

## Podcast 1 - UNCRC 101

[Young Person 1 - Ava]

Hi there, and welcome to the first of three podcasts all about children's rights and the United Nations Convention on the Rights of the Child. I am Ava, and I'm here to tell you all about the United Nations Convention on the Rights of the Child and what it means for Scotland. We'll also be hearing from some guests along the way, and there will be some discussion questions at the end which you can talk about with your group or class.

This podcast series is part of the Activate Your Rights project, a project run by Young Scot and Children in Scotland and funded by Scottish Government. The idea for this podcast came from children and young people themselves who worked with Young Scot and Children in Scotland to create resources and activities to promote the awareness of the United Nations Convention on the Rights of the Child and children's rights to people in Scotland.

What is the United Nations Convention on the Rights of the Child? Why is it important? You might have heard it mentioned, or even seen things on social or in the media talking about how it is going to be incorporated into Scots Law. This podcast will give you some key info and show you how you can find out more about your rights.

The United Nations Convention on the Rights of the Child, or UNCRC as it is often called, is a legally binding international agreement which sets out the rights of every child and young person. The UNCRC was created to ensure the rights of children and young people are protected.

Almost every country in the world has agreed to recognise the rights in the UNCRC. All the countries who are members of the United Nations, except for the United States have ratified the Convention. The Convention came into force in the UK in 1992.

The UNCRC has 54 articles that cover all aspects of a child's life and set out the rights that all children everywhere are entitled to. An article, when we talk about the UNCRC, just means one of the instructions about what children's rights are and how they should be respected.

Articles 1-42 cover children and young people's rights, articles 43-54 explains how adults and governments must work together to ensure the rights of children and young people are recognised and to make sure all children can enjoy all their rights.

To make sure people from all over the world can read it, the UNCRC can be read in Arabic, Chinese, English, French, Russian and Spanish.

The UNCRC must be seen as a whole: all our rights are linked, and no right is more important than another.

But what are rights?

'Rights' are like guarantees about the things that every child and young person should have or be able to do. In the UNCRC, there are 42 rights that every child has, such as...

Examples of rights that are covered in the UNCRC are:

I have the right to be listened to and taken seriously. If I have a disability, I have the right to special care and education. I have the right to get information in lots of different ways, as long as it's safe. I have a right to relax and play. I have the right to an education. I have the right to find out and share information. I have the right to have a proper house, food and clothing. I have the right to be kept safe from things that could harm my development. I have the right to keep some things private.

Everyone under 18 has the human rights contained in the UNCRC and your rights can't be taken away from you. The rights in the UNCRC can't be separated from each other, no right is more important than the another, and different rights in the UNCRC depend on each other.

So, now we know a little bit about the UNCRC and what rights are, but why are they important? And how are they upheld?

In Scotland, we have someone called the Children and Young People's Commissioner for Scotland who stands up for children's rights and makes sure other adults pay attention to them. The current Children and Young People's Commissioner for Scotland is called Bruce Adamson.

Here's Bruce explaining why he thinks rights are important, and what his job is.

[Bruce Adamson]

So, my name's Bruce Adamson and I've got the best job in the world because I'm the Children and Young People's Commissioner for Scotland. And so, my office was set up to promote and safeguard the rights of all children and young people in Scotland, that's everyone up to the age of eighteen, or up to twenty-one for care experience young people recognising the additional obligations we owe to them. And so, with my team in the office I've got fifteen staff, and we work together with some young advisors and with civil society organisations and others to work hard to make sure that all the laws and policies are right for children and young people and properly respect their rights.

The office of the Children and Young People's Commissioner Scotland is really important. We were set up by the Scottish Parliament in 2003 to promote and safeguard the rights of all of the children and young people in Scotland. Everyone up to the age of eighteen or up to twenty-one for those care experience young people. And what's really important is that it's independent of government. So, we're set up by the Scottish Parliament, in the early days of the Scottish Parliament, after lots of campaigning for groups that were working for children's rights, demanding that we have a children's commissioner. And the parliament used its powers to create its own law, so it wasn't the government that created the children's commissioner, it was the parliament through one of their committees. And that really importantly reflects the independence of the office. And the reason that we need children's commissioners is that when we created the international legal framework, we created the promises like the convention on the rights of the child, we realised that it wasn't enough just to expect governments to live up to those promises to children, that we needed people to hold them to account. And so, we needed to create offices like children's commissioners with legal powers and public funding and importantly independence to make sure the government and those people in charge, those adults in charge, did what they said that they will do to ensure that children's rights are respected and protected and fulfilled.

And so one of the interesting things about my role is that as commissioner I can't be fired. My boss is the Queen, and the children and young people of Scotland. And so, it's the children and young people of Scotland I get my mandate from and I'm appointed by the Queen and the government can't remove me from office and that's really important because it's my job to stand up to them. When I asked children and young people what they wanted from me when I first got this job a few years ago they said they wanted me to be their fierce champion, to stand up on their behalf, to listen to them, to find out what was going on in their lives, but then go to the places where adults used power and stand up for them. And so that's really important that the office was created to allow me to be independent and to challenge government. And to do that we've got a budget that comes from the parliament, we've got fifteen staff to help me that help me with my work, and we've also got legal powers so we can take cases to try and change the law or we can do investigations and report to parliament. But what's most important is that children and young people are at the heart of our work and so we have young advisors that advise every aspect of our work and we spend every day working directly with children and young people, and partners in civil society organisations.

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What does Scotland as a country promise its children and young people under the UNCRC?

By signing up to the UNCRC, Scotland and the UK agree that the rights of children should be protected and promoted in all areas of their life.

In Scotland, the rights set out in the UNCRC are often upheld by different laws, and Scottish Parliament is working to make sure all rights in the UNCRC are covered by Scots Law. You might have heard this mentioned as "the incorporation of the UNCRC".

Scotland will incorporate the United Nations Convention on the Rights of the Child (UNCRC) into law to the maximum extent possible within the powers of the Scottish Parliament.

The Convention on the Rights of the Child put into Scots Law is a huge step forward for the protection of child rights in Scotland.

We asked Maree Todd, the Minister for Children and Young People, about the incorporation of the UNCRC into Scots Law.

[Maree Todd]

The UK Government signed up to the UNCRC way back in 1991 when almost when I was a child myself so that's a very long time ago. But despite that it's still not possible for children and young people to enforce these rights in courts anywhere in the UK and actually that ability to take court action, that ability for these rights to be justiciable is very, very important so incorporation of the UNCRC will change that in Scotland. It'll mean that public bodies like the government, schools, hospitals, and the police have to comply with children's rights and if they don't, they can be taken to court. Now you know of course we'd rather there are no court cases, frankly, but that possibility of them being court cases and being able to take them to law should change the culture. So, incorporation is really important, it means that government, which includes ministers like me and other adults working in public services for children and young people will be accountable to children and young people.

[Bruce Adamson]

The incorporation of the United Nations Convention on the Rights of the Child is really important, it's the most important thing that we can do in terms of passing a law and the reason it's important is at the moment we've made the promises to children and young people so the Convention on the Rights of the Child is international law but the only way that children can really get justice is by reporting to the UN Committee on the rights of the child. You can't take a case to court and that means that we're not as good as we could be at holding adults to account and making sure that people do the things that they need to do. And so, in some countries whenever you sign up to a treaty, the government signs up to a treaty, it automatically becomes part of their law, because that's what it says in their constitution. But we don't have that in Scotland and so in order to make the convention on the rights of the child part of our domestic law we have to pass a law which incorporates it. And so that's why it's hugely exciting that the Scottish Government has committed to incorporation, and that we are going to see that very soon. And so, the difference it will make will mean that if things do go wrong and if those in power don't do what they're supposed to do to respect, to protect and fulfil children's rights we'll be able to take legal action in Scotland to make them do it. And what's really important about that is because that exists, we know from other countries that it means that adults make better decisions. That concern about being taken to court means that they are much better at respecting children's rights and so what we would expect to see following incorporation is much more involvement of children and young people in decision making by decision makers and a much stronger children's rights culture across all of society. And so, what it does is it takes the promises that we've made in the convention on the rights of the child and puts it right at the heart of our domestic law.

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Deputy First Minister, John Swinney MSP has stated that "Every devolved body, every health board, every council and the Scottish Government itself will be legally obliged to

make sure they respect children's rights." If they don't, children and young people will be able to use the courts to enforce their rights.

Activate Your Rights, created by and for young people, supported by Scottish Government, Children in Scotland, and Young Scot, is a set of resources to help you find out more about your rights, understand them and put them into action. To find out more about anything in this podcast or the UNCRC in general visit the Activate Your Rights pages on [young.scot](http://young.scot).

If you want to discuss children's rights in a group, think about the following questions:

- Take a look at all the rights in the UNCRC. Are there any that you are surprised by or have questions about?
- Choose one of the rights to think about more – how is this right upheld in your lives? Can you think of any examples of this right in action?
- Imagine you were telling other people about children's rights. Try and write down a sentence or two to explain why children's rights are important and share this with the rest of the group.