

Cross Party Group on Children and Young People

Draft Minute

Topic: The Role of Parliament in Progressing Children's Rights

Date: 13/12/17

Time: 3-5pm

Venue: Committee Room 4

Chair: Alex Cole Hamilton MSP

Attendees:

Alex Cole Hamilton MSP,	Fulton McGregor MSP	Alison Johnstone MSP
Juliet Harris	Liz Millership	Joanna Shepard
Maria Doyle	Bruce Adamson	Amy Lee Fraoili MSYP
Cathy McCulloch	Laura Pasternak	Anne Wilson
Laura Van Der Hoeven	Agnes Mullen	Ann Clark
Robert McGeachy	Eileen Prior	Garry McGregor
Chloe Riddell	Fiona Jones	Louise Morgan
Katherine Anderson	Kay Tisdall	Patricio Cuevas Parra
Carlene McAvoy	Kirsten Harrold	Laura Armstrong
Stacey Duffy	Andressa Gadda	Chris Ross
Justina Murray	Annie McGovern	Lizzie Morton
Deva MacGinty	Marie McQuade	Karina Malca Padilla
Daniel Cosgrove	Liam Slaven MSYP	

1. Welcome from Fulton MacGregor MSP

Fulton MacGregor welcomed the group and highlighted that the high turnout showed how important the subject was. He also noted a need to look at the meeting times.

Fulton MacGregor then offered the chance for attendees to introduce themselves.

Alex Cole Hamilton also took this opportunity to welcome cross party group members.

2. Introduction to the mural and setting the scene - the role of Parliament in progressing children's rights –

Juliet Harris, Director Together Scotland

- We are at an important and exciting a time we were in for progressing children's rights. The Early Years and Childcare Minister has to submit a report under the duties of the Children and Young People (2014) Act.
- There is widespread support for the incorporation of the UNCRC in the Scottish Parliament.
- The mural created by pupils at Sciennes Primary School was introduced. Juliet highlighted how children felt excluded from policy making at Victoria Quay.

- Juliet noted that the process of incorporation was itself important. It shows the cross cutting nature of children's rights.
- Article 12 of the UNCRC is the most quoted but it is not well understood. There needs to be ongoing meaningful engagement including feedback. The Scottish Government needs to do more in this regard. The mural highlighted this – children and young people know their rights, but they are still out of reach.
- Juliet posed the question for the CPG – What will we do to progress children's rights and influence the 2018 report?

3. Period of reflection - where are we now and what more needs to be done?

Bruce Adamson – Children and Young People's Commissioner for Scotland.

- Bruce highlighted the importance of a well funded and independent civil society to hold government to account. Civil society also needs support to ensure children and young people are listened to within this.
- A key priority is to strengthen the ability of the UN to fulfill children's rights in all of its processes.
- In Scotland we are at a tipping point. Changes to the laws in Equal Protection are coming because of people who were in the room. However the age of criminal responsibility needs to change.
- The programme for government has caused some excitement and YOYP offers the opportunity to demand change.
- Bruce told the CPG about how he is involving children and young people in decision making and CYPCS.
- Children and young people have told Bruce that they want him to be approachable and friendly around them and fearless when holding government to account.
- Parliament should be a guarantor of human rights but there needs to be a fundamental change in parliamentary practice. However he also highlighted the good practice of the Equalities and Human Rights Committees and the Education and Skills Committee and the positivity of the Bullying and Harassment Report.
- Bruce introduced his young advisor Liam, who spoke about being involved in the CYPCS strategic plan. Liam identified that more needs to be done to consult with young people and involve them in all decisions including financial ones that affect them.

Amy Lee Fraoili – Chair of Scottish Youth Parliament

- Amy Lee current SYP campaign, Rights Here, Rights Now. The campaign has been selected following consultation with children and young people. MSYPs chose the name and one designed the logo. SYP will be working with partners throughout the campaign.

- The campaign wants all children and young people to be recognized equally and to know how to defend their human rights. The campaign will encourage decision makers to take a human rights based approach.
- The campaign has three key themes, Advocacy, Action and Awareness.
- Amy Lee reflected that we are at a key moment. Rights are being breached and the UNCRC needs to be incorporated.

Rights to food and social security are not being realized, taking a rights based approach will allow us to challenge. It can also provide a shield against Brexit.

- We need to encourage people to be human rights defenders.
- MSYPs feel that the Scottish Parliament has potential to defend human rights and needs to become a human rights guarantor. However parliament needs to not rush bills through parliament, this will promote more meaningful engagement.
- Alex Cole Hamilton, highlighting that he felt that Scottish Parliament was still behind in progressing children's rights. He felt MSPs needed training and parliament must get better at closing the feedback loop.

Cathy McCulloch – Children's Parliament

- Policy in relation to children's rights is good but practice is not.
- Cathy gave an illustration of Children's Parliaments work, including how they approach a session with a group. They will only start a project with children and young people once they all have a basis in children's rights and understand the topic.
- At the moment we are not focused enough on relationships. Instead we punish and make children apologize.
- Children's Parliament have recently published a report titled 'What Kind of Scotland'. They spoke to children about home, poverty, assault.
- Children identified that shouting is a big issue in schools, this does not help them learn and it frightens them.
- We need to take a rights based approach to tackling bullying. Reward and punishment do not teach children.
- To make progress we need to start to listen to all forms of communication from children.
- When we visit schools or services we need to wander around and meet all children. We will often be presented with the 'good' kids. We also need to listen to younger children and seek views on a wider range of issues.

4. Floor Debate

Chloe Riddell, Children First –

- Had hoped for incorporation of the UNCRC. Also highlighted that we should work with SYP and as individuals on campaigns such as period poverty and mosquito devices.

Fulton MacGregor, MSP –

- First noted he had intended to leave early but the presentations were so engaging so he didn't.
- Fulton highlighted his experience as a social worker, said best work is done with we listen to children and young people on an individual level. Says the culture is shifting towards this and putting children at the centre. He noted a Families Outside reception and how powerful children and young peoples voices were in this.

Alex Cole Hamilton MSP –

- Noted that the Equalities and Human Rights Committee is focusing on why we should incorporate. Alex also noted we are already behind in this regard but are starting to make progress.

Kay Tisdall – Edinburgh University

- Asked whether the CPG can send a letter to the Minister for Childcare and Early Years welcoming the involvement of children and young people in the report on UNCRC incorporation to the Scottish Parliament.

The letter could also ask for further details including;

- What support of the CPG can provide and look to identify what contributions the group can make.
- The content of the report and whether it will reflect on the concluding observations from the UN Committee on the Rights of the Child (2016), relevant to Scotland, and the proposed action the Scottish Government will take in addressing them? Will the report overall be action oriented, with distinct plans and timeframes for how to improve children's rights in Scotland.
- The letter could also ask for clarity on the proposed process and content of the audit on the potential incorporation of the UNCRC that was committed to in the programme for government.
- *Alex Cole Hamilton* felt this was a good idea as CPGs can sometimes lack an outcomes focus.

Laura Van Der Hoeven – Families Outside

- Laura noted tremendous progress in children's hearing. However also noted there is a dichotomy in children's and adults justice and how children's voices feed into adults cases.
- Laura also asked whether incorporation of the UNCRC would need stand alone legislation. Alex Cole Hamilton noted that they had looked at amending the Children and Young People (2014) Act, but it was too complicated.

Justina Murray – Scottish Families Affected by Drugs and Alcohol

- Justina noted that they have not taken a rights based approach up until this point but will be looking to do so in the future.
- Queried how we hold public bodies to account in relation to involvement of children and young people?

Juliet Harris – Together Scotland

- The CYP Act provides a high level duty that can be used to progress children's rights.
- Together's State of Children's Rights Report highlights good practice across the country. The report emphasizes relationships.
- However we must do more to show what a rights based approach is.

Bruce Adamson – CYPCS

- Demonstrating good practice is vital. It demonstrates that engagement works and that it is fun.
- There is also a gap in the economic analysis – we need to show savings in other areas from embedding children's rights.

Fiona Jones – Clan Childlaw

- Clan Childlaw are very positive about the UNCRC. Also feels we can use the UN concluding observations and the 2016 State of Children's Rights Report to progress children's rights.
- Fiona also highlighted sibling contact for looked after CYP. Alex Cole Hamilton highlighted the link here on attachment and trauma and how it can impact in other areas.

Alison Johnstone MSP

- We have been discussing incorporation for a while. The SYP campaign may help push things forward.
- Alison then posed the question of what can we do and why is their hesitance?

Juliet Harris – Together Scotland

- The debate has moved on from when it has been had before used to focus on language and domestic law. But now we are more focused on finding a bespoke model of incorporation that works and builds on international experience.
- However we need an inclusive conversation that reaches the wider public to avoid a human rights backlash.

Amy Lee Fraoili – Chair of Scottish Youth Parliament

- Agrees that wider public awareness vital, people do not know the Human Rights Act does not cover the UNCRC.

Bruce Adamson – CYPCS

- Agreed and noted there is a current lack of knowledge about human rights.
- Bruce also noted we need to provide support for families.

Cathy McCulloch – Children’s Parliament

- Cathy noted fear is a big reason for not progressing children's rights. Highlighted that from Children's Parliament experience parents do not want children to be taught about rights.

Liam Slaven MSYP

- More protection is needed for care experienced young people when applying for jobs. Alex Cole Hamilton called for more protection in a recent YOYP debate. It is covered in the Equality Act but parliament can do better in applying the law.

Eileen Prior – Scottish Parent Teacher Council

- Eileen identified that SPTC are often contacted by parents who feel that rights are not being met, such as with unclean toilets.

Alex Cole Hamilton –

- Tabloids often act like there is a tension between children and adults rights and we need to be clearer we are not drawing lines.
- Parliament also needs to lead on public opinion. Equal Protection raised as a prime example.

Juliet Harris – Together Scotland

- Interesting to hear of specific examples, all that were raised were things raised by the UN Committee.
- Juliet also suggested that the CPG use the 2018 report as a programme for action, this was supported by Fiona Jones.
- Also suggested that the CPG should engage with the Equalities and Human Rights Committee to identify how the CPG can feed in. Alex Cole Hamilton noted the secretariat should write to the committee to set this up.

5. Actions Agreed

- Secretariat to send a letter to the Minister for Childcare and Early Years welcoming the involvement of children and young people in the report on UNCRC incorporation to the Scottish Parliament.

The letter will also ask what support of the CPG can provide and for details on the content of the report.

It will also ask for clarity on the proposed process and content of the audit into the incorporation of the UNCRC.

- The CPG will use the 2018 report as a programme for action. The secretariat will explore how to take this forward.
- The Secretariat will draft a letter to the Equalities and Human Rights Committee to identify how the CPG can engage with the group.

6. Dates & Topics of Next Meetings

- January/ February
- April
- June – YOYP takeover of the CPG

Other topics to include Additional Support Needs and children and young peoples mental health.