

UN Committee on the Rights of the Child
Day of General Discussion
Protecting and Empowering
Children as Human Rights Defenders

Submission of the Children and Young People's Commissioner Scotland

The UN Declaration on Human Rights Defenders¹ defines human rights defenders as any person or group working to promote human rights, ranging from intergovernmental organisations to individuals working within their local communities. Defenders can be of any gender, *of varying ages*, from any part of the world and from all types of backgrounds. They can work through professional or non-professional activities and can act to address any human right on behalf of individuals or groups, be it civil and political rights or economic, social and cultural rights. This submission concentrates on the ways in which the states can support children as human rights defenders.

Children as Human Rights Defenders in Scotland

Many children in Scotland already advocate for the realisation of human rights for themselves, their peers and others as human rights defenders on a local, national and international scale². Many more children - as individuals or as collective groups - have the potential to advance and safeguard human rights and fundamental freedoms. It is the role of adult duty bearers to recognise, empower, support and protect children human rights defenders. Within Scotland, historic examples of children acting as human rights defenders include the Glasgow Girls' campaign to

¹ [A/RES/53/144](#)

² For further examples, see [here](#).

end dawn raids to detain asylum-seeking families³ and Martha Payne's campaign to improve school meals, both in Scotland then in Malawi⁴.

There are also many children who engage in everyday acts of inclusion, kindness and advocacy, such as those who encourage inclusive friendship circles, challenge bullying behaviour and form human rights groups in school. It is important to identify these children as human rights defenders and help them self-identify as human rights defenders, to ensure they are supported, empowered and protected.

Challenges facing children as human rights defenders

At present, the balance of power between adult duty bearers and children as rights holders remains with the adults. How this affects children's everyday experiences can be significant and impact greatly on their capacity to act as human rights defenders. At home, in school and in the wider community, children are dependent on duty-bearers and can have little power to challenge them. This may occur at a national level when governments impose agendas that negatively impact on children's lives, or a local level when teachers enforce policies that do not take children's views into account.

Children have the right to have their views given due weight when adults are making decisions that affect them, as outlined in Article 12 to the UNCRC. There is clear evidence that children's input improves society in areas as diverse as environmental issues, community planning, school life, policing and health⁵. While Scottish Government have taken steps to involve children in the development of national law and policy⁶, children say that opportunities to be involved in genuinely participative processes are still rare⁷. In many parts of Scotland, children are not yet supported by a wider participatory framework that would bring Scotland in line with the Committee's standards for participation. The Committee has raised concerns about persistent failures to take account of children's views in decisions that affect them at all levels⁸. Engaging children in decision-making environments that are child-led and

³ [Scottish Refugee Council - Glasgow Girls](#)

⁴ [Never Seconds blog](#)

⁵ See examples of child participation across the UNCRC in Together's [2016 State of Children's Rights](#) report.

⁶ See Scottish Government. '[Involving children and young people](#)'.

⁷ Together (2016). [State of Children's Rights report](#), p 7.

⁸ [CRC/C/GBR/CO/5](#).

which link to meaningful change is key to creating a space in which children's capabilities as human rights defenders can flourish.

Case Study - Votes at 16

The Scottish Youth Parliament (SYP) consists of democratically elected representatives of young people in Scotland aged 12-25 – Members of the Scottish Youth Parliament (MSYPs). In 2012, MSYPs voted overwhelmingly to make Votes at 16 their priority campaign for the year. As a result of their campaign, 16 and 17-year olds voted in the 2014 Scottish Independence referendum and in 2015 legislation was passed to allow 16 and 17 years olds to vote in Scottish and local elections. [See more here](#)

Children have historically been excluded from many aspects of public and political life, such as the right to vote. In Scotland, the franchise has recently been extended to 16 and 17 year olds in election for local government and the Scottish Parliament, though re⁹. On an everyday basis, children's participation in school matters is key for the encouragement of democratic engagement. A 2014 review found that children want a more active role in planning their learning¹⁰. Yet school participation structures – such as pupil councils – are rarely influential in teaching matters and pupils are often not involved in final decision-making¹¹.

In instances where rights violations have occurred, human rights defenders must be able to obtain a just and timely remedy as set out in international standards. The Human Rights Council have stated that, "The concept of access to justice for children requires the legal empowerment of all children. They should have access to relevant information and effective remedies to claim their rights, including legal services, child rights education, counselling, and advice and support from knowledgeable adults."¹². Yet children face many challenges within the legal system. The Committee has raised concerns about the impact on children of legal aid reform throughout the UK including Scotland¹³. Legal proceedings remain

⁹ Telegraph: [16 and 17 year olds given the vote in Scotland](#)

¹⁰ From 'Leaders of Learning programme' commissioned by Scottish Government, led by a children's organisation coalition.

¹¹ Scottish Government Social Research (2013). [Children and young people's experiences of, and views on, issues relating to the implementation of the United Nations Convention on the Rights of the Child.](#)

¹² [A/HRC/25/35](#): Para 5.

¹³ See Clan Childlaw (2014). '[Legal Assistance for Children and Young People](#)' for evidence of the negative impact of the regulation changes to children and young people's access to legal aid.

intimidating and adult-focused, and the availability of independent advocacy for children remains inconsistent across Scotland¹⁴. Access to legal aid and judicial redress is essential for protecting child human rights defenders.

It is important to recognise that there are individuals and groups at all levels of society who are against the advancement of children's human rights. Children's economic, social and cultural rights can meet with resistance at all levels. This intolerance has been recognised by the Committee, which in 2016 repeated the recommendation to take urgent action to address 'negative public attitudes' towards children¹⁵.

Case Study - Mosquito Devices

In 2017, several members of the SYP discovered that mosquito devices were in use across Scotland. These devices emit a high pitched sound which few adults can hear, but which is extremely annoying to children. They are used to discourage children from gathering in public spaces and were in use at railway stations in Scotland and even several schools. MSYPs worked to raise awareness about these devices through the media and were successful in having them removed from many locations, including all Scotrail stations. [See more here.](#)

Existing children's rights and business principles¹⁶ recognise that the wide reach of the private sector, with its particular economic and political influence, has a crucial role to play in the protection and promotion of human rights. It is important to engage business leaders, media representatives and those outside the children's sector to challenge narrow understandings of children's rights across civil and political, and economic social and cultural life. Such engagement is essential to effect a culture change to support and protect child human rights defenders.

Supporting children as human rights defenders

There are existing networks and movements in Scotland that are well placed to support and embed empowerment of children human rights defenders. The Children's Parliament Unfearties¹⁷ bring together a adult defenders of children's

¹⁴ Who Cares? Scotland (2016). [Advocacy Matters; an analysis of young people's views.](#)

¹⁵ [CRC/C/GBR/CO/5](#): Para 23.

¹⁶ UNICEF (2012). [Children's Rights and Business Principles.](#)

¹⁷ Children's Parliament, [Unfearties.](#)

rights, including the First Minister of Scotland. Children and young people themselves are leading 2018's Year of Young People¹⁸ and the nation-wide Champions Boards¹⁹ are improving the lives of children in care every day. The Scottish Youth Parliament's Right Here Right Now campaign seeks to strengthen awareness and understanding of children's rights and explicitly aims to "empower children to take action to defend their own rights and those of others"²⁰, while Who Cares? Scotland is a youth-led organisation campaigning for the rights of children with care experience. Such networks provide the inspiration and foundation on which to support children as human rights defenders.

Case Study - 1000 voices

Through the work of Who Cares? Scotland, children and young people with experience of being in care led a successful campaign to increase the care leaving age and extended provision of post-care services in Scotland. This campaign led to the 1000 Voices campaign which put care experienced children in direct contact with the First Minister of Scotland. [See more here.](#)

Learning from parts of the world which have experienced resistance to the narrative of 'human rights defenders'²¹, Scotland must develop children's potential as human rights defenders through a culture change in which participatory processes are embedded and awareness raising broadly disseminated. This must raise awareness of the role of society to support child human rights defenders root and make the obligations of duty bearers at all levels of the state very clear.

A culture change that recognises children as autonomous rights-holders and defenders of human rights will increase awareness and implementation of the UNCRC itself. There are multiple actors who are integral to supporting such a culture change.

The Children and Young People (Scotland) Act 2014, placed a duty on public bodies and Scottish Ministers to report on UNCRC implementation²². The Scottish

¹⁸ Young Scot, [Year of Young People 2018](#).

¹⁹ The Life Changes Trust, [Champions Boards in Scotland](#).

²⁰ Scottish Youth Parliament, ['Right Here Right Now' campaign](#).

²¹ See Child Rights Connect (2017). [Proposal on the Day of General Discussion 2018](#), p 5.

²² [Children and Young People \(Scotland\) Act 2014, Part 1](#).

Government's 2017 Programme for Government²³ commits to undertake a comprehensive audit on the most effective and practical way to further embed the UNCRC into policy and legislation, including the option of full incorporation into domestic law. The Scottish Government have taken important steps to improve their engagement with children. The first Scottish Cabinet meeting for children and young people was held in 2017 and this is now an annual event in the Scottish political calendar²⁴.

Case Study - Rights Review

As part of their Right Here, Right Now campaign, the SYP held the Young People's Rights Review, which was attended by 8 Scottish Ministers and over 40 senior officials from Scottish Government. MSYPs researched which topics were important to children and young people in their constituencies and prepared short speeches outlining how these impacted on children's human rights. [Read more here.](#)

Due in 2018, the first Ministerial report will outline steps taken by Scottish Ministers to further implementation of UNCRC and outline an action plan for the next three years. To be effective the plan must co-ordinate UNCRC activities across government, local authorities, public bodies, businesses and community level. It must include a strategy to raise awareness and understanding of the UNCRC – and human rights defenders – that engages all sectors of society, from government officials, parliamentarians and the judiciary through to teachers, health care workers, the police, the media and parents and carers.

Case Study - Streets Ahead Tranent

As part of the Year of Innovation, Architecture and Design 2016 and the Festival of Architecture, StreetsAhead Tranent explored children's views and experiences of their local community and built environment; examining how these factors impact on children's rights and wellbeing - 250 children from local primary schools participated. Workshops included inputs from local community members, urban designers, historians and wildlife rangers. [See more here.](#)

²³ Scottish Government (2017). [A Nation with Ambition: Programme for Government 2017-18.](#)

²⁴ See Scottish Government, ['Annual Cabinet event with children and young people'](#).

The responsibility to support children as human rights defenders sits not just with the Scottish Government but across all public sector organisations. This was recognised by the Children and Young People (Scotland) Act 2014, which placed a duty on all public authorities to report on what steps it has taken in that period to secure better or further effect within its areas of responsibility of the UNCRC requirements²⁵.

An emphasis on strengthening local authority engagement with children is integral to improving the recognition, support and protection of children's everyday activities defending human rights in school, at home and in the community. Local figures such as Councillors, council officials, community leaders, police, health workers and teachers play a prominent part in children's everyday lives. Awareness-raising and human rights training for community planning networks can address power imbalances and knowledge gaps in the workforce that put up barriers to children's participation and leadership in defending the human rights of themselves and their peers.

Whilst there are examples in Scotland of children being involved in decision making across all areas of policy, practice is inconsistent and, as noted earlier, children continue to report that they are not always involved in final decision making. Local Authorities and other public authorities listed within the 2014 act, including NHS boards, Police Scotland, the Scottish Fire Service, Bòrd na Gàidhlig, Sports Scotland and Creative Scotland must ensure that children's engagement extends across the full range of their activities, not just those which are focussed on children. This duty should be extended to other publicly funded organisations (non-departmental public bodies)²⁶.

²⁵ [Children & Young People's \(Scotland\) Act 2014](#)

²⁶ For a full list of NDPOs click [here](#)

Case Study - Young Edinburgh Action

Young Edinburgh Action, a group of teenage children, are supported by City of Edinburgh Council and local NGOs, to conduct research on the views of their peers to inform council and national policy. Their research has included topics such as support for LGBT children and sex and relationship education. They present their findings and recommendations to leaders through “Conversations for Action”. [Read more here.](#)

Children’s day to day lives are significantly impacted by the places in which they spend the most time. For school age children this means schools, yet children report that they often face resistance or even sanction when defending the rights of children in schools. Parental involvement in Scottish schools was placed on a statutory footing, with accompanying guidance, in 2006²⁷, but no equivalent legislation is in place for children’s participation. Education Scotland have, however, recently produced guidance on Learner Participation in Educational Settings and placed this within the schools improvement framework²⁸.

Case Study - Plastic Straws

When P7 pupils (aged 10-11) from Sunnyside Primary School in Glasgow visited the village of Ullapool in the Highlands, they were shocked to discover thousands of plastic straws on an uninhabited island in Loch Broom. Together with pupils from Ullapool Primary School they successfully campaigned for Ullapool to become the first plastic straw free town. This campaign received international attention and their campaign has contributed to a reduction in the use of non-biodegradable drinking straws all over the world. [See more here.](#)

Examples such as the Glasgow Girls and more recently the child-led campaign to reduce the use of plastic straws demonstrate that children can be effective human rights defenders. By working with other children and with adults who support, protect and empower them, child human rights defenders can have significant national or even international impact.

Role of the Media

²⁷ Details of legislation and guidance [here](#)

²⁸ [Learner Participation in Educational Settings](#), Education Scotland

Effective use of media is critical to the provision of the information that children need to be human rights defenders. Using media platforms to promote the work of child human rights defenders and celebrate their activities empowers children.

Organisations such as the Children’s Parliament and the Scottish Youth Parliament demonstrate ways in which children can use media to build support and reach other children with age-appropriate information through their social media campaigns, videos, blogs, vlogs and newspapers²⁹.

It is also essential to address the risks posed by the media to the safety of child defenders. The Special Rapporteur emphasises the “holistic security” of defenders which includes digital security and psychosocial wellbeing³⁰. Ensuring cyber resilience in child defenders provides fundamental safeguards that build on the state’s responsibility as duty bearer to protect. Existing frameworks on which to draw include the 5Rights initiative³¹ aimed at enabling children to access the digital world creatively and knowledgeably. It promotes a positive and holistic rights-based approach drawing on key articles of the UNCRC that reinforce not only safeguarding skills, but empowerment for children online. A culture of holistic security among defenders will develop knowledge, skills and abilities, build defender networks, and protect and support defenders.

Members of the media themselves can be human rights defenders, and media can also reinforce patterns of discrimination faced by children. It is therefore essential that media representatives are engaged and informed throughout the development of the children’s human rights defender framework.

²⁹ Examples: Children’s Parliament [Seen + Heard newspaper](#) and the Scottish Youth Parliament’s [MSYP blogs](#).

³⁰ [A/HRC/31/55](#): Para 39.

³¹ See the [UK framework for 5rights](#) and the [5rights Youth Commission for Scotland](#).