

Scotland's Children and Implementation of the United Nations Convention on the Rights of the Child

**A consultation with Scotland's children
on behalf of the Scottish Executive Education Department**

The Children's Parliament
October 2006

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Introduction

The aim of the consultation was to establish the level of awareness and understanding of the United Nations Convention on the Rights of the Child (UNCRC) among children between the ages of 8 – 13 and to establish from children what they considered to be the main factors affecting children's lives in Scotland which might, in turn, affect implementation of the UNCRC in coming years.

It is intended that the findings of the consultation will inform The Scottish Executive's contribution to the next round of the UK Government's reporting to the United Nations Committee on the Rights of the Child on implementation of the UNCRC in the UK.

The Children's Parliament consulted with around 400 children in Scotland of mixed abilities and backgrounds. 356 of the participating children have had no previous contact with the Children's Parliament. 40 of the children were members of Children's Parliament groups, meeting in South Ayrshire and the Western Isles; in this report we call them MCPs. These MCPs have had significant opportunities to reflect on the UNCRC and what it means to them.

Children's Parliament staff met with children in school and community settings. The children worked in small groups, with only the adult facilitators present.

Children were asked:

- Who's heard of the UNCRC?
- Who can tell us what a 'right' is?
- What do you think are the most important things that affect children's lives?
- What rights should children in Scotland have now?
- What should our government promise to children?

Thanks

We would like to thank the children and staff from school and community settings in South Ayrshire, Western Isles, Midlothian and City of Edinburgh for their co-operation and participation in the process.

Who has heard of the United Nations Convention on the Rights of the Child?

Of the 356 children interviewed (who were not part of a Children's Parliament group) only 15 said they knew about the UNCRC. One child said his mum had spoken to him about it and that it was like "*laws for children*". The other children who had heard of the UNCRC typically described it as being "*about rights for children*".

Of the 40 children in the Children's Parliament groups 38 had heard of the UNCRC, responses to the question asking children to say what they knew about it included: "*It works to protect children*" and "*It's about how the child should be allowed to speak up to government*".

Children's Parliament children demonstrated a knowledge of UNCRC beyond that of their non CP peers.

Who can tell us what a 'right' is?

There was a broad range of initial responses from the children not involved in Children's Parliament groups.

- 35 children answered this question clearly and confidently with an understanding of a right as an entitlement, typically saying: *"It's like when someone says you can't do something but you know you can", and 'it's something you're entitled to"*.
- 2 children said it had something to do with freedom.
- One child described rights as sitting alongside social responsibilities: *"I have the right to do what you want except kill someone or ruin anyone's life"*.
- 7 children responded that rights meant children could do/get whatever they want and some used the opportunity to highlight rights they thought they should have. Comments included: *"We should get to play football whenever we want"; 'I have the right to tell an adult to get lost – I say it out loud if I feel like saying it"*.
- 13 children answered in relation to 'right and wrong' and 'right and left hand'.
- 3 children said *"the right to remain silent"*.
- 5 children responded that a right is something a child has to do.

As conversations deepened the children found it easier to list things they thought might be rights, for example:

- *"You should have rights to say to your parents stop hitting me or battering me"*.
- *"You have a right to stand up to the teacher or the people and for yourself"*.
- *"I have the right to have a belief"*.
- *"There's the right to go to school"*.
- *"The right not to be bullied"*.

Some children began to ask questions about what specific rights there might be. For example: *"Is it.....like a right to play?"*

In several groups specific scenarios in which children had a sense of their rights began to emerge. The most common discussion (in groups taking place in schools) was about being able to go to the toilet during class time. Children shared the view that they should be able to go to the toilet when they wanted to, but reported this was oftentimes not allowed. Typically one child said: *"I have the right to go to the toilet but the teacher doesn't let you"*.

In each of the group discussions with non Children's Parliament children, adult facilitators delivered a short input at this stage in order to ensure all children had a minimum grasp of what a right might be.

As conversations continued and deepened children began to talk more confidently about their perspective on rights. 53 of the children (approximately 1 in 7 of the children not involved in Children's Parliament groups) talked about rights as being something that belonged to them (but could be taken away) and related to what was essential to their care and development. Often they reflected on what not having rights would mean:

Comments included:

- *"So, like, your rights are something that's yours"*.
- *"My dad takes my rights away all the time"*.
- *"If you didn't have rights you would die, you wouldn't be thinking"*.
- *"If you don't have rights you'd be like a slave"*.
- *"You wouldn't get fresh ai" ..*
- *"If there wasn't rights there wouldn't be any police or doctors"*.
- *"You wouldn't have the right to love – you wouldn't know what to do and you'd go crazy"*.

One class explained that the teacher had talked to them the previous day about children's rights and the children remembered:

- *"There's a difference between rights and wants – you can live without wants but you should have your rights"*.

By contrast the MCPs talked about rights in the context of the thematic approach adopted by the Children's Parliament. they recounted discussion and activity where they had articulated the rights they have, and should have, under the themes of: who we are, where we live, freedom, health and happiness, feeling safe and being cared for, and having our say.

With links to the work of Scotland's Commissioner for Children and Young People (SCCYP) the children also shared an understanding of rights articulated in the UNCRC as being a set of promises that adults make to children.

The view across the MCPs was that rights are things that children have, and that children and adults do together, to make sure children are safe, happy, healthy and engaged in decisions that affect them.

What do you think are the most important things that affect children's lives?

Moving away from specific rights that children should have the children were asked to identify the most important things that affect children's lives in Scotland today. Across groups children were animated and engaged in the discussion, this was clearly an arena in which they felt more able and informed. Children in both Children's Parliament groups and those not engaged with us, talked about the same issues. Several important themes emerged from discussion, each of which influence the rights which children later identified should be available to them in Scotland today.

The major themes identified by children as affecting their lives are shown on the following pages.

THEME: Unhappy families

Across groups children referred to the use of punishment in the context of the family.

"When your parents shout at you in public it makes you scared".

"Parents shouldn't hit us – but sometimes they need to be firm. They never should hit".

Being in middle childhood also meant a feeling of not getting the attention from parents when younger siblings were around:

"Toddlers hypnotise parents and then your parents ignore you".

Children identified the need for improved, more respectful parent/child relationships:

"Mums and Dads should learn new catchphrases that are polite and respectful to children".

Some children also referred to parental drug and alcohol use:

"Mum and dad go to pubs and get drunk".

"It's bad when your mum and dad are doing bad things behind your back and taking drugs".

Children talked about the impact of parents behaviour and worried about the impact this has on children:

"How we're treated when we're young is important, if their parents are evil they could turn out evil".

The children were able to articulate some basic requirements from family life:

"We need responsible parents".

"We should have the right to live in a happy home".

"You shouldn't be scared at home".

Some children clearly have had experiences of loss and being in care and this has left them both sadness and confusion:

"When your mum and dad abandon you, when your parents don't want you and you go to a foster home. That's important".

Children felt strongly that their views should be taken into consideration if their parents split up. Being apart from one parent or another after a separation is something that children felt strongly should not happen.

THEME: Problems about schools and teachers

Across group discussion children reflect a view that having an education, going to school, is important. However, equally across groups, many children told stories of their frustration and sense of injustice when it comes to the behaviour of some adults in the school setting. While one child's comments sum up the view that many adults are highly valued by the children - *"Teachers look after you in school"* – typically other comments included: *"Teachers don't listen"* and *"My teacher thinks I'm invisible"*.

A major concern for children is the degree to which adults in schools shout at them:

"Shouty teachers make children sad".

"There should be a soundproof room in every school where teachers can go to swear and shout and let their anger off".

Children had a clear picture of the teachers they valued:

"Teachers should be fun, clever, gentle, kind, they shouldn't let you do what you want but they should keep order and have good ideas".

"Teachers should listen, they should talk to you and find out the real things".

Being able to go to the toilet emerged as a common concern and fostered a real sense of injustice amongst many children. While there was a shared understanding about this necessarily being managed by teachers children typically reported the following:

"You should definitely be allowed to go if you do ask – our teacher says 'no you can't go now'".

THEME: Not enough to do and being unsafe in the community

The children identified a lack of things to do in the community; and the need for different approaches or services for different age groups:

"There's not much parks for teenagers so they should build special parks for them so they don't use the little ones parks and they'll be safe".

The children referred to adults in the community in a mainly negative way; children feel tolerated, or ignored, rather than integral in their communities

"Adults, they grab you, it hurts. They swear".

"It's like when adults let you talk then suddenly you're not allowed to talk with them anymore even when you know what they're talking about because some other conversation is going on".

THEME: Bullying

Bullying was discussed as a matter of fact day to day reality by the children; almost as an ever present issue.

"Bullying makes me sad".

"If you are bullied when you are small you might become a bully".

There was agreement across most of the groups that it often doesn't help to tell a teacher if you are being bullied. Adults appear uninterested or ineffectual.

"Telling just makes it worse 'cos then the person who's bullying you finds out and they just do even more things".

"I kept all the notes I got from this girl who was bullying me and I told the teacher. She just said 'put them in the bin'".

"When I told my teacher she just said 'oh well'".

What rights should children in Scotland have now?

At this stage in the process, having talked about the lives of children in contemporary Scotland, the children were open to hearing more from adult facilitators about the concept of rights and how they might apply to their lives. Again adult facilitators encouraged children to think about rights as things children should have in their lives to enable them to be safe, happy, healthy and included; that rights are like the promises that should be made to children.

In their small groups children were asked to identify the rights that all children in Scotland should have. In their mapping of the rights children should have, the children provide a clear agenda in terms of the child's perspective of the key rights issues which implementation of the UNCRC in Scotland should concern itself with.

We have grouped the rights highlighted by the children into various categories over the following pages.

Being cared for and protected

In this category children identified rights concerned with protection from being hurt or abused, about getting help and about bullying. For example:

"The right to go to school without being frightened of hitting and stealing".

"Parents can't hurt their children, adults can't harm children".

"The right not to let people be racist to you".

"The right to go out till dark without it being dangerous".

"Children should have a safe community, a safe city and a safe country".

Family life and adult relationships

In this category children identified rights concerned with being looked after, with the impact of separation and divorce, relationships with absent parents and discipline/shouting. For example:

"The right to family, a mum and a dad, the right to be born".

"To be respected, nobody's got the right to hit you or swear at you. Even parents shouldn't be allowed to shout at you".

"The right to be looked after if your parents can't look after you".

"The right to see all your family".

"If something happens in your family, the right to know what's happened".

"Bad Dads should be taken away from you".

"The right not to see your parents fighting".

"We should have the right to live in a happy home".

"To spend more time with parents".

"The right to say I don't like this new partner, don't marry her or him".

Freedom

In this category children identified rights concerned with identity, privacy, freedom of association, freedom of thought and having personal space. For example:

"We should be able to get dirty if we want to".

"The right to be yourself and not like anyone else".

"The right to think for yourself".

"To go to the toilet when you want to".

Education

In this category children identified rights concerned with being at school, about teacher/pupil relationships and more generally about the right to learn. For example:

"The right to go to school and learn more".

"The right to learning".

"To know you're going to be welcome at school".

"The right to have teachers who'll be kind and help you when you're stuck".

"The right to have teachers who're kind and don't shout – even if you make a mistake".

Health and environment

In this category children identified rights concerned with basic requirements of health, being happy, health care services and the impact of the environment on health. For example:

"The right to have enough food".

"The right to free school meals".

"The right to have medicine when we need it".

Play

In this category children identified rights concerned with playing safely, play spaces and facilities, fun and freedom to play. For example:

"The right to be allowed to play in a park without getting told off for playing with a ball".

"The right to play in the streets".

Respect and having a say

In this category children identified rights concerned with opportunities to speak up for themselves and having children's views respected. There is also a sense from these children in middle childhood that there should be increasing opportunities to make choices for themselves. For example:

"To be treated fairly".

"The right to argue".

"The right to be treated seriously".

"The right to talk".

"To decide what you want to do as you get older".

"Adults should apologise to children if they make a mistake".

What should our government promise to children?

The work of the team at the office of the Commissioner for Children and Young People in Scotland (SCCYP) has helped agencies and government to think about the UNCRC as a collection of promises which adults make to children. To end their discussion the groups were given a scenario in which they had to be 'the government of Scotland' and in that role they had to decide what the 3 most important promises they would make to children in Scotland.

The following priorities emerged from the discussion:

- ① Make school enjoyable and safe. Give children more respect. Stop shouting. Give children more of a say about school life.
- ② Protect children from adults who might hurt them. Children should never be scared at home, at school or in the community.
- ③ Stop bullying by adults and by children wherever it happens.
- ④ Help parents to provide children with a happy home; and where families split up make sure children keep contact with parents equally (where they want to).

To end

Amongst children who have not participated in the community based active citizenship programme offered by The Children's Parliament knowledge of the UNCRC is poor. Our sense from the work we do across Scotland is that this reflects accurately where we are at with knowledge of the Convention.

It is not surprising to find then that the concept of rights is also something that few children have reflected on.

However, our discussions show that children are, of course, experts in their own lives. They are able to reflect on issues which affect them and their friends; they have a view of how people should behave toward each other, and they have concerns about their health and wellbeing and their place in the community.

They place high value on the positive adults around them and can articulate concerns about those adults who fail in their duties to protect and nurture them.

It is not surprising then that the children in this consultation were able to say – even with a poor initial understanding of what rights means – what rights children in Scotland should have and what the priorities for government should be.

How children see their lives and what they want government to do for them clearly 'fits' with the scope and interest of the articles of the UNCRC and so, in turn, with the promises that the UK Government and devolved structures have made by ratifying the Convention.



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