



# **Children's rights in law - securing justice for all children and young people**

*Wednesday 16<sup>th</sup> June 2021*  
Juliet Harris, Director, Together

## Together (Scottish Alliance for Children's Rights)

*An NGO alliance with over 450 members working to improve the awareness, understanding and implementation of children's human rights in Scotland.*

### Vision:

All children and young people growing up in Scotland have their human rights respected, protected and fulfilled.

### Mission:

We work to inspire and enable everyone in Scotland to put children and young people's human rights at the heart of everything they do.

Website: [www.togetherscotland.org.uk](http://www.togetherscotland.org.uk)

Follow us on Twitter! @together\_sacr @ulgrid





# 3 months ago – celebrating UNCRC incorporation



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# UNCRC (Incorporation) (Scotland) Bill

## A pro-active approach

- Protects the UNCRC rights of all children under 18 years old (s.1).
- Public authorities must act compatibly with UNCRC (s.6).
- Children's Scheme: participation, awareness, budgeting and child rights impact assessments (s.11-13).
- Duty on Ministers to conduct Child Rights & Wellbeing Impact Assessment (s.14).
- Compliance reports by Ministers and public authorities (s.15-16).
- Scrutiny by children, young people, Children and Young People's Commissioner, Scottish Parliament, civil society.

## Challenging breaches

- Children and young people can complain if they think their rights aren't being protected (s.7).
- Courts can decide if laws follow the UNCRC (s. 18-21).
- The Children and Young People's Commissioner will be able to help if someone wants to complain their rights are not being protected (s.10).
- A court could tell an organisation to change what they are doing, if the court agrees that they are not protecting children's rights properly (s. 18-21).
- No time limits on proceedings until children reach the age of 18 years old (s.7).



# The UN Convention on the Rights of the Child (UNCRC) 1989



..recognising that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding”.

*UNCRC Preamble*

Non-discrimination  
(Article 2).

Best interests  
(Article 3).

**UNCRC  
General  
Principles**

Survival and  
development  
(Article 6).

Children’s  
participation (Article  
12).

**The right not to be punished in a cruel or harmful way**

*“humanity, dignity and takes into account the needs of their age”  
(Article 37)*

**The right to recovery**

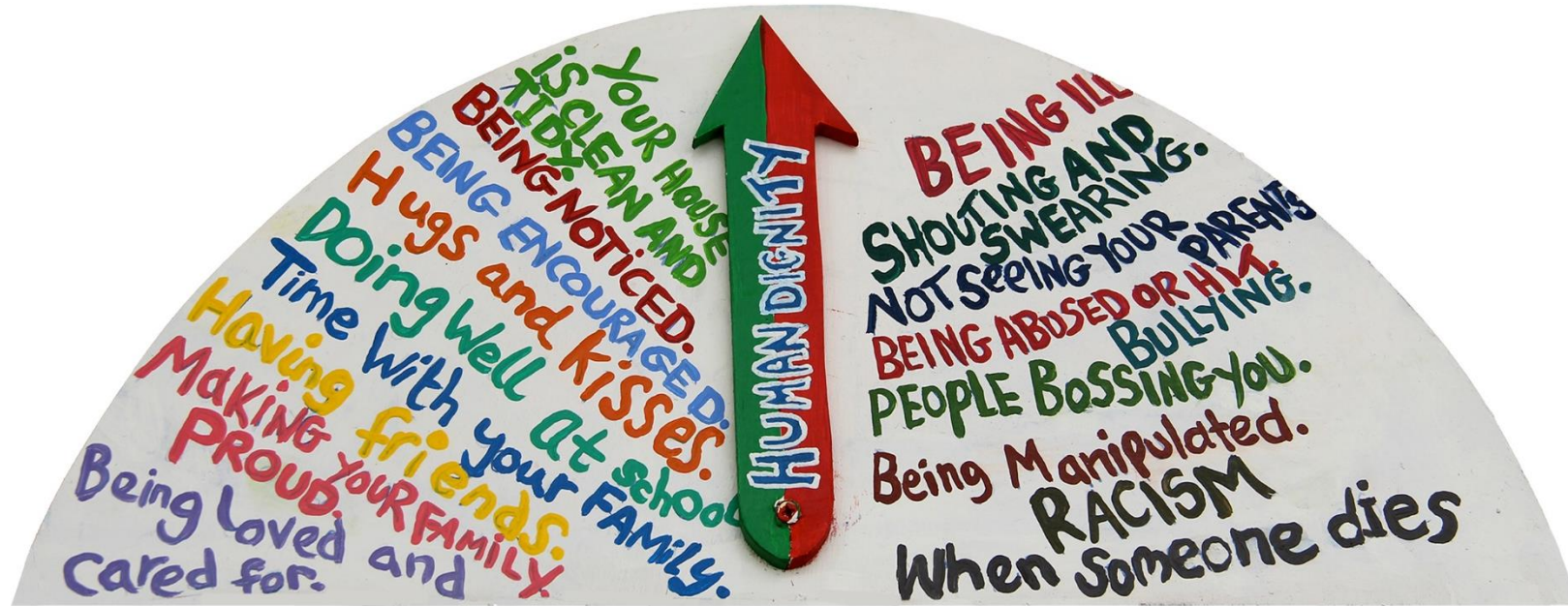
*“environment that fosters health, self respect and dignity”  
(Article 39)*

**Children’s rights in juvenile justice**

*“to be treated with sense of dignity and worth”  
(Article 40)*



# Dignity and worth – a “dignometer”?



With thanks to the Children's Parliament: [Imagining Aberdeen](https://www.imaginingaberdeen.org/)

## UNCRC Article 40 (1)

“States Parties recognise the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child’s sense of dignity and worth, which reinforces the child’s respect for the human rights and fundamental freedoms of others and which takes into account the child’s age and the desirability of promoting the child’s reintegration and the child’s assuming a constructive role in society.”

# How to secure justice for all children and young people?

- Ensure consistent legal definition of children (particularly in respect of 16- and 17-year-olds)
- Ensure children do not appear in adult courts
- Ensure children are only detained as a last possible resort
- Raise the minimum age of criminal responsibility
- Use social inclusion and social justice as prevention
- End the disproportionate criminalisation of children with care experience
- End any identification in the media of children under 18 years of age in conflict with the law
- Strengthen early intervention and diversion





"I think the adult should learn more about the rights and take more time with young people instead of just looking at files"

"Get rid of your leaflets and booklets. Go back to basics and be human, just speak to people, talk to people about what their rights".

"...adults should take more time with a person and actually listen to what they are saying and try and help them move on instead of keeping them locked up"

"A lot of professionals automatically assume as young people with lived experience we know about our rights when we don't"







**Thank you! 😊**