about these things until she asks me. I have been doing more stuff outside to try and make myself more tired and I think that helps me a bit with sleeping, but I can only do that when the weather is good.”

The young people involved received specialist support from *Article 12 in Scotland*. As previously noted, this takes the form of learning support, but also includes general support for mental health and wellbeing. Before lockdown, this support would have been in a face-to-face setting but had moved online due to ongoing COVID-19 restrictions. One of the young people said of this experience: “I’m enjoying doing the learning online and reading the books Article 12 sent me. I do miss meeting face-to-face though.” This young person also noted that he was receiving direct attention regarding his wellbeing. These young people were not school attendees prior to lockdown, but one of the young people has a brother who attends High School: he said of his brother that “he feels sad that he has missed classes and his school pals. He sometimes just stays in bed now as he finds working on his own boring and hard.” In regard to his own prior experiences before he left school, the young person said “I never liked school. Never felt like I fit in. I didn’t feel unsafe but I just hated it”.

Participants views on the COVID-19 lockdowns and restrictions: “I can’t travel – due to not travelling it has given me depression. Shifting is a way of life for Travellers it’s all we know.”; “All measures are now easy because you got used to it.”; “Not going out as much was a difficult measure to get used to, I miss going out with my friends.”; “Because of COVID-19 we can’t shift about as we usually do because we need to stay in our own place because of COVID, its makes me sad that I can’t shift.”; “I am in the house now but for people still out in trailers yeah COVID has impacted them a lot.”; “I feel Travellers rights were not met when they find somewhere to stay but due to the restrictions they couldn’t travel. Also Travellers that have little education and can’t read or use the internet find it more difficult to access any information regarding COVID-19 so some are confused and unsure on what to do and what the measures were.”; “I didn’t mind staying at home at first but it has been too long now.”; “Wearing face coverings doesn’t bother me, it helps stop the spread.”; “In regard to the health risks for others, I’m not worried about COVID hurting me but I worry for my mum and dad and other older people.”; “I’m not sleeping well at all. Staying up late and can’t sleep when I try to. I have been using my Chromebook to watch YouTube and I have been gaming quite a bit more than I normally would.”; “I have been up at night on social media since this started, my sleeping pattern has changed.”; “A good day is when I can play outside with my pals on the street then watch a TV show or film I like. A bad day is when everyone in the house is tired and not getting on.”; “I miss seeing my big cousin, as I usually stay over at his house but I’ve not been able to do that.”; “My dad bought me two puppies so I have been playing with them lots.”; “I think some online games about mental health

*would be good as they would be fun and it would give us a chance to think about our minds as much as our bodies.”; “I think when it is allowed, getting young people together again in groups to do fun stuff outdoors is a good idea, as we all miss our friends.”*

## DIGITAL INEQUALITY: PLEASE SEE APPENDIX 1: YOUNG GYPSY/TRAVELLERS: THE DIGITAL DIVIDE

Digital inequality has long been an issue for children and young people from marginalised groups, the COVID-19 pandemic has highlighted just how much of a barrier to participation this is. In order for children and young people from these groups to fully participate, achieve their potential, and enjoy their full rights entitlements, this needs to be addressed. Digital inequality is particularly prevalent within children and young people living in the Gypsy/Traveller community with recent research “on how the chasmic digital divide is impacting on young Gypsy/Travellers’ ability to continue their formal learning” during the COVID-19 pandemic demonstrating that of seventy (70) families supported during lockdown fewer than ten percent (10%) had access to the internet and none had access to a ‘fit for purpose’ laptop/tablet/PC<sup>6</sup>.

## RECOMMENDATIONS

- 1) further work is needed to ensure there is no ‘attainment gap’ for children and young people from marginalised groups;
- 2) ensure disenfranchised children and young people are not disproportionately affected by the economic effects of the COVID-19 pandemic;
- 3) education must represent and embrace the culture and identity of all those it means to teach;
- 4) an overhaul of means by which children and young people with additional needs are supported to achieve their full potential within schools and other places of learning;
- 5) more courses are available for vocational skills and qualifications, targeted towards young Gypsy/Roma/Travellers;
- 6) an increase in meaningful, supported volunteering opportunities for all marginalised children and young people;
- 7) a complete overhaul of the methods used for teaching young people with dyslexia;
- 8) training on the Gypsy/Roma/Traveller culture for all teachers; more teachers recruited from the Gypsy/Roma/Traveller communities;
- 9) increased help and support with work placements for young carers;
- 10) an increase in the places and activities available in which young carers can safely socialise;
- 11) marginalised young people should have a say in how their education is delivered, and an increase in in-school support;
- 12) more young-person-led awareness-raising concerning the issues faced by marginalised young people, which would increase understanding about the roles and responsibilities that come with caring; this would help lessen bullying and discrimination;
- 13) peer-led training for teachers which would help to identify any marginalised young people that may be ‘hidden’ [or unwilling to identify], ensuring that all young people get the support to which they are entitled;

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<sup>6</sup> Tammi, L. (2020). Across the great divide: The impact of digital inequality on Scotland’s Gypsy/Traveller children and young people during the COVID-19 emergency. *International Journal of Roma Studies*, 2(2), 52-65. doi: 10.17583/ijrs.2020.630

- 14) increased awareness-raising and training on the rights of young disabled people for education staff; schools must understand the requirement for time off [some teaching staff and medical professionals have a lack of understanding around the health issues of young disabled people, both mental and physical];
- 15) increased skill-based, vocational learning for all children and young people;
- 16) more young-person-led awareness-raising/peer education is in place within schools regarding the needs of, and issues faced by, care-experienced children and young people – for both young people and teachers;
- 17) improved participation and citizenship within early years educational settings;
- 18) children and young people from marginalised groups have better access to leisure facilities;
- 19) increased resources to support rights-based education;
- 20) flexible education to suit individual need – not a ‘one size fits all’ approach;
- 21) an end to unpaid work placements;
- 22) a review into the means by which Local Authorities are monitored in their duty to deliver culturally appropriate, inclusive and flexible education for all marginalised children and young people;
- 23) more responsibility at government level in tackling the negative perceptions of marginalised children and young people, with particular regards to education, work and crime;
- 24) peer-led/lived-experience support for work places to ensure they become more sensitive to the individual needs of young disabled people;
- 25) policies in place to ensure young Gypsy/Travellers and young disabled people have improved transport provision to and from places of education;
- 26) policies in place to deliver sensitive pastoral support when required to children and young people from marginalised groups – peer-led/lived experience training given to professionals;
- 27) improved work experience opportunities and increased support for further education, training and employment for children and young people from marginalised groups;
- 28) funding is in place to ensure that children and young people from marginalised groups are properly supported to reach their full educational and vocational potential;
- 29) continued support from the Scottish Government to ensure young Gypsy/Travellers will have access to the technology and resources required to participate in their learning online;
- 30) increased support at a national level to ensure online learning provisions can be made readily available and tailored to meet the individual learning needs of the child or young person in question;
- 31) children and young people from marginalised groups will not face disproportionate barriers in accessing online education and the resources required;
- 32) a review of the procedures in place to stop children and young people from marginalised groups from ‘falling through cracks’ in provision.

## SPECIAL PROTECTION MEASURES (ARTS. 22, 30, 32-33, 35-36, 37 (B)-(D) AND 38-40)

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Children and young people from the Gypsy/Roma/Traveller communities are experiencing disproportionate levels of discrimination based on their ethnicity; action must be taken on a national basis to ensure that these children and young people are able to express their identity and take pride in their heritage without fear or negative repercussions.

Children outside their country of origin seeking refugee protection, unaccompanied asylum-seeking children, internally displaced children, migrant children and children affected by migration must be better supported to ensure they have access to their full range of rights entitlements under the *UNCRC*, and to a range of services and support – financial and otherwise.

### RECOMMENDATIONS

- 1) better measures put in place to support and protect children and young people from marginalised groups from harm, when they are the victim of, or witness to, a hate crime;
- 2) plans to review provisions for basic rights entitlements such as warmth, comfort, education and training, health and nutritional food within the prison system;
- 3) better knowledge and understanding of the *UNCRC* must be implemented within the prison system, so that young offenders have a fuller understanding of their rights and how to further ensure them within their decision making.

## CONCLUSION

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Given our current political climate, protection for all children and young people under the *UNCRC* is more important now than ever before. 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 and commendable efforts to raising awareness of the *UNCRC*, alongside the huge milestone that is the *UNCRC (Incorporation) (Scotland) Bill*, it is clear that gaps in the knowledge and understanding of children and young people's rights persist. Marginalised children and young people appear to be disproportionately affected by this, as they experience elevated negative societal attitudes, situational enjoyment of their rights and lack equal opportunities to learn about their rights and to voice their opinions. With support, these vulnerable, marginalised and discriminated against groups will recognise the importance of knowing their rights and also use their knowledge and lived experiences to influence future change.

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.

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. 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. 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 and geographically excluded children and young people and we strongly recommend that the *Scottish Government* and all professionals and practitioners who work for, or in the interests of, children and young people, consider more free and meaningful forms of participation which respect participation rights.

*Article 12 in Scotland* looks forward to the enactment of the *UNCRC (Incorporation) (Scotland) Bill*, but, once enacted – that’s when the real work will begin: no more tick box exercises, piece meal policies and golden promises; it’s time now to make a real difference; for each and every Article of the *UNCRC* to be truly embedded into every aspect of the lives and lived experience of **all** of Scotland’s children and young people. *Article 12 in Scotland* will be there to support Scotland’s most marginalised and seldom platformed children and young people in the scrutiny of the implementation and on-going monitoring once the Bill is finally enacted.



## APPENDIX 1: YOUNG GYPSY/TRAVELLERS: THE DIGITAL DIVIDE

Research undertaken at the height of the COVID 19 pandemic<sup>7</sup> has served to further highlight how the now chasmic digital divide has impacted on young Gypsy/Travellers' ability to access their education rights. Analysis of testimony from practitioners and parents and young people demonstrated an appalling lack of access to digital devices and data - of 70 families supported by third sector organisations to engage with education during the pandemic only 8% had internet connection or a data package and just 10% had access to a working device.

Digital inequality [for the Gypsy/Traveller community] is very real and when the Covid pandemic hit, the impact of that inequality was felt more acutely than ever.

The young people we work with would not have had the opportunity to continue to engage with their education if *Article 12 in Scotland* had stood by and not acted [...] These children deserve the exact same opportunities and support as their peers in the settled community and while we were in the throes of lockdown, the only way forward was via digital solutions (Learning and Development Worker 1).

[I've] Been trying for years to get help for my bairns and now here it is. M is so happy to have passed the course and the diploma is going straight into a frame and on the living room wall. So pleased as she's not been in school for years and she is feeling great. [...] She really feels she has achieved something (Parent 2).

Additionally, the lack of necessary support from educators and 'keepers of the resources' at the local level during the pandemic has laid bare the stark reality of discretionary decision making driven by at best a lack of awareness that Gypsy/Traveller children and young people have entitlements under the Scottish legislative framework of additional support for learning or at worst no interest in ensuring that young Gypsy/Travellers could access the same learning and development opportunities as their peers from the settled community.

The budget that I hold [...] is for the provision of IT for children with additional support needs who are enrolled in a Council school or whom the Council are responsible for elsewhere. [...] I understand that the circumstances we find ourselves in are different, however having no regard for these conditions sets a new precedent. The risk is that providing this funding, outside of the usual conditions, will create an inequitable situation across the authority. There will be many children for whom access to IT will not be available and without a mechanism to provide for them all, I feel that we cannot be selective (Anon, personal communication, 7 April 2020).

Pre the pandemic, and already acutely cognisant of the digital divide (and indeed other major inequalities experienced by the Gypsy/Traveller community), the *Scottish Government* launched a short to medium term action plan aimed at Improving the Lives of Scotland's Gypsy/Travellers. In terms of addressing the lack of access to devices and data and increase levels of skills and confidence the plan included the following medium term commitments:

Improve educational outcomes for Gypsy/Travellers by supporting them to take advantage of their right to education.

[Provide] professional learning resources and support networks for education staff across all stages of learning so that they have the knowledge and skills to support the educational needs of Gypsy/Traveller pupils and their families (*Scottish Government*, 2019).

<sup>7</sup> Tammi, Lynne: Across the great divide: The impact of digital inequality on Scotland's Gypsy/Traveller children and young people during the COVID-19 emergency: View of Across the great divide: The impact of digital inequality on Scotland's Gypsy/Traveller children and young people during the COVID-19 emergency (hipatiapress.com)

Due, in part, to the pandemic little progress has been made on these commitments. That said, it is important to note the quick action of the *Scottish Government* in providing additional (limited) funding to provide additional learning and development support to community members.

However, as alluded to earlier, directives from on high are meaningless if they are not realised at the local level. The challenge is the assumption that policy is decided at central government level then simply implemented at the local level. In reality, methods of delivery and equality of service are at the discretion of the person at the front line. Time constraints, paucity of resources, workload or indeed favouritism or stereotyping, based on negative social representations, all impact on the level of access and service that Gypsy/Traveller children and young people receive.

To conclude, gains (although limited) have been made but the digital divide that denies Gypsy/Traveller children and young people the opportunity to access and enjoy their education rights remains an issue for many families in the community. So that these gains are not lost and to ensure that all Gypsy/Traveller children and young people can operate in the digital learning world, a safe, supportive and flexible environment driven by a clear understanding of Gypsy/Traveller culture and reflective of the directly expressed learning needs and nomadic practices of the Gypsy/Traveller community, is crucial.

Crucial to the above will be robust monitoring and evaluation processes to ensure that guidance and directives from central government are being delivered on a basis of equality at the local level. Outcomes must not be permitted to be measured at, or by, the 'street level' in terms of cost benefit and any negation of obligations to provide all children and young people with the resources they need to develop and thrive must be challenged. Failing this, discretionary decision making powers, often underpinned by prejudice and driven by false social representations will continue to be enacted and the 'forever thus, business as usual' worldview of Gypsy/Travellers will endure.

## APPENDIX 2: THE MEDIA AND THE GYPSY/ TRAVELLER COMMUNITY: A CASE STUDY

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Despite the outcomes of the *Leveson Inquiry* (2012)<sup>8</sup> into the culture, practice and ethics of the UK press which, *inter alia*, recommend a new ‘standards code’ which must take into account; (a) conduct, especially in relation to the treatment of other people in the process of obtaining material; (b) appropriate respect for privacy where there is no sufficient public interest justification for breach and (c) accuracy, and the need to avoid misrepresentation; Cadger’s (2017)<sup>9</sup> longitudinal study on discrimination in online publications and social media sites demonstrates that these recommendations would appear to have fallen on deaf ears when it comes to reporting on the Gypsy/Traveller community. With the primary focus of relevant articles continuing to centre on sites, the community and crime; with many articles containing negative stereotyping and the use of leading words – illegal, invasion, rubbish, battle, anger, eviction and so on - and less than one percent reporting from the perspective of a Gypsy/Traveller or on the success of a member of the community, little would seem to have changed.

Consider the following sample of the myriad media articles on the development of a Gypsy/Traveller site in the North east of Scotland – an area where there was, at the time, no permanent provision for the community. From the outset, the development, named by the community as North Esk Park, attracted negative and inflammatory commentary from the media and in the ensuing years local daily publications kept appetites sated with regular updates on ‘the battle’ with unsubstantiated claims of damage to protected ground and adding to the damage caused by major storms.

**Angry St Cyrus residents** turned out in force last night to register their objections to a Travellers’ caravan site that has sprung up near a nature reserve (DC Thomson Publishing, 2013. Courier, Online 10th October).

The **battle lines** have been drawn in a **fiery dispute** between Mearns residents and the occupants of a Travellers’ site (DC Thomson Publishing, 2013. Courier, Online 29th October).

St Cyrus Travellers deny **making flooding worse** (DC Thomson Publishing, 2014. Courier, Online 1st February).

A Site of Special Scientific Interest (SSSI) has been damaged following work at an **illegal Travellers’** site on the Mearns/Angus border, a report has claimed (DC Thomson Publishing, 2014. Courier, Online 6th February).

Aberdeenshire Council is still embroiled in an **enforcement battle** over the North Esk Park Travellers’ site which was built without permission on land near St Cyrus in September 2013 (DC Thomson Publishing, 2015. Courier, Online 27th November).

Council **under fire** in St Cyrus Travellers row (DC Thomson Publishing, 2016. Courier, Online 18th March).

Residents have **reacted with fury** after St Cyrus Travellers were given “renewed hope” they won’t be kicked out of their homes (DC Thomson Publishing, 2018. Evening Express, Online 8th February).

St Cyrus encampment granted six-month **stay of execution** to allow for more talks (DC Thomson Publishing, 2018. Press and Journal, Online 29th June).

Scottish Government slammed as planning **battle** at St Cyrus looks set for further twist with new application looming (DC Thomson Publishing, 2018. Courier, Online 22nd November).

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<sup>8</sup> Leveson Inquiry (2012) culture, practice and ethics of the press, the National Archives.  
Online at: <http://webarchive.nationalarchives.gov.uk/20140122144906/http://www.levesoninquiry.org.uk>

<sup>9</sup> Cadger, B. (2017) *Gypsy/Travellers and the Online Media – Consolidated Report*, Article 12 in Scotland.

St Cyrus **eviction** process “effectively put on hold” despite life and limb risk (DC Thomson Publishing, 2019. Courier, Online 12th January).

No end in sight for seven-year St Cyrus Travellers’ **saga** after postponement of hearing to decide its **fate** (DC Thomson Publishing, 2020. Courier, Online 2nd April).

**Controversial** St Cyrus Travellers’ site finally wins 10-year permission after lengthy planning **fight** (DC Thomson Publishing, 2021. Courier, Online 30th March).

Practitioners working directly with community members are in agreement vis a vis the dangers of the use of trigger words and inflammatory commentary. Speaking of the impact of such selective reporting, in the North East of Scotland, a Gypsy/Traveller Liaison Officer connected an assault on two Gypsy/Traveller children in the local authority to the myths and stereotypes propagated by certain publications:

People identify Gypsy/Travellers as an inconvenience, they don't class them as human beings, look at the incident with the wee girls who were assaulted by an adult because they went to the public swimming pool and were told ‘your dad doesn't pay tax, so you can't use the swimming pool,’ it took the police a few hours to come out to that, it then went to court and it was thrown out, would that have been accepted anywhere else, would it have been in the paper also, yes it would have been, but it's the fact that there was never any publicity about that, it was never ever mentioned about it, it was all played right down.<sup>10</sup>

A Planning Consultant representing Gypsy/Travellers in the local authority area and elsewhere in Scotland raised similar concerns.

There's no doubt about it [...] When I first got involved with the Gypsy/Traveller community, I had the same myths in my head, and the same perceptions about what [the media] told you, there's not enough education on the Gypsy/Travelling community, it's the lowest common denominator; it's the ones that make the mess, the ones who are violent and whose dogs bite your legs [...] I've never been bitten by a dog on a Gypsy/Traveller encampment, all these myths and perceptions have got to go [...] and then we could actually start to integrate people, start to make that change.<sup>11</sup>

There can then be little doubt that certain sections of the mainstream media are the key drivers of grotesque misrepresentations of Gypsy/Travellers, a practise which has served to further marginalise and dehumanise the community and through the reinforcement of messages and representations that, to some extent, are embodied in the policymaking and legislation processes have contributed to the situating of Gypsy/Travellers on the peripheries of society.

To conclude, the media have a duty to report ethically and in an unbiased fashion, on all articles published. This is not the case where reporting on our nomadic communities is concerned. The media have a powerful voice and with willing they could be instrumental in changing, rather than fuelling, negative social representations of our Gypsy, Roma and Traveller communities. That said, it would be naive to suggest that ‘a word in the ear’ of editors and television producers would bring about a sea change in how Gypsy/Travellers are portrayed in some sections of the media so, in the absence of willing, we urge Governments to look to including a Prejudice Principle in national and international Press Codes of Conduct similar to that of the Press Council of Ireland's which, *inter alia*, states that:

The press shall not publish material intended or likely to cause grave offence or stir up hatred against an individual or group on the basis of their race, religion, nationality, colour, ethnic origin, membership of the travelling community, gender, sexual orientation, marital status, disability, illness or age.<sup>12</sup>

<sup>10</sup> Tammi, L. (2019) *The Eternal Wanderers: Social Representations of Gypsy/Travellers*, University of Dundee.

<sup>11</sup> Ibid

<sup>12</sup> The Press Council of Ireland. Online at: <https://www.presscouncil.ie/press-council-of-ireland/code-of-practice>

## APPENDIX 3: ARTICLE 12 OF THE UNCRC WITHIN WORKING PRACTICE

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What is the *United Nations Convention on the Rights of the Child* [UNCRC]?

The *UNCRC* is an International Human Rights Treaty which grants all children and young people – up to the age of 18 – their fundamental rights. The *UNCRC* has 54 Articles which cover all aspects of a child's life, including: the definition of a child, the civil, political, economic, social and cultural rights that every child and young person is entitled to, and the responsibilities of adults and governments to ensure these rights are met. These rights are all interconnected, of equal importance and cannot be taken away – regardless of status, to do so is discrimination.

The underpinning principles of Article 12 of the *UNCRC*:

Article 12 [respect for the views of the child]: *every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. This right applies at all times, for example during immigration proceedings, housing decisions or the child's day-to-day home life.*<sup>13</sup>

The underpinning principle of Article 12 of the *UNCRC* is a young person's right to voice an opinion, reflective of their own realities, on matters that affect them and to have that opinion taken into account in decision making processes that impact on their lives. Or, in other words, an environment that actively encourages the participation of young people by giving space and place to their freely expressed views and opinions.

### PARTICIPATION

Despite its common usage no single definition of participation has been widely agreed or accepted. Perhaps this lack of a common definition is reflective of an understanding that participation, and in particular the participation of young people, has different meaning to different people and is therefore difficult to define in generic terms.

Some use the term consultation to describe participation, but given that consultation generally means asking, or being asked, for information or opinion the effect is an imbalance of power in that the individual seeking the information has control of both the agenda and the process. Therefore, whilst consultation can facilitate an individual's right to influence matters that affect them it cannot facilitate an individual's right to control their present or indeed future.

Intergenerational power sharing is key to young people's participation. Power is shared through inclusion, capacity building and opportunities for young people to participate at all levels of society. Thus, participation is built on the principle of power sharing:

- Power with: Equality and respect for the hopes and aspirations of each and every individual;
- Power to: Individuals have the opportunity to equip themselves with the skills and knowledge necessary to make informed life choices and to find, and assert, their position and role within family, community and society;
- Power within: Individuals build and mobilise their own capacities, are social actors, rather than passive subjects, and participate in decision making processes that affect their lives.

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<sup>13</sup> UNICEF: A summary of the *UN Convention on the Rights of the Child*.  
[https://downloads.unicef.org.uk/wpcontent/uploads/2010/05/UNCRC\\_summary.pdf](https://downloads.unicef.org.uk/wpcontent/uploads/2010/05/UNCRC_summary.pdf)

## THE REFLEXIVE PRACTITIONER

The concept of the reflexive practitioner is central to the effective participation of young people. A reflexive practitioner is one who is aware of how their worldview and position can/does influence how people respond to them and their questioning and how that worldview or position shapes their approaches and practice and indeed their biases. Attending to our biases involves taking an objective look at our worldview and positioning and considering how this might impact on our ability to gain the trust and respect necessary to facilitate the free and meaningful participation of the young people we work for and with.

*"What I feel is fundamental and which I always apply to my work with young people, is to focus on their participation - I feel this is important and creates an open space for participants. I like to plan out sessions with young people, rather than planning sessions for them; they feel they have increased control around what they do, they are more comfortable, and they are participating throughout the whole process."*

Bernadette Williamson, Development Worker: *Article 12 in Scotland.*



## APPENDIX 4: UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD [UNCRC]

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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.

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**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.

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

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

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**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.

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

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**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.

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

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**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.

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**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.

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

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**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.

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**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.

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**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.

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**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.

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**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.

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

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**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.

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**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.

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**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.

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**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.

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

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**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.

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

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

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**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.

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**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.

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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.

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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.

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

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

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

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

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

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

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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.

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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.

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

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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.

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

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

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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].

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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.

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

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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.