



# Children's Rights and the Current Context

What are they?

Why do they matter?

How do we realise them?

# Raising awareness of UNCRC

The aims of this session are:

- To further develop **knowledge and understanding** of the United Nations Convention of the Rights of the Child (UNCRC).
- To support individuals and schools to begin **to reflect on** current practice .
- To ensure we fully take the UNCRC into account in all our **actions in accordance with legislation**.

# What is it all about?



## United Nations Conventions on the Rights of the Child

## Incorporation Journey

- In June 2019 the Deputy First Minister announced that the United Nations Convention on the Rights of the Child (UNCRC) would be incorporated into law. Following a consultation period MSPs unanimously agreed to the general principles of the Bill following the Stage 1 debate,
- The Bill passed Stage 2 on 11th February 2021. A series of amendments were made which will further strengthen the legislation.
- The Bill passed stage 3 on 16<sup>th</sup> March 2021.
- Shortly after the Bill was passed, the UK Government raised concerns that parts of the Bill exceeded the powers of the Scottish Parliament.
- It sent the case to the UK Supreme Court. The judges unanimously decided that four sections of the Bill go beyond the powers of the Scottish Parliament.

### **What will happen next?**

- The UNCRC Bill should return to the Scottish Parliament so that MSPs can address their concerns. The Bill cannot be sent for Royal Assent until it is amended
- Once the Bill is amended and Royal Assent is given, the Bill will automatically enter into force six months later. Scottish Government can choose to commence the Bill even sooner than six months. To make the required amendments to the Bill, it is the Deputy First Minister's intention to return a revised UNCRC Bill to Parliament as soon as practicable via the 'Reconsideration Stage'. It is hoped that the Reconsideration Stage will take place after the Parliament's summer recess and before the end of the calendar year, ie 2022.

The vast majority of work needed to progress UNCRC implementation will continue whilst these technical issues are addressed. Scottish Government are working on a phased approach to producing guidance that will support everyone in Scotland progressing children's rights.

# What are rights?



Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.



Human rights are the basic rights and freedoms which everyone is entitled to. We are all entitled to human rights in order to live with dignity.

**Oxford Online Dictionary:**  
A moral or legal entitlement  
to have or do something

# What is the UNCRC?

Every child has the **right** to survival, protection and education. The United Nations Convention on the **Rights** of the Child (**UNCRC**) is a legally-binding international agreement setting out the civil, political, economic, social and cultural **rights** of every child, regardless of their race, religion or abilities.

United Nations



Convention on the  
Rights of the Child



# What are 'the' rights?

# The Articles

## The United Nations Convention on the Rights of the Child

- **UNIVERSAL** – applies to all children regardless of race, religion, ability or family circumstance.
- **UNCONDITIONAL** - children everywhere in the world are entitled to rights – they do not have to be earned. They are not dependant on, and should not be linked to, responsibilities – children have them regardless.
- **INALIENABLE** - they cannot be given or taken away.
- **INHERENT**- they are permanent and cannot be separated from the individual.
- **INDIVISIBLE** - rights are completely interdependent and depend on each other for their effectiveness.





# 54 Articles

3 domains/themes:

- PROVISION
- PROTECTION
- PARTICIPATION

The United Nations  
Convention on the  
Rights of the Child



# General Principles (underpinning rights)



## Article 2 – without discrimination

The Convention applies to EVERYONE.

## Article 3 – best interests of the child

The best interests of the child must be a top priority in all things that affect children.

## Article 6 – survival & development

Every Child has the right to life. Governments must do all they can to ensure that children survive and develop to their full potential.

## Article 12 – respect for the views of the child

Every child has the right to say what they think in all matters affecting them, and to have their views taken seriously.

# Wants, Needs and Rights

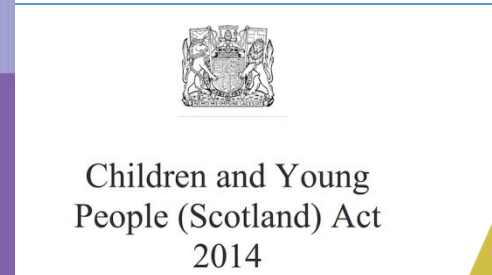
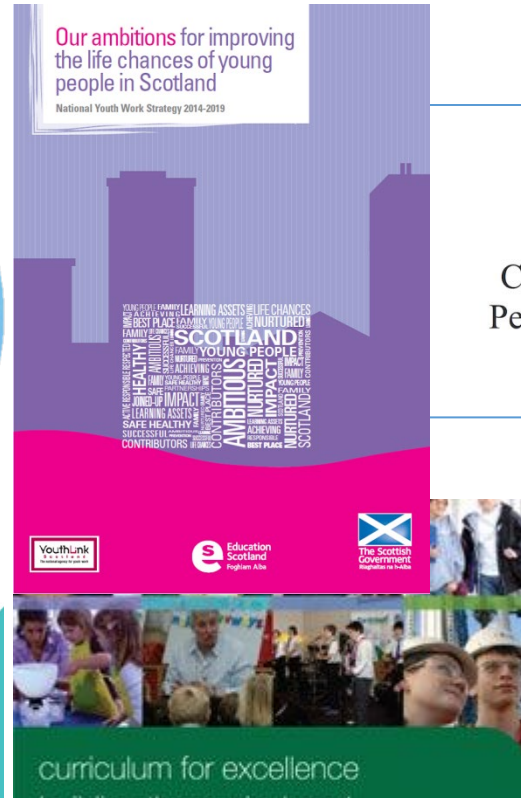
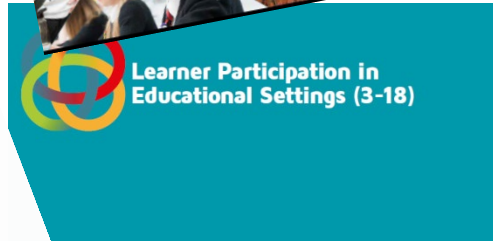
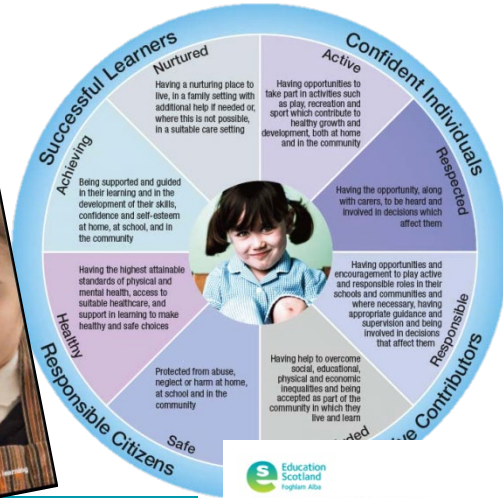
- Want - a desire for something.
- Need - the state of requiring help, or of lacking basic necessities such as food.
- Right - a moral or legal entitlement to have or do something.



# Why do rights matter?

# Policy Landscape

In what way does the education landscape provide opportunities for children's rights to be realised?



# UNCRC Articles and the GTCs Professional Standards

## 1.1 Professional Values

- Embracing global educational and social values of sustainability, equality, equity, and justice and recognising children's rights.
- Respecting the rights of all learners as outlined in the United Nations Convention on the Rights of the Child (UNCRC) and their entitlement to be included in decisions regarding their learning experiences and have all aspects of their wellbeing developed and supported.



# What can we do?

As duty bearers we have a responsibility to:

- children are supported to form an informed view and that these views are fully considered in decision-making.
- create an environment that enables the child to exercise their right to be heard.
- provide timely and accessible feedback.

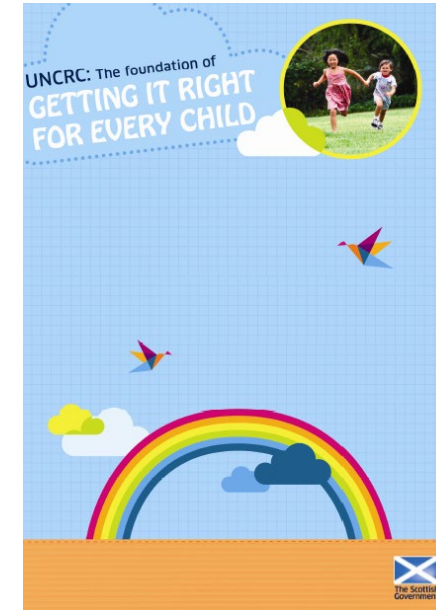
## *We also need to consider:*

School based decisions such as: policies, procedures, working groups.

Classroom based decisions eg: collaboration & co-creation, success criteria, AiFL .

Planning decisions not limited to: IEPs, child's plans, transitions, request for assistance.

# UNCRC Articles and the Wellbeing Indicators



*UNCRC: The Foundation of Getting it Right for Every Child*



# What is a rights based approach?

*'A children's rights based approach is a principled and practical framework for working with children and young people, grounded in the UNCRC and other international rights conventions. It is about placing the UNCRC at the heart of planning and service delivery and integrating children and young people's rights into every aspect of decision making, policy and practice'*

*- State of Children's Rights Report, 2017*



# Benefits of Rights-based Approaches

## and Effective Learner Participation

Improved pupil-teacher relations

Improved guidance and support

A better school ethos and a greater sense of shared community

Improved engagement, empowerment, and commitment to education

Improved peer relations across the school age ranges

Creativity

A reciprocal sense of feeling valued, trusted and respected

Improved achievement and attainment

Improved teaching and learning

Emotional empathy

Life skills such as teamwork, problem-solving and citizenship

An addressing of the 'attainment gap' between learners from different backgrounds

# How do we realise rights?

# Goals of Education

## 3 main articles:

- 28 – Right to an education. This must respect children’s dignity.
- 29 – Education must develop every child’s personality, talents and abilities to the full.
- 31 – Relax, play and take part in a wide range of cultural and artistic activities.

The United Nations  
Convention on the  
Rights of the Child



# What about vulnerable groups?

- Children and young people impacted by poverty
- English as an Additional Language
- Additional Support for Learning
- Care Experienced Children and Young People
- Young Offenders

## Reflecting on the goals of education:

- How does our school / LA support the delivery of the goals of education?
- How do we embed a rights based approach?
- Have we audited your knowledge of Children's Rights using the GTCS standards?
- What opportunities do we provide to support children and young people in a variety of choices?
- What additional supports do we offer for vulnerable children and young people?
- What more do we need to do?
- What support do we need?
- What are our next steps?