



# Article 12 in Scotland

I WITNESS: THE UNCRC IN SCOTLAND

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**Making Rights Matter**

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*“Human rights are general rights, rights that arise from no special undertaking beyond membership of the human race. To have human rights one does not have to be anything other than a human being. Neither must one do anything other than be born a human being”.*

*Jack Donnelly, 2003*

## ACKNOWLEDGEMENTS

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

### **Fostering Network (Scotland) Young People's Project**

The Fostering Network Scotland's young people's project was set up in 2001 to improve standards in foster care and outcomes for all young people involved. They consult with young people across the country and encourage the active participation of young people in all aspects of their work.

### **Glasgow Girls**

The Glasgow Girls are a group of seven young women in Glasgow, Scotland, who have highlighted the poor treatment of failed asylum seekers. The group was established in response to the detention of one of their friends.

### **Having Your Say Fora West Lothian Council**

Having Your Say are fora for young people in West Lothian who are, or have been, Looked After by West Lothian Council. Having Your Say has six aged based fora the youngest being the Wee Havers aged four to six years the oldest being the fifteen+ forum. In addition there are two school based fora.

### **LGBT Youth Scotland**

LGBT Youth Scotland is a national youth organisation working towards the inclusion of lesbian, gay, bisexual and transgender young people in the life of Scotland. They provide a range of services and opportunities for young people, families and professionals in order to proactively assist with increasing awareness and confidence, in turn reducing isolation and intolerance.

### **LGBT young people, Aberdeen**

Independent voices of LGBT young people from the North East of Scotland.

### **Save the Children (Scotland) Young Gypsy Traveller Project**

Save the Children (Scotland) support young Gypsy/Travellers to deliver awareness raising sessions on discrimination. For example, the Time Travellers website which was created by young people from across Scotland to promote understanding and awareness of Gypsy/Traveller culture and to challenge the discrimination and exclusion they face on a daily basis.

### **UNICEF Rights Respecting School Award Project (Scotland)**

This nationwide award scheme promotes the United Nations Convention on the Rights of the Child as the basis for enhancing teaching, learning, ethos, attitudes and behaviour.

### **Young people campaigning for alternatives to traditional or structured methods of participation**

Independent voices of young people from across Scotland.

### **Young people with eating disorders**

Independent voices of young people with eating disorders from the North East of Scotland.

### **YWCA, Livingston**

Livingston YWCA offer activities to develop young women's skills and self-esteem, exploring issues such as confidence building, sexual health, positive body image and personal safety. There are three clubs available to girls, Junior (9-11), Intermediate (12-15) and Senior (16-21) allowing them to explore the issues most relevant to them.



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## BACKGROUND

### WHAT IS THE UNCRC?

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

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

Governments can opt out from articles of the Convention by officially notifying the **UNCRC** Secretariat of their intentions, these are referred to as *reservations*. For example the UK Government has placed a reservation on Article 22: *The right of Asylum Seeking and Refugee Children to benefit from all articles of the Convention*.

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 2002 and published its concluding observations on the report in October 2002.

Part of the reporting process is the *Pre Session Hearing*. This is an opportunity for NGOs to present and discuss their Alternative Reports (reports which outline their views on the state of children's rights in their country and on the contents of the government report). Article 12 in Scotland is one of the Scottish NGOs that presents an Alternative Report.

For reporting purposes, the United Nations considers the UK to be a single entity and therefore one single UK report is presented for consideration.

The UK Government submitted its most recent report to the committee in July 2007. The committee will meet with representatives from government and NGOs to discuss this report in 2008.

Aware that the single UK report makes reference to matters affecting Scotland, England, Wales, The North of Ireland and the 14 Overseas Territories and Crown Dependencies but, due to restrictions on length, does not allow for an in-depth view of the state of children and young people's rights in each jurisdiction, country specific reports have also been compiled and submitted to the committee.



## INTRODUCTION

### ABOUT ARTICLE 12 IN SCOTLAND

Established in 1996, Article 12 in Scotland is a young person led network of individuals and organisations that works to promote young people's participation and information rights as set out in international human rights charters. We believe that young people care about their rights, and the rights of others, and that given the knowledge and the opportunity they will take positive action to make Scotland a place where young people are given access to the information and opportunities necessary to participate as equal citizens at all levels of society. Further information on our work can be found at: [www.article12.org](http://www.article12.org)

### ABOUT THIS REPORT

#### AIMS

I WITNESS: THE UNCRC IN SCOTLAND aims to highlight, and present solutions to, the emerging issues relating to the implementation of the UNCRC in Scotland.

#### SCOPE

Article 12 in Scotland, their partner organisations, and others have consulted widely, over the past two years, on how children and young people view their rights and wellbeing. The data drawn from these consultations, and included in this report, is reflective of the views and opinions of over 8,000 Scottish children and young people aged 4 to 25 years.

The key themes represent the most common issues, concerns and solutions raised by contributors to this report.

### METHODOLOGY

#### Clued Up!

Clued Up! is an Article 12 in Scotland project designed to raise awareness of the UNCRC and to involve children and young people in the *reporting process*. Utilising our *UNCRC for Beginners* resource pack we consulted, over a period of 18 months, with 1,325 children and young people and 56 professionals via face-to-face and Skype interviews, training sessions, workshops and seminar presentations.



## **Article 12 in Scotland/Scottish Government Seminar to consider preparation of the Scottish Report to the UN Committee on the Rights of the Child**

As part of their *reporting process* the Scottish Government invited Article 12 in Scotland to plan and manage a seminar for children and young people that ran in parallel with a seminar for professionals working in the rights arena.

The main purpose of this seminar was to gain an understanding of how children and young people view their rights and to afford them a platform to discuss and present possible solutions to any emerging issues.

Participants included children and young people from: Article 12 in Scotland (including new immigrants from Eastern Europe), Glasgow Girls, LGBT youth, young people looked after by Angus Council, the Children's Parliament and the Scottish Youth Parliament.

### **Partner organisation's independent research and consultation**

In addition to our Clued Up! consultation, two of our partner organisations, Save the Children Scotland (Gypsy Traveller project) and LGBT Youth National Youth Council, produced their own stand alone rights related reports. These are referenced as such when alluded to in this report.

### **Literature Review**

An extensive literature review including Government, NGO sector and academic documents and reports has also informed the contents of this report.



## DISCRIMINATION

*“States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.” Article 2*

### Gypsy/Travellers

In June 2001, the Scottish Parliament Equal Opportunities Committee published the findings of their first inquiry into the treatment of Gypsy/Traveller communities by public bodies. The report produced thirty-seven broad-ranging recommendations with the specific aim of providing *“the basis of practical proposals and examples of best practice which could be adopted by local authorities and other relevant agencies throughout Scotland and could contribute to cultural and social attitudinal changes towards Travellers.”* The Equal Opportunities Committee's review of progress in October 2005, found that *“...while there has been some progress across the range of issues, progress has been patchy and it is unlikely that any good practice developed has been shared effectively across the country.”* (Scottish Alliance for Children's Rights, *NGO Report to the UN Committee on the Rights of the Child*, p 8, 2007)

Research undertaken by Save the Children consolidates these finding:

*Having our Say* presents the results from a peer research project carried out by young Gypsy/Travellers across Scotland. Thirteen young Gypsy/Traveller researchers interviewed 109 of their peers about accommodation, health, learning and discrimination. In particular, respondents were asked if their situation had improved since the publication of the Scottish Parliament Equal Opportunities Committee report on Gypsy/Travellers and Public Service Provision in 2001.

The research findings in this report are alarming and disturbing:

- **Discrimination** – 84% of the young Gypsy/Travellers interviewed reported the situation was the same or worse than in 2001.
- **Accommodation** – 77% of the young people felt their living conditions, whether on sites, camps or houses, had remained the same or got worse.
- **School** – 71% reported conditions at school were either the same or worse.
- **Health** – 84% said getting access to a doctor or dentist had remained the same or worse.



Participants were asked four simple questions about whether they thought conditions, focusing on home, health, school and discrimination, for Gypsy/Travellers had got better or worse since 2001.

In considering the negative aspects – nearly two thirds of respondents mentioned direct discrimination – “*being shunned by people in town*”, “*people driving past shout names at us*”, “*not being allowed into places*”, “*getting called a dirty gypo*”, “*you don’t get accepted for being a Traveller*”. Those living on sites and camps, in particular, frequently mentioned being “*worried about leaving the trailer in case the settled community attack it*”, “*being harassed by the police and locals*” and “*shop people looking at us*”. In addition, those living in housing also mentioned “*having stones chucked at us*” resulting in one 15 year old male “*having to keep who I am a secret*”. (Save the Children, *Having Our Say*, pp 1 – 10, 2005)

### **New Immigrants**

Of equal concern is the emerging, negative, attitude of young people towards new (mainly East European) immigrants.

*Being Young in Scotland (2007)* notes a disturbing increase in those who think there are too many immigrants in Scotland. A third of 11-16 year olds (34%, up 8% since 2005) and nearly two thirds of 17-25 year olds (60% up 35% since 2005) agree that there are too many immigrants in Scotland.

The worrying correlation between these figures and an increase (17% since 2005 for 17 -25 year olds) in national pride or nationalism has been noted by both the media and key decision makers.

In the aptly named *Pride and Prejudice* Rachel Money of The Sunday Herald reports:

“A new survey reveals that Scottish youth are becoming more proud of their nation – and less tolerant of immigrants.

Nearly two-thirds of young adults think there are too many immigrants in Scotland, and when asked if more should be done to help other nationalities settle in Scotland only 28% of 17 to 25-year-olds said yes, a 9% drop from 2005. A third of 11 to 16-year-olds agreed there were too many immigrants, up 8% since 2005, and 60% of 17 to 25-year-olds said the same, an increase of 35% from 2005.

Jim Sweeney, chief executive of YouthLink, said some of the findings warranted further investigation. “*It’s interesting that over the past two years we have seen a phenomenally large rise in immigration, particularly economic migration through the EU. What was interesting was that young people are noticing it.*”



He added: *"Now that we have the figures we need to dig deeper and get a clearer understanding of why young people feel this way."*

Beki Nichol, 17, from Hawick, a member of the Scottish Youth Parliament (SYP), said in her local area immigrants were seen as a major reason for young people being unable to find work.

*"They are taking a lot of jobs away from young people. Certainly that's the case in my community because they are cheaper to hire. I come from a rural community where there's a lot of mills and they are being filled with foreigners rather than the people from the town."*

She added: *"I can understand why they are being hired but obviously it can make it harder for young people in those communities to get jobs."* (Sunday Herald, *Pride and Prejudice*, 16th December 2007)

### **Recommendations**

The Scottish Government should launch a campaign across all areas of the media, and particularly media used by young people, to address both the overt and covert discrimination experienced by indigenous minorities such as Gypsy/Travellers and new immigrants particularly Eastern European immigrants.



## PARTICIPATION

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

In their strategy proposal document *Youth Work: Opportunities for All* the Scottish Government stated:

*“All young people should have the opportunity to become involved in youth work activities. So we must make sure that there is a range of opportunities to meet the diverse interests of 11-25 year olds, and also the specific needs of particular groups.”* (Scottish Government, *Youth Work: Opportunities for All*, 2006)

Fine words which indicate a recognition of the need to provide opportunities that empower young people to participate on their own terms. Yet, evidence shows traditional (representative) participatory structures such as youth parliaments, youth fora and pupil councils, remain the preferred Scottish Government method of affording children and young people the opportunity to participate at local and national level.

Whilst, without doubt, such structures do play an important role for those young people who choose to participate through this media, some have asserted that they favour dominant individuals or groups and their agendas, represent a form of social control and lack democratic legitimacy.

*“This (Government’s strategy) fails to recognise young people’s right to choose how, where and when they participate at any or all levels of society”.* (Female, Aberdeen)

*“Young people shouldn’t need to join an organisation in order to have their voices heard – not all young people want to join an organisation”.* (Male, Angus)

*“This (Government’s strategy) is a new ASBO – a new form of social control”.* (Female, Edinburgh)

In *Response to Youth Work: Opportunities for All* Article 12 in Scotland (2006) wrote “When considering participation, academic research (including research commissioned by the Scottish Government) consistently questions the effectiveness of permanent participatory structures and institutions yet this strategy appears to place a great emphasis on them. By placing such a high emphasis on permanent national structures and institutions, this strategy appears to fail to recognise or intend to support and promote, with equity, the myriad “alternative” voluntary organisations and NGOs working to meet the diverse experiences, needs and interests of young people; working to give young people the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child or young person’s choice.



In the spirit of Article 13 of the UNCRC we urge the Scottish Executive to demonstrate a commitment to learning and development, equality of opportunity, social inclusion, and the educational and social importance of choice, freedom, responsibility and justice by ensuring, in terms of support and promotion, that the national youth work strategy affords equality of opportunity to all Scottish young people and those organisations working to empower and engage them". (Article 12 in Scotland, *Response to the Scottish Government Youth Work Strategy*, 2006)

In *Discursive Arenas: Deliberation and the Constitution of Identity in Public Participation at a Local Level* (2006) Barnes, M., et. al argue; "The growth of participative forms of democratic practice has raised many questions: about who takes part; the legitimacy of participative forums in the context of public policymaking; and the relationship between participative and representative democracy. An apparent commitment by the state to participative modes of decision-making has also contributed to a blurring of the relationship between the state and civil society. Participants in NGOs, community groups and social movements find themselves invited or encouraged to take part in state sponsored participation initiatives which aim for consensus building and seek to minimise protest." (Social Movement Studies, Vol. 5, No. 3, pp 193–207, December 2006)

In *Participation with purpose* (2006) Cairns, L., compares and contrasts the two main types of initiatives designed to engage children and young people: those that work with a small group as representatives of a wider population (representative democracy), and those that create opportunities for children and young people to be participants on their own behalf (participative democracy).

Cairns argues that, from a rights perspective, the most problematic issue concerning representative structures (such as youth parliaments, youth fora and pupil councils) is democratic legitimacy. " At best, it can be assumed that being a member of a representative body may well present opportunities to participate, and be heard, for those who are members of that structure. However, it is unclear how this process can be described as a means through which the individual rights of the *represented* are acknowledged or promoted.

This is not to deny that the young people who participate in structures such as youth fora are exercising their *individual* rights as citizens but is to suggest that the claim to collective representation is an empty one. Unlike adult representative structures (which are by no means perfect) the infrastructure does not exist to first of all ensure that everyone who is to be represented is enfranchised and to allow for the represented to regularly express their views on their representatives". (Tisdall, K. M., et. al, *Children Young People and Social Inclusion: Participation for What?* pp 224 – 5, 2006).



Recent survey research consolidates the current discourse and confirms that these structures are failing to enfranchise the majority of Scottish young people:

### **Youth Parliaments**

*Being Young in Scotland (2007)* informs us Three in five 11-16 year olds (60%) and four in five 17-25 year olds (84%) believe that the Scottish Youth Parliament (SYP) makes just a little, hardly any or no difference at all to their lives. Just 5% of 11-16 year olds and 6% of 17-25 year olds had seen information about the SYP. However, 6% and 4% of each age group said that they would like to be more involved in the SYP.

### **Youth Councils/Fora**

*Being Young in Scotland (2007)* research indicates that Youth Councils and Fora attract the interest of very few young people. In terms of participatory activities membership of youth councils/fora scored the lowest of all activities listed.

### **Pupil Councils**

*Scottish Consumer Council (2007)* research demonstrates that participation in pupil or student councils is also uncommon. In 2007, 8% of pupils reported that they are currently a member of a school council. Reasons given by pupils for not being involved in the council relate to disenchantment about the council itself. (*Scottish Consumer Council: School councils and pupil participation in Scottish secondary schools, 2007*)

### **Recommendations**

Clearly then, these “representative” structures, whilst no doubt delivering benefits to the small number of young people involved, are failing to engage with or meet the needs of the majority of Scottish children and young people. Consequently, in terms of making Article 12 of the UNCRC a reality for all, we would urge the Scottish Government to look towards extending support beyond these forms of participation.



## ASYLUM SEEKERS AND REFUGEES

*“States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention” Article 22*

The UK Government has placed a reservation on Article 22 as follows:

*“The United Kingdom reserves the right to apply such legislation (in so far as it relates to the entry into, stay in and departure from the United Kingdom of those who do not have the right under the law of the United Kingdom to enter and remain in the United Kingdom, and to the acquisition and possession of citizenship) as it may deem necessary from time to time”.*

*“The UNCRC was not designed to provide new immigration and nationality rights and the United Kingdom government believes that our reservation to the Convention is necessary in the interest of effective immigration control”.*

The House of Lords, House of Commons Joint Committee on Human Rights has severely criticised the reservation and the resultant treatment of Asylum Seeker children and young people:

“As we have made clear in our previous Reports, we consider the Government's concerns in relation to the Convention on the Rights of the Child to be unfounded. Of the 192 signatories to the CRC, only three have entered declarations relating to the treatment of non-nationals and only the UK has entered a general reservation to the application of the Convention to children who are subject to immigration control.

We do not accept that the CRC undermines effective immigration controls. Our principal concern is that the practical impact of the reservation goes far beyond the determination of immigration status, and leaves children seeking asylum with a lower level of protection in relation to a range of rights which are unrelated to their immigration status. The evidence we have received testifies to the unequal protection of the rights of asylum seeking children under domestic law and practice.

We reiterate our previous recommendation that the Government's reservation to the CRC should be withdrawn. It is not needed to protect the public interest and undermines the international reputation of the country. Even if, as the Minister states (which we do not accept), the removal of the Reservation would be nothing more than a “gesture”, we consider that this is important in expressing the value given to protecting the rights of separated asylum seeking children.” (House of Commons London, *The Treatment of Asylum Seekers*, 2007)



This inhumane reservation has seen asylum seeker children and young people removed from their homes in dawn raids, incarcerated in detention centres and denied the right to further education.

*“Asylum seekers are not treated equally or given the same opportunities. Detention centres for asylum seeker children are like prisons, children are taken away from their parents, handcuffed, treated like criminals.”* (Glasgow Girl)

*“The law (Scotland Act) should be changed so that the Scottish Government can give asylum seeker children the same rights as all other children.”* (Glasgow Girl)

Under the terms of the Scotland Act (1998) asylum is a reserved matter, meaning that the Scottish Government has no power to address these inequalities or remove this reservation.

Advocacy groups, civil society activists, the Scottish Alliance for Children's Rights (SACR), The Children's Commissioner and both the previous and present First Ministers have made representation to the UK Government on this issue. Positive outcomes include: an agreement between the Home Office and the Scottish Government in March 2006, which included a commitment by the UK Government to carry out a review of its procedures of forcibly removing families in the whole of the UK and, in August 2007, an announcement from the Education Secretary, Fiona Hyslop, that asylum seeker children who have spent at least three years in Scottish schools will be granted the same access as Scottish children to full time further and higher education. Whilst we welcome these positive steps, we also recognise that much more work must be done to ensure that that asylum seeker children and young people are afforded the same rights as all others living in Scotland.

### **Recommendations**

The Scottish Government and the NGO sector should continue to lobby the Westminster Government to remove their current reservation to article 22.

The Scottish Government should seek amendment of the Scotland Act (1998) particularly with reference, but not exclusive, to asylum.



## HEALTH

*“The right to the enjoyment of the highest attainable standard of health and the right of access to health care services that meet their needs”. Article 24*

### (1) LGBT

In a previous report to the UNCRC committee Article 12 in Scotland highlighted major concerns about LGBT young people’s lack of access of to information and services relevant to their needs, particularly within the school setting. Despite a number of Scottish Government initiatives we are disappointed that little has changed since we last reported on this issue.

*“At school lessons never involve alternative sexual orientation.” (Female, Aberdeen)*

*“More information should be provided at a younger age to prevent prejudice. Every school should have an LGBT group. Or at least every school should have information about LGBT groups in their area.” (Female, Aberdeen)*

In *Sex and Relationships Education within the Scottish Curriculum (2007)* the LGBT Youth Council inform us that, “of the 118 LGBT young people they interviewed over 80% of respondents described their experience of PSSE as fair or poor, with over 50% rating it as poor. Correspondingly, over 85% of young people surveyed stated that LGBT relationships were not covered at all in school during sexual education. Taking all this into account the young people questioned identified that it would be preferable for sexual education to be taught by someone other than a known teacher.

Likewise, another main area that respondents felt particularly strongly about was LGBT issues being substantially integrated into other areas of the curriculum of all schools, regardless of religion or background, with 87% of young people questioned supporting this view. Additionally, fewer than 14% of respondents were signposted to an outside organisation for support or information on LGBT issues and only 7.6% received information and support from their school.

All of this highlights the need for increased awareness of LGBT issues and lifestyles within schools. Further reinforcing this, almost  $\frac{3}{4}$  of surveyed young people felt they did not receive adequate support with LGBT issues from their school. Although just over 20% of young people asked said that they felt comfortable approaching teachers about LGBT issues, a staggering 94.9% stated that it would be beneficial for LGBT awareness training to be made compulsory for teachers as a way of remedying this situation.” (LGBT Youth Scotland, 2007).



## (2) Eating Disorders

Eating disorders are recognised to be mental health disorders under the terms of the *Mental Health (Care and Treatment) (Scotland) Act 2003*.

Due to the nature of the condition statistics for eating disorders are difficult to define however conservative estimates suggest that, in Scotland, some 1200 young women aged 15 to 24 years suffer from anorexia nervosa, and around 4700 suffer from bulimia nervosa. Among young people aged 11 to 15 years an estimated 600 girls suffer from an eating disorder. (European Eating Disorders Review, 2004).

*Being Young in Scotland (2007)* informs us that “The physical attribute with which young people are least happy is their weight, with 44% of 11-16 year old and 17-25 year old girls saying they dislike this. Over one quarter (28%) of the younger age group and the older age group girls (27%) also dislike their level of self-confidence, while a third (34%) and a quarter (23%) respectively dislike their appearance.

Within the 11-16 year old age group dissatisfaction with personal attributes is strongly associated with gender – girls are significantly more likely than boys to say they are unhappy with their confidence, appearance, weight and height.”

These statistics demonstrate a worrying trend and beg the question; why, despite their official designation, are eating disorders treated as an “orphan” condition and afforded such little time and resources, in comparison to other mental health disorders?

*“I suffered from an eating disorder. I managed to overcome it with the support of friends and family and of my own will as I was not offered adequate support from the NHS. I spoke to my doctor about my condition and was allocated an appointment to see a dietician but I did not take up the offer because I felt that the latter could not address my needs.*

*I was informed by a third party about research showing the positive effects of certain anti-depressants on people suffering from bulimia and was surprised that I was not offered any such medication, although being brought up in a rural area it is not uncommon to find such lack of adequate medical care.”*  
(Female, Angus)

The report of the Mental Health and Well Being Support Group, *A Framework for Mental Health Services in Scotland (2001)*, states much more needs to be done to create treatment protocols, clear referral pathways and a pattern of specialist inpatient provision in the NHS. While there have been improvements since 2001 provision across Scotland remains patchy.



In 2006 a report by the Scottish Public Services Ombudsman made the following recommendations for the care of patients with eating disorders: A wider need for acute inpatient medical services with appropriate specialist knowledge and expertise in patients with eating disorders whose physical condition requires input, a need for integration of such services with the relevant psychiatric, mental health and other appropriate medical services and a need to address the shortfall in the level of knowledge and awareness of the condition. (NHS Scotland, *Eating Disorders in Scotland: Recommendations for Management and Treatment*, 2006)

Media reports in 2007, outlining the plight of a 17 year old female who, weighing just six stone, could not get treatment for her condition due to a lack of services, sadly demonstrates that little has been done to advance these recommendations.

## **Recommendations**

### **(1) LGBT**

The Scottish Government should provide the resources necessary to enable LGBT Youth Scotland, and others, to address the current lack of LGBT sexual education in schools.

### **(2) Eating Disorders**

The Scottish Government should establish a national working group on eating disorders. Membership of this working group should include representatives from organisations, such as the YWCA Livingston, who are presently working with young women on body image and other related issues and, where possible, young people with experience of the condition.



## LOOKED AFTER CHILDREN AND YOUNG PEOPLE

*“States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.”*  
Article 25

According to Scottish Government statistics there are 7,460 children and young people being looked after, away from home, in Scotland. Of these 5,882 are looked after in the community such as with friends/relatives, fosters carers, prospective adopters, and 1,638 are in residential accommodation such as local authority/voluntary sector homes, residential schools, secure accommodation. (Scottish Government, *A Report on Implementation of the UN Convention on the Rights of the Child in Scotland*, 2007).

Looked after children and young people are one of the most marginalised groups in Scotland.

*“Looked after/in care young people are not respected or listened to. They are often not trusted by their carers and others in general.”* (Female, Angus)

As a direct result of their status looked after children and young people are often bullied by their peers.

*“I had to take a taxi to school, it made me look and feel different , I got bullied because of that.”* (Male, West Lothian)

Due to their complex lifestyles looked after children and young people are one of the groups least likely to access training and further or higher education opportunities. Consequently, the disparaging term NEET (not in education, employment, training) is attributed more often to looked after children and young people than any other group in our society.

*“Why is there not more support to help us do what we want to do when we leave school. I want to be a mechanic but because I was moved around a lot I’ve not been able to get a placement in work or college.”* (Male Angus)

The consequences of these negative societal attitudes are evident in the high numbers of looked after children and young people lacking confidence and self esteem and experiencing mental ill health.



Across the accommodation spectrum levels of support and the enjoyment of rights are inconsistent.

Children and young people looked after by local authorities have particular concerns regarding their rights as set out in article 12 of the UNCRC.

*“I did not understand why I had to attend hearings, I felt that no one listened to me because I was too young.”*  
(Female, West Lothian)

*“You get no say in where your placement is, and they don’t consider your religion either. Your placement is about what is available not about your needs.”* (Male, West Lothian)

Children and young people looked after by foster carers and the birth children of fosters carers raise concerns regarding both placements and relationships between those being fostered and birth children.

*“Young people should get to meet (foster) carers before a move. Foster placements can break down if carers are not matched with young people.”* (Female, Stirling)

*“Training for the sons and daughters of foster carers. If one of the children and young people in foster care come to you with a problem you have no idea how to act.”* (Female, Stirling)

The Scottish Government document *Looked after children & young people: we can and must do better (2007)* consolidates these views and recognises there is much work to be done to remove the many barriers that looked after children and young people face in their efforts to contribute to society.

## **Recommendations**

The Scottish Government should launch a campaign, across all areas of the media, and particularly media used by young people, to address the negative attitudes towards looked after children and young people.

The Scottish Government should ensure that all carers, including family members of community carers, are afforded access to the relevant training required to enable them to address the inconsistencies in support and enjoyment of rights referred to in this report.



## EDUCATION

*“States Parties agree that the education of the child shall be directed to: the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations.” Article 29*

### Pupil/Teacher Relationships

In a previous report to the UNCRC committee Article 12 in Scotland highlighted major concerns about pupil/teacher relationships. Many young people felt that there was a lack of respect for them as individuals and that there were limited opportunities for them to voice their opinions and to have those opinions taken into account. School development plans referred to an “Ethos” of equality and fairness and positive pupil/staff relationships. Yet young people reported little evidence of this policy in day to day practice. (Article 12 in Scotland, *Response to the Periodic Report of the UK Government to the UN Committee on the Rights of the Child, 2002*)

*“Your right to voice an opinion is not respected in school.  
I got suspended for voicing an opinion on safe sex.”  
(Female, Livingston)*

More recent research undertaken by Youthlink Scotland in 2007 suggests that the pupil/teacher relationships have continued to deteriorate; with only a third of school pupils having trust for their teachers: a marked decline in their trustworthiness over the last four years with a drop of 15% amongst 17-25 year olds and a drop of 8% amongst 11-16 year olds since 2003. (Youthlink, *Being Young in Scotland*, p 10, 2007)

In their concluding observations (2002) the UNCRC Committee on the rights of the child recommended (the UK Government):

*“Include the Convention and human rights education in the curricula in all primary and secondary schools and teacher training” (Para 48f)*

Yet, whilst the revised (2007) Standards for Initial Teacher Education and the Standard for full Registration “Emphasise the importance of the UNCRC and require prospective teachers to demonstrate respect for the rights of all children as set out in the Convention and require teachers to show: that they positively respect and value children as unique, whole individuals and demonstrate a commitment to promoting fairness, justice and equality; and a willingness to promote, support and safeguard the individual development, well-being and social competence of the children in their care.” (Scottish Government, *A Report on Implementation of the UN Convention on the Rights of the Child in Scotland*, p 15, 2007), we note, with great disappointment, that the Convention and human rights training has not been formally introduced to the Teacher Training Curricula.



The NGO sector in Scotland has produced a number of excellent courses and resources to improve the wellbeing of all children by insuring that the values of the UNCRC are fully understood and embedded in all schools.

Initiatives, such as Article 12 in Scotland's *UNCRC for Beginners* training pack, which has been widely distributed across Scotland and was utilised to enable children and young people to contribute to this report, and UNICEF's *Rights Respecting School Award*, which involves 47 schools (41 primary and 6 secondary schools) in 13 local authorities in Scotland, are already making an impact on those who have had access to them.

*"The UNCRC playing cards are great, a really good way to learn about your rights."* (Female, Aberdeen)

*"This (the UNCRC for Beginners) is an excellent resource. I will certainly use it in my work with children and young people in the future"* (Freelance Educator)

*"The most powerful advocates of the RRSA include the young people themselves who continually impress adults with their grasp of the values of the UNCRC as a guide to living."* (UNICEF Education Officer)

However, without the full backing of the Scottish Government these initiatives will fail to reach all educational establishments and more importantly all children and young people who, in the spirit of the Convention, have a right to know their rights.

## **Recommendations**

The Scottish Government should introduce, without delay, the UNCRC and other human rights training to the Teacher Training Curricula.

The Scottish Government should support the existing successful initiatives such as *UNCRC for Beginners* and *Rights Respecting School Awards* with the aim of embedding the UNCRC in the school curriculum.



## **SUMMARY AND ACTION POINTS**

The production, by the Scottish Government, of a situational analysis for Scotland has clearly identified the differences between the UK jurisdictions and the challenges that we face, differences and challenges which we hope the UN Committee and others will take into account in future observations and publications. The Scottish Government has worked hard, within the confines of the Scotland Act, to implement the UNCRC in Scotland, however, we must not lose sight of the fact that much more work needs to be done to make rights a reality for all Scotland's children and young people.

### **1. DISCRIMINATION**

Little has changed in terms of the negative societal attitudes towards Gypsy/Travellers. The emerging, negative, attitude of young people towards new (mainly East European) immigrants and the rise in national pride, or nationalism, is a major concern.

#### **Action points**

The Scottish Government should launch a campaign across all areas of the media, and particularly media used by young people, to address both the overt and covert discrimination experienced by indigenous minorities such as Gypsy/Travellers and new immigrants particularly Eastern European immigrants.

### **2. PARTICIPATION**

Traditional (representative) participatory structures such as youth parliaments, youth fora and pupil councils, appear to be the preferred Scottish Government method of affording children and young people the opportunity to participate at local and national level, yet evidence clearly demonstrates that these type of structures are not meeting the needs and aspirations of the majority of Scotland's children and young people.

#### **Action points**

In terms of making Article 12 of the UNCRC a reality for all the Scottish Government should look towards extending support beyond these forms of participation.

### **3. ASYLUM SEEKERS AND REFUGEES**

Due to the current UK Government reservation asylum seeker and refugee children do not enjoy all rights as set out in the UNCRC.

#### **Action points**

The Scottish Government and the NGO sector should continue to lobby the Westminster Government to remove their current reservation to article 22.

The Scottish Government should seek amendment of the Scotland Act (1998) particularly with reference, but not exclusive, to asylum.



## **4. HEALTH**

### **(1) LGBT**

LGBT young people are experiencing great difficulty in accessing sexual education relevant to their needs particularly within the school setting.

#### **Action points**

The Scottish Government should provide the resources necessary to enable LGBT Youth Scotland, and others, to address the current lack of LGBT sexual education in schools.

### **(2) EATING DISORDERS**

There is a severe lack of services and support for young people with eating disorders.

#### **Action points**

The Scottish Government should establish a national working group on eating disorders. Membership of this working group should include representatives from organisations, such as the YWCA Livingston, who are presently working with young women on body image and other related issues and, where possible, young people with experience of the condition.

## **5. LOOKED AFTER CHILDREN AND YOUNG PEOPLE**

Looked after children and young people remain one of the most marginalised groups in Scotland.

#### **Action points**

The Scottish Government should launch a campaign, across all areas of the media, and particularly media used by young people, to address the negative attitudes towards looked after children and young people.

The Scottish Government should ensure that all carers, including family members of community carers, are afforded access to the relevant training required to enable them to address the inconsistencies in support and enjoyment of rights referred to in this report.

## **6. EDUCATION**

Pupil/teacher relationships have continued to deteriorate; with only a third of school pupils having trust for their teachers.

#### **Action points**

The Scottish Government should introduce, without delay, the UNCRC and other human rights training to the Teacher Training Curricula.

The Scottish Government should support the existing successful initiatives such as *UNCRC for Beginners* and *Rights Respecting School Awards* with the aim of embedding the UNCRC in the school curriculum.



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