



## **UNCRC Incorporation**

Written by Together: The Scottish Alliance for Children's Rights  
Consulting with Children (8-12years)  
Facilitator Guide

\*Large Print Version following RNIB Guidelines, 16pt text\*

### **About this guide**

This guide is for adults to help them plan engagement sessions with children around incorporating the UN Convention on the Rights of the Child (UNCRC) into Scots law. If you are working with young people (13 years+) please see our separate guide.

The guide brings together suggestions from our members and divides these into key themes related to incorporation. Each theme contains ideas for related activities and questions.

- Theme 1: Introducing Children and Young People's Rights
- Theme 2: A World of Rights
- Theme 3: What Happens when Children's rights aren't respected?
- Theme 4: What will the rights look like?

You do not need to cover all the themes, but rather pick those which are most relevant to you or of most interest to the children you work with. The only exception is Theme 1, introducing children's rights, which should always be covered before moving on to your chosen themes.

### **Ending Your Consultation Event and Feedback**

"What happens after participation work is just as important as what happens during it"

A recurring message we hear from children is that they want to be included throughout the whole process of policy development and decision making. Where possible after these events every effort should be made to inform children how their views have been carried forward and what has happened as a result. This ensures that participation is a two-way respectful dialogue.

For children, this could mean emailing or calling your event participants or their parents/guardians and providing them with a copy of your event notes, report or a summary of your consultation response. It could also mean following up with them when a Bill is introduced to Parliament or even when it passes to help them feel like they have had a meaningful impact.

### **Next steps**

Scottish Government to consider all responses and draft a Bill on incorporation – expected late 2019/early 2020.

### **For further information, please contact**

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## Theme 1: Introducing Children and Young People's Rights

*All engagement sessions should spend some time on this theme before moving on to any others. This theme will help children understand:*

- *What is a right?*
- *What is the UN Convention on the Rights of the Child (UNCRC)?*
- *What is the law and who makes it?*
- *What does incorporation mean?*

### What is a right?

Every child has rights. Rights set out what children need to grow up happy, healthy and safe. All adults should make sure they support children to get their rights. Governments are responsible for making sure children's rights are respected. This means that the Scottish Government has to make sure that every child can learn how to read and write and have the chance to go to school. If children can't get to school, or if children aren't being helped to learn how to read and write, then these children are not being given their right to education.

### What is the UNCRC?

UNCRC stands for the United Nations Convention on the Rights of the Child. This is a document that explains what rights children have, and what the governments of the world need to do to respect them. The United Kingdom (including Scotland) signed up to the UNCRC 28 years ago, making a promise to respect children's rights. This means that the UK and Scottish Government should make sure that teachers, doctors, social workers and the people that make decisions that affect children know about children's rights and respect them.

### Idea for activity

**Jigsaw floor puzzle:** Children's Parliament has a floor puzzles jigsaw of rights which is available to borrow – give their office a call and ask if it is available.

### What is the Law and who makes it?

A law is a rule that people have to follow. In Scotland, some laws are made by politicians in the Scottish Parliament and other laws are made by politicians in the UK Parliament.

The government's job is to run the country. Running the country includes making sure that schools, hospitals, the police, roads and even the environment are properly looked after. It also includes making sure that all children's rights are respected. Scotland is run by the Scottish Government. The Scottish Government has to obey the laws that have been made by the Scottish Parliament and UK Parliament. The person in charge of the Scottish Government is called the 'First Minister' and her name is Nicola Sturgeon. She can think of ideas for laws and ask the Scottish Parliament to make them.

It is a judge's job to decide if someone, or a group of people, have broken the law. Judges can even decide if the Scottish Government has broken the law.

### Idea for Activity

**Word association quick-fire round:** what 'laws' can children think of? Who makes sure that people follow the law? What happens if someone breaks the law? Examples of laws might include:

- Wearing seatbelts in cars
- Not smoking in cinemas
- Not stealing things

### What does incorporation mean?

Nicola Sturgeon has said that she wants to make the UNCRC the law in Scotland within the next two years. This law is called 'incorporation'. Incorporation is a big word but it's important for children to know about it. A UNCRC incorporation law would mean that the Scottish Government would always have to respect children's rights when running the country. It would mean that children's rights would need to be respected in schools and hospitals, by the police, and even by people who make decisions about roads, parks and the environment.

Incorporation would also mean that children can complain if they don't think their rights have been respected. Judges would be able to help to decide if the government has broken the UNCRC incorporation law in Scotland.

To make sure the UNCRC incorporation law works properly, the Scottish Government wants to hear what children think about the idea. All children have the right to tell the government what they think.

Quite a lot of countries already have a law that incorporates the UNCRC. This includes Norway, Finland, Iceland and Spain. We know from these countries that a UNCRC incorporation law can make things better for children. Things that change include:

- More people learn about children's rights. This includes politicians and people that work for government who make lots of decisions that affect children, on things like schools, hospitals, buses, families and playgrounds.
- Adults have to speak to children when they make decisions that affect them and listen to what they have to say.
- Children are seen as people who have their own rights and views about things.
- Children can complain if they think their rights haven't been thought about and ask for things to change.

### Idea for Activity

**Balloon Game:** Get some helium balloons and write the number of a UNCRC article on them. Ask children to pick a balloon and find out what right their balloon represents (by looking in the rights booklet). Ask them to talk about their experience of that right and whether they think it is respected. Ask them to think about other children and whether they think the right is respected for them.

You might want to talk to them about incorporation being a bit like having a balloon: At the moment, the UNCRC is like a balloon floating above them – it can be difficult for them to reach. This is because there isn't a UNCRC incorporation law in Scotland. However, if someone ties a long string to that balloon then children can reach it and pull the balloon close and enjoy it. A UNCRC incorporation law is like adding that piece of string. Incorporation helps to make sure that rights feel real to children.

## Resources

Videos to explain the UNCRC to children (hyperlinked):

- [CRADUB, Children's Rights Alliance in Ireland background to the CRC](#)
- [UNICEF, Robots and the CRC](#)

Written/picture resources (hyperlinked):

- [Children's Commissioner, Right's Picture Gallery](#)
- [Children's Commissioner, Children's Rights Booklet \(you can get copies of these booklets from Together if you need printed versions\)](#)

## Theme 2: A World of Rights

*These questions are relevant to questions 13, 14, 15 and 16 in the Scottish Government consultation.*

*This section will help children think about:*

- *What a 'perfect' rights respecting world would look like.*
- *What needs to happen in Scotland to turn it into a rights respecting world?*
- *When should these changes happen?*

When there is a UNCRC incorporation law in Scotland, politicians and the government, including teachers, doctors, social workers and the police, will have to make sure children's rights are respected. They would have to think about children's rights in everything they do and try to make sure that all children have all their rights all of the time.

Examples could include:

- Children have the right to be as healthy as possible and to be listened to when adults are making decisions about them. This means that a doctor treating a child would have to look after them as best as they can and listen to what the child tells them.
- Children have the right to education. This means that the government needs to make sure there are enough schools and teachers for all children to be able to learn to read and write.
- Children have the right to be treated fairly. This means that children with a disability should be given the extra help they might need to go to school and to play with their friends.

To make sure children's rights are respected, everyone in Scotland needs to know about them. To help make this happen, the Scottish Government has said that it will create a 'children's scheme'. This will be a big plan that will include all the things the government is going to do to make sure people pay attention to children's rights. It might take a bit of time before everything in the plan can be done because people will need to learn about children's rights and change the way they do things.

## Ideas for Activities

**A world of rights:** ask children to make big cloud style images/text of what their 'perfect' rights respecting world would look like. Ask them to think about what children and the adults around them would need to make this rights respecting world. This could include making sure people know about rights, listening to children when big decisions are made, and helping children say what they think. Ask the children how long they think it might take for people to do these things. You might want to suggest they think about it in terms of their age so...

- By the time I'm 9 years old, all my teachers should know about my rights.
- By the time I'm 10 years old, it should be the law that all my teachers respect my rights.

**Shopping Trolley:** similar to the above example. The children are to imagine that they have a shopping trolley, they must fill this with all things that are needed to make their 'perfect' rights respecting world. When they get to the checkout what are all the things in their trolley?

## Ideas for Questions

- Can you imagine a Scotland where all children had all of their rights all of the time? What would this look like?
- What needs to happen in Scotland to turn it into this rights respecting world? Should the government include these ideas in their plan? (*Question 13 and 16*)
- When do you think these things should happen? (*Question 14 and 15*)



### Theme 3: What happens if children's rights aren't respected?

*These questions are relevant to questions 18 and 23 in the Scottish Government consultation.*

*This section will help children think about what should happen if their rights aren't respected.*

Incorporation should mean that if children don't think their rights have been respected, they should be able to complain to the adults around them who are responsible for making sure they have their rights. This could be their teachers, social workers, people who work for the council and even politicians. These people should listen to the child's complaint and change things to help make sure that children's rights are respected.

In very serious cases when children's rights aren't respected, children might be able to complain to a judge. The judge would look to see if the UNCRC incorporation law had been broken. If it had been broken, the judge would be able to make the government obey children's rights and make sure there is help for the child whose rights hadn't been respected. Complaining to a judge can be difficult, so it is important that children have other people to complain to, including parents, teachers, social workers and other adults.

#### Ideas for Questions

- If you didn't think you had one of your rights, would you like there to be somewhere to go and someone to talk to about this. Who would this be? And what do you think they should be able to do about it? (*question 18*).
- If there was a really difficult problem that you needed to talk to a judge about, would you like someone to help you? Who would you want to help you and what could they do to help? (*question 23*).

#### Ideas for Activities

**Pathway Hopscotch:** a game whereby children design a series of pathway tiles with all the steps to finding redress when their rights are violated. Ask them to think about who might help them – could it be a parent? A group of children who face the same problem? A charity that is set up to help children who are facing these problems? The Children's

Commissioner – someone whose job it is to stand up for children and their rights? Then enjoy a game of hopscotch on your newly built path.

**Problem Tree:** A flip chart with a 'problem tree' using post-it notes to share ideas. Like any other tree, the problem tree has three parts: a trunk, roots and branches. The trunk is the core problem. The roots represent the causes of the core problem while the branches represent its effects. Using sharpies the group can discuss and draw an apple on the tree which represents ideas. Helps understand devolution context also.

## Theme 4: What will the rights look like?

*These questions are relevant to questions 4 and 12 in the Scottish Government consultation.*

*This section will help children think about:*

- *The nature of children's rights (rights are for all children and link into each other)*
- *Which rights they think should be protected in our law (all of them or some of them?)*

It is important to remember that children's rights are:

- **Universal:** they apply to all children in the world
- **Indivisible and interrelated:** the different rights support each other. You often need one right to make sure another right is respected. For example, the right to education can only be respected if teachers also respect the right for children to have their views known.

The rights included in the UNCRC are looked after by a group of experts who meet up in Switzerland. They talk about children's rights and see how well countries across the world are doing at respecting them. These experts have studied children's rights for lots of years and have spoken to lots of children across the world about their rights. Lots of them are judges, teachers, doctors and professors.

Sometimes these experts write instructions to governments across the world about what they should be doing to protect children's rights. These instructions are on things like listening to children, children's health, schools, children who are in trouble with the law and more. At the moment, they're writing instructions about how children should be supported when they use the internet. This is needed because when the UNCRC was written 28 years ago when they had not even heard of the internet – so these instructions keep the rules up to date!

We need to think about what rights should be brought into the law in Scotland and how they should be written down. This is a bit complicated in Scotland because of devolution.

'Devolution' means that some laws are made in Scotland (such as laws about houses, schools and hospitals) and other laws are made in the UK

(such as laws about refugees and the army). Some of the rights in the UNCRC are about laws made in Scotland and others are about laws made in the UK. We need to be careful that the UNCRC incorporation law is only about children's rights in Scotland.

The Scottish Government has two ideas for how this can be done:

### Idea 1: Copy and paste

Most countries that have incorporated the UNCRC into their laws have used a 'copy and paste'. This includes Norway, Finland, Iceland and Sweden. Copy and paste means that children in Scotland will have the same rights as children in these other countries. It means that politicians, judges, doctors and teachers can learn from other countries and get new ideas about how to make children's rights better in Scotland.

It also means that what the international experts say about children's rights can be used by the government and judges to make sure they're doing their best for children. If 'copy and paste' is used, we would need to make sure that government and judges know that we are only talking about children's rights that can be in laws in Scotland.

### Idea 2: Pick and mix

It could also be possible to 'pick and mix' children's rights and write a list of rights just for Scotland. This way, we could make sure that we only include the rights that are linked to the laws that are made in Scotland, and not the rights that only the UK Government can make decisions about. It would mean we could add, take away or change the rights that are in the UNCRC.

## Idea for activity

You are about to start your own football league. Think about your team:

- Would you like to follow the same rules as the rest of the world? This would mean you could play with lots of other children across the world, talk to other international football experts, learn new tricks and moves from across the world and play the same game everyone else in the world is playing. However, you would not be able to make up your own rules and would only be able to use tricks that were allowed in the worldwide rules, even when you play in Scotland.

Or...

- Would you create special rules for teams in Scotland so you can play football however you like? This would mean you could have as many people on your team as you like, you could play for as long as you like and you could even use tricks that weren't allowed in the international rules! However, if your rules were different to the rest of the world, the international football experts wouldn't help you to learn new things and you would only be able to play in Scotland.

## Idea for Question 1

There are good and bad things about the 'copy and paste' idea and the 'pick and mix' idea. Using the list below, ask the children to look at both of the ideas and decide whether the things that might happen from each idea are good or bad. (*question 12*)

You might want to print each bullet point onto colour-coded cards (one colour for copy and paste items, one for pick and mix) and then organise these on the print-out sheet of 'good' things and 'bad' things in the appendix below.

**Copy and Paste** could mean:

- **Every right that is in the UNCRC becomes the law in Scotland (as far as devolution allows).**
- **Children in Scotland have all the same rights as other children across the world.**
- **International experts help the Scottish Government understand how rights should be respected.**
- **Rights stay linked together.**

- **Rights stay up-to-date if the Scottish Parliament is given more powers.**
- **Some rights might be put in law that the Scottish Parliament doesn't have control over.**

**Pix and mix** could mean:

- **Scottish Government can be careful to only include rights the Scottish Parliament has control over.**
- **Children in Scotland have different rights to other children across the world.**
- **Children in Scotland have extra rights to other children across the world.**
- **Some rights in the UNCRC aren't included in the law in Scotland.**
- **The Scottish Government doesn't have to listen to what the international experts say.**
- **Rights get out of date if the Scottish Parliament gets more powers.**

### Idea for Question 2

Should the Government in Scotland be made to listen to what is said by international experts, or should they be allowed to not listen? Should what the experts says be compulsory (like going to school) or a recommendation (like eating 5 pieces of fruit and veg a day)? (*question 4*).

### Resources

The above activity may stray into questions about devolution. Here is a game to help explain devolution to children, what it is and the issues it impacts on:

- [Scottish Parliament Street Scene Game on Devolution](#) (hyperlinked)

Appendix

**Good**

**VS**

**Bad**