

Scotland's National Action Plan for Human Rights



Scotland's Commissioner
for Children & Young People

Overview

Scotland's National Action Plan for Human Rights, or **SNAP**, helps to:

- improve Scotland's human rights record
- close the gap between rhetoric and reality for human rights in Scotland.

As SNAP enters its second year, it is clear that significant progress has been made around emphasising children's rights in Scotland's policy and practice. As well as this, meaningful participation of children and young people is becoming an increasingly important part of service delivery for children's organisations. However, children's rights and voices are still too often ignored, and much more must be done to make sure all the Plan's goals are met.

Key areas to focus on in SNAP's second year

Participation and education

Article 12 of the UNCRC says that children and young people should be able to express their views freely in all matters that affect them. However, our office hears stories every day of those who are unable to do so. A great deal of work still needs to be done to make sure that children and young people are aware of their rights, and that those who work closely with them know about best-practice approaches to meaningful participation.

The UN Committee on the Rights of the Child is particularly concerned by a lack of participation in younger children, and notes that no clear structures exist in Scotland to better support this.

Poverty and austerity

As the European Network of Children's Ombudspersons has noted, *living in poverty does not simply affect children's experience during childhood, it also frequently serves to curtail the life chances available to them as adults*. **Article 27** of the UNCRC states that *every child has the right to an adequate standard of living*, but it's clear that the UK government isn't doing all it can to make sure this is the case.

The UN Committee on the Rights of the Child has continually been frustrated by a lack of consistent budgetary analyses and child rights impact assessments by the UK, which make it difficult to identify how much of the country's expenditure is allocated to children. They recommend the maximum extent of available resources for implementing children's rights be allocated, with a focus on eradicating poverty and reducing inequalities across the country.

Mental health treatment

SNAP recognises that health inequalities are rising and that stigma and discrimination are infringing the rights of people with mental health problems. Recent figures show that only 78% of children and young people waiting for mental health services were seen within 18 weeks in Scotland. The acute lack of services is a particular problem for those with severe behaviour management problems, who require cross-border care.

Additional concerns in this area are the number of children and young people being treated in inappropriate settings, including adult wards, and the use of

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police custody as a place of safety for those needing urgent treatment for their mental health.

Disability

The Commissioner's report into changes in service provision to disabled children, young people and their families found evidence of:

- reductions in local authority budgets and services for disabled children
- tightening of eligibility criteria
- support being removed without review or reassessment
- a lack of consultation with disabled children and young people.

Contact a Family's *Counting the Costs* campaign recently revealed that disabled children and their families are being forced to go without food and heating because of rising bills and benefit cuts.

The UN Committee on the Rights of the Child is concerned that physical restraint on children is still used in places of deprivation of liberty. The Commissioner is also concerned about using restraint techniques for managing behaviour in schools and other settings. The Committee has previously urged the UK to make sure restraint against children is used exclusively to prevent harm to the child or others and only as a last resort.

Access to justice

Recent changes to the law have reduced children and young people's access to legal aid, and place severe limitations on a child's access to justice. They also compromise the confidentiality and independence of the child in his or her own right to access justice.

At 8, the age of criminal responsibility in Scotland is woefully low. Although there have been some improvements in recent years, children under 8 are still being included in records of crime.

Protection from violence

Children have the same right as adults to respect for their human dignity and physical integrity and to equal protection under the law, in the home and elsewhere. Scottish legislation, however, currently permits a *justifiable assault* of a child. This contradicts the UN Committee's constant call to prohibit all corporal punishment in the family and in any other contexts not covered by existing legislation. The Commissioner urges the Scottish Government to urgently address this in order to make sure the right of children and young people to live free from violence is protected.

Further information

For further information on any issues raised in this briefing, please contact Chloe Swift, Policy Officer:
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For more detail on the Commissioner's position on this issue, [*read his full length briefing on SNAP.*](#)