

# 'All Our Rights in Law'

## Conversation events with children and young people

Joined by members of the National Taskforce for Human Rights Leadership

Hosted by Together (Scottish Alliance for Children's Rights) - January 2021

### Purpose of the sessions

The purpose of these conversations was to provide members of the National Taskforce for Human Rights Leadership with an opportunity to hear from children and young people about their experiences of their rights and their views on plans for a new human rights law for Scotland.

### Background

Together (Scottish Alliance for Children's Rights) hosted three online events in January 2021. Each event covered a different theme. Children and young people were supported to prepare and take part by Together's member organisations.

Theme	Supporting organisation(s)
The rights of black and ethnic minority children and young people	<a href="#">Aberlour</a> <a href="#">Scottish Refugee Council</a>
The rights of disabled children and young people	<a href="#">Scottish Commission for People with Learning disabilities (SCLD)</a>
The right to a healthy environment	<a href="#">YouthLink Scotland</a>

In total, the events engaged 11 children and young people, aged 11-23 and six members of the National Taskforce.

### Preparation and format

#### Child and young person-friendly briefings

Together developed three short briefings to support participants and organisations in preparing for the events. A child-friendly briefing for the rights of disabled children and young people session was also made into an easy read version to be shared in advance with participants.

The aim of the briefings was to support the children and young people to learn about their human rights, the relevant international treaties and what incorporating these into Scots law could mean for them. The briefings encouraged the children and young people to think about whether their rights are always respected, where they get information about their rights, how a new human rights law might help them, their family or their community, and what should be included in the new law.

The briefings were prepared with input from the supporting member organisations and were used as part of their preparation activities with the children and young people.

The briefings can be accessed by the links below:

- [The right to a healthy environment](#)
- [The rights of disabled children and young people](#)

- [The rights of black and ethnic minority children and young people](#)

Together also shared the briefings with its wider membership and online. It encouraged organisations to use the briefings in their youthwork to support children and young people to express their views. This could be in a range of formats such as written views, artwork or poems. The briefings included details on how to submit these to the Taskforce.

### Event format

Each session began by introducing the National Taskforce members to the children and young people. The National Taskforce members were then able to listen to children and young people's views through discussion facilitated by the supporting organisations.

In the session facilitated by Aberlour and the Scottish Refugee Council, children and young people spoke three different languages and interpretation was required. Children and young people split into two breakout rooms based upon the language spoken – one breakout room participants spoke Kurdish Sorani and in the other, participants spoke either Vietnamese or Bajuni.

At the end of each session, members of the National Taskforce gave a summary of what they had heard from children and young people, and how their views would be used to inform the Taskforce's work.

## Notes from the conversations

The following notes draw together children and young people's views from across the three sessions. Quotations are attributed where permission was given. The notes are grouped under the prompt questions that were used to frame the discussions:

1. [Do you feel like your rights are always respected? Are there times when you feel your rights haven't been respected?](#)

Participants in the session on **black and ethnic minority children's rights** expressed nuanced views and shared their differing experiences. Some participants shared that they have had direct experience of the asylum system and spoke of their access to basic services. They felt many of their rights had been respected but that some – such as the right to asylum, education, housing and the right to practice their cultural traditions – had not always been respected.

Some spoke positively about their access to accommodation, financial support and their right to express their views and to have these listened to. One young person was very positive about their experience in education and felt they had been treated equally to other young people:

*“My experience from places that I've been – whether it's the Red Cross that teach us or education establishment or college - the staff don't treat us any differently, it doesn't matter what the colour of skin is. My experience is that they treat us equally. I don't feel there's been any difference – whatever rights go to them go to us as well.”*

However, another participant spoke of delays in accessing education and appropriate housing:

*“Right of housing and right of educating – I was told I have these rights, but then I have also been told I need to wait. When I first came here – I had a lot of spare time and I would like to learn and study but then I was only given two hours a week which was not enough for me. I would like my own space (room) to do what I want, but this right wasn't respected.”*

Another participant in the same session said that COVID-19 meant they had been unable to practice their own cultural traditions. Others spoke of frustration of being in the asylum system and the uncertainty this was causing for them. They said this affected their right to health:

*“But the other thing [not always respected] is the right to asylum and the right to remain here alive. And that’s the most important.”*

Participants in the session on the **rights of disabled children and young people** spoke about their rights to education, health, to join clubs and socialise with others.

The children and young people spoke of difficulties in accessing their right to education. They said this was sometimes because teachers didn’t understand their condition or because the support they needed wasn’t put in place:

*“when I was in primary my main teacher was constantly shouting, telling me off. I don’t think she understood what autism was and how it affected me.”*

*“My teachers have said really nasty stuff to me, ‘that’s the worst thing I’ve seen in my teaching career’, ‘my 3-year-old daughter can draw much better than you.’”*

*“in primary I needed a lot of support, but unfortunately it was not always there. The teachers didn’t really understand my needs except for P7 teacher.” – Lewis*

Participants spoke of certain teachers and Pupil Support Assistants (PSAs) who they trusted and valued highly. However, they said that additional support was not always available due to a shortage of funding. One participant gave an example of not being able to sit an exam due to additional support being unavailable:

*“I needed a scribe and a reader, a writer and a reader, and the exam questions weren’t really understandable. I knew I could do it, but it was frustrating I couldn’t show it.” - Lewis*

*“We had a lot of PSAs at school, and there was a really really good one who couldn’t work anymore because there was no funding to pay her and that was very sad.”*

Participants also discussed how disabled children and young people might be subject to restraint and seclusion and shared the impact this could have on their right to education and to be treated fairly.

On the right to health, children and young people spoke of frustration with long waiting times - both for mental health support and in hospital waiting areas.

*“I’ve been having quite high anxiety, but we’ve looked for help with the NHS and private stuff and there was nothing really. On the NHS there is a really long waiting list, so I can’t really get anything right now.”*

Again, children and young people spoke about the role of key individuals in upholding their right to health but that this was often frustrated by a lack of funding or resources:

*“When DCD<sup>1</sup> got diagnosed I got an occupational therapist, she was amazing, really understood me, really really nice, really helped me with stuff....Six months or so later, she told me she would really like and should have more time, but we don’t have the time and funding to do so, which made me pretty sad.”*

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<sup>1</sup> [DCD is ‘Developmental Co-ordination Disorder’ also known as Dyspraxia.](#)

Lewis's parent also spoke of the difficulties in getting a diagnosis for her child. She felt that medical professionals had dismissed her concerns causing significant delays.

On the right to join clubs, make friends and have fun, participants spoke positively about the activities and groups they were part of. However, again they mentioned times when good support had been taken away due to funding cuts. They also mentioned long waiting lists. One participant noted the waiting list for [SNAP](#) was over 80 people and they had waited nine years to get access.

Participants expressed the need for support and clubs offering activities that suit children and young people's individual interests. They agreed that children and young people should be involved in how the clubs run – they should be able to have a say, lead things and decide how they are structured.

Lewis' parent noted, *“these clubs are really a lifeline for them”* and that because these clubs are disability-based *“there's more acceptance and understanding of the difficulties. He might not be fully understood in normal clubs. He gets a real sense of achievement from them, which is very important.”*

Participants in the session on **environmental rights** felt that the UK and Scottish Governments were not respecting their right to a healthy environment. They gave numerous examples – such as continuing to invest in fossil fuels and not doing enough to encourage individuals to change their behaviour:

*“it feels extremely worrying with the horrible effects of climate change and the fact that the government not taking it as seriously as it should, for example, they are still investing in fossil fuels.”*

*“I would personally say that our right to a healthy environment is not respected just now, because the government is not encouraging people enough to take active travel.”*

## 2. Is there anything else that needs to happen to protect your rights?

Participants in the session on the **rights of black and ethnic minority children and young people** said more needed to be done to uphold their right to education. They said that they were not getting much ESOL<sup>2</sup> provision – particularly in light of COVID-19 – and were finding online learning difficult albeit *“better than nothing”*.

Participants emphasised the importance of getting their right to asylum – although members of the Taskforce explained that this was something the Scottish Government didn't have powers over. One young person highlighted the link to other rights, saying:

*“This right [to asylum] is very important. It's almost like a tree – a tree without good strong roots is nothing. The right to remain here is the roots to everything else”*

General themes that arose in the session on **disabled children and young people's rights** was the need for more consistent funding and increased awareness and understanding of disability. A key issue participants identified was that learning disabilities are a “hidden disability” - not only because people do not see them, but because they are not spoken about enough in policy, legislation and funding decisions. Lewis's parent suggested:

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<sup>2</sup> ESOL is English for Speakers of Other Languages

*“there should be more investment from the government for disability social groups and sports group because there is not enough at the moment. The government should be doing more to promote hidden disabilities. People can be quite nasty with COVID exceptions, because they don’t understand it. He (her son) used to get dirty looks in shops which increases his anxiety.”*

Participants in the session on **environmental rights** said that politicians needed to take climate change seriously and do more to address it. Children and young people made the following recommendations:

*“The government should take every possible measure to make sure it’s not unnecessarily damaging the environment or allowing other groups or people to do so. Everyone should be able to access open, natural spaces that aren’t polluted or contaminated.... ”*

*“The government should also encourage people to make responsible decisions which are less damaging for the environment. For example, eating local, organic or a plant-based diet.*

Participants noted that changing to a different diet could cost more and that people should get extra help if they need it:

*“this is more expensive. There should be some effort to make it easier for people to access these foods.”*

Participants also suggested that the government should do more to encourage active travel and make sure there are enough charging points for electric cars – particularly for people who live in blocks of flats without much outside space.

Participants spoke of the importance of decision makers listening to children and young people’s views about the environment and taking these into account. They mentioned several opportunities they had had to make their voices heard – for example through being an [#IWill Ambassador](#) and through youth-led and grassroots projects.

### 3. Where do you go for information about your rights? (And do you feel you have enough information about your rights?)

Participants in the session on **environmental rights** said they got information through schools and through being a part of participation projects to have their voices heard.

*“we learn about climate change at school, greenhouse gases and the effects of glaciers. We get some good information. I have had some good opportunities to have my voice heard (youth-led and grassroots projects).”*

Participants also spoke about how to raise awareness of the new human rights law. They said this should be through schools and other education settings (where people come in to tell you about the rights you have), websites or social media. They said information must be easily accessible and easy to understand but not too basic or it might not be taken seriously.

One participant emphasised the importance of information not being solely being online or reliant upon technology, as not everyone has access to this and lots of young people are *“bored of sitting at a screen”* as a result of lockdown.

Participants in the session on **the rights of disabled children and young people** spoke about where they would like to learn about their human rights and get information. The children and young people had lots of ideas but weren't sure which one would be best. Some of their ideas included:

- A video that is shared at school or easy to access
- Written information that is easy to access and understand. One participant noted *"I know you could go online to the UN website but it probably would be very difficult to find."*
- Online information – participants noted that the Scottish Government website could be made easier to understand.
- An app – *"I think there should be an app, especially for children and young people with autism and other disabilities, easy to read and understand, and which also focuses on disability rights"*.

Participants in the session on **the rights of black and ethnic minority children and young people** said the Scottish Guardianship Service helped them learn about their rights. The Service also helped them find suitable lawyers who had also helped them learn more and exercise their rights. In addition, the young people said their caseworkers and 'Allies' (a group within the Scottish Guardianship Service) helped them learn about their rights. When asked if social workers helped, one young person said they hadn't seen them much because of COVID-19 but could phone them if he needed.

#### 4. What extra help do you think children and young people might need if their rights are not respected?

Participants in the session on **environmental rights** emphasised the importance of information but also *mechanisms and supportive structures* to help them claim their rights.

They had the following ideas:

- Community help – it can be difficult to know what to do so help needs to be *"close to you or in community"*
- Online advisors – *"people online that can help you with advice"*
- Information on websites, Twitter, Facebook and Instagram
- An independent monitoring group – *"to ensure the government is keeping to its commitment for providing a healthy environment. It should be independent, and it can help apply pressure on government."* Young people said this group should be available so that children and young people could contact them if they needed to go to court – they felt that otherwise it might be hard to go to court without this help.
- A committee that meets in the Scottish Parliament that includes children and young people and holds Scottish Government to account. If children and young people's rights aren't being respected then they could contact the committee.

#### 5. How would a new human rights law help you and your community?

Participants talking about the **rights of disabled children and young people** thought the new law might help: improve people's awareness and understanding of disabilities (including teachers); improve teacher training; help protect ASN budgets from cuts; increase support for autistic people especially in mainstream schools; encourage more investment for social and sports groups; protect people with hidden disabilities.

Participants in the **environmental rights** session said a new human rights law might help reassure children and young people worried about the environment:

*“there’s a significant mental health impact related to the environment e.g climate change – climate anxiety, it feels like everything is hopeless. If there is proper action taken by Scottish Government, it would offer some great reassurance and hope to young people.”*

One participant felt that a new law could help move things on from debates about the climate to decision makers actually taking action. Another thought the new human rights law might help people access clean water, food banks and a clean and healthy environment everywhere. They said that this in turn would mean people are healthier and they can do their jobs better.

One participant felt that the new law could help empower children and young people to stand up for their rights and have a voice:

*“it will help young people like myself stand up for climate justice and stuff and to challenge government and other elected members. It will help us make sure that they do what they say they’re going to do instead of putting it in a manifesto and not delivering on it. It is important to hold people to account and make sure that they are keeping their promises.”*

### What needs to be in the new law?

Participants in the session on the **rights of disabled children and young people** highlighted the following four issues as being very important – the new law should support their:

- Having clubs
- Access to education
- Being able to take part in things
- Having support for things (including funding)

They thought the new law should try to achieve certain things:

- Making sure disabled children get the support they need and are entitled to.
- Improved teacher training and awareness in *all* schools: *“every teacher should be trained about autism, dyslexia and stuff like that”*. One participant also said there should be better learning styles for people with learning disabilities.
- Protecting ASN budgets: *“they should stop cutting them, they are definitely important”*
- More support for autistic people: *“especially in mainstream schools”*
- Government investment in disability social groups and sports groups.
- Promote improved awareness and understanding of hidden disabilities.

Participants in the session on the **rights of black and ethnic minority children and young people** emphasised the importance of the right to remain in Scotland being included in the new law. A Taskforce member explained the difficulties with this due to the limited powers of the Scottish Government and Scottish Parliament.

A participant in the session on **environmental rights** said the new law should include *“a promise and commitment”* to reduce fossil fuels use *“rather than a ‘probably’”*. Another said that the new law should have people’s experiences at its heart:

*“There’s been enough debating, what are ministers actually going to do? Claims aren’t always met - people’s experiences needs to be put at the heart of all laws.”*

Some participants went a step further and thought about what needed to be done once the new law was passed. One participant said it would be important to make sure decision makers knew about the new law – and to always remind them that it exists:

*“Most laws get forgotten as there are so many of them. Politicians also forget that they exist. Need to remind them that we’re entitled to what is in these laws”*