



OFFICIAL REPORT
AITHISG OIFIGEIL

Equalities and Human Rights Committee

Thursday 10 May 2018

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.parliament.scot or by contacting Public Information on 0131 348 5000

Thursday 10 May 2018

CONTENTS

Col.

HUMAN RIGHTS AND THE SCOTTISH PARLIAMENT 1

**EQUALITIES AND HUMAN RIGHTS COMMITTEE
14th Meeting 2018, Session 5**

CONVENER

*Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP)

DEPUTY CONVENER

*Alex Cole-Hamilton (Edinburgh Western) (LD)

COMMITTEE MEMBERS

- *Mary Fee (West Scotland) (Lab)
- *Jamie Greene (West Scotland) (Con)
- *Fulton MacGregor (Coatbridge and Chryston) (SNP)
- *Gail Ross (Caithness, Sutherland and Ross) (SNP)
- *Annie Wells (Glasgow) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

- Sanna Aziz MSYP (Scottish Youth Parliament)
- Angela Constance (Cabinet Secretary for Communities, Social Security and Equalities)
- Mika Davidson (Action for Children)
- Dylan (Children's Parliament)
- Rama Hane (Action for Children)
- Hannah (Children's Parliament)
- Juliet Harris (Together (Scottish Alliance for Children's Rights))
- Callum Lynch (Who Cares? Scotland)
- Claudia Macdonald (Who Cares? Scotland)
- Khaleda Noon (Action for Children)
- Laura Pasternak (Scottish Youth Parliament)
- Lucinda Rivers (UNICEF UK)
- Chelsea Stinson (Children's Parliament)
- Maryam Zaki (Action for Children)

CLERK TO THE COMMITTEE

Claire Menzies

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Equalities and Human Rights Committee

Thursday 10 May 2018

[The Convener opened the meeting at 09:30]

Human Rights and the Scottish Parliament

The Convener (Christina McKelvie): Good morning and welcome to the 14th meeting in 2018 of the Equalities and Human Rights Committee. I make the usual request that mobile devices be switched to airplane mode and mobile phones be kept off the table.

Agenda item 1 is the continuation of our inquiry into human rights and the Scottish Parliament. We have two panels of witnesses. In our first, Angela Constance, the Cabinet Secretary for Communities, Social Security and Equalities, is supported by Duncan Isles, head of human rights policy, and Marisa Strutt, human rights policy adviser, from the Scottish Government.

Welcome back to the committee, cabinet secretary. You will understand that we are undertaking an incredibly important piece of work and that we are really keen to hear from you about the Government's position on many issues that the committee has been pursuing. I believe that you want to make a brief opening statement.

The Cabinet Secretary for Communities, Social Security and Equalities (Angela Constance): Yes, convener. Thank you very much, and good morning to committee members.

As members know, the Scottish Government has a long-standing record of commitment to human rights. In Scotland, we are all entitled to enjoy extensive human rights safeguards that are delivered by a sophisticated framework of national legislation and international treaty obligations. Those safeguards include the familiar statutory protections that are delivered by the Scotland Act 1998, the Human Rights Act 1998 and the Equality Act 2010, and they include the vital guarantees that are delivered by European Union law and the Charter of Fundamental Rights of the European Union. We know that those guarantees are under threat as a result of Brexit. They also include the fundamental human rights that are identified in the much larger body of international treaty commitments that apply in Scotland.

Those obligations are real and substantive. As the ministerial code makes clear—at least the Scottish version, anyway—we have an

“overarching duty ... to comply with the law, including international law and treaty obligations”.

In key respects, the choice that we have is not whether to secure the rights that are set out in the treaties that apply in Scotland; instead, the question is how to do so in a way that works and reliably delivers for individual rights holders and communities across the whole of our society, including those who suffer disadvantage and are at risk of discrimination. The question of how to implement human rights in ways that really matter is central to the work of not only the Government but the Parliament.

I know that the committee is looking very closely at how parliamentary processes can best support that work. There are obvious similarities with the challenges that the Government faces. Effective human rights training and a commitment to continuing professional development, for example, are important to both institutions. Human rights are core business, and it is the job of everyone in the Scottish Government to help to ensure that we meet our obligations. Public officials not only need to know about human rights; they have to be empowered to respond proactively when human rights issues arise.

If we are to take a human rights approach, it is essential that we do more than just predict how laws and policies will deliver human rights outcomes. We also need to be able to check that those policies and laws are delivering and that they are doing so for every member of society.

A commitment to meaningful and deliberative participation is also required. That is about much more than one-off events. Human rights cannot, by definition, be safeguarded or advanced without the active participation of rights holders themselves.

One of Scotland's particular strengths is the role that civil society plays. I know that the committee has heard from a range of very able and articulate representatives in its on-going inquiry. The Scottish Government is keen to ensure that civil society voices are heard not only at the domestic level; the ability to present civil society views to best effect at the international level adds directly to the value of formal scrutiny processes at the United Nations and the Council of Europe. The better placed we all are to engage effectively with such mechanisms, the greater benefit we will have in shaping our own Scotland-specific deliberations.

The Scottish Government has been leading the way on that front. We are keen to go beyond the inevitable constraints that are imposed by the United Kingdom—rather than Scotland—being the

member state and reporting at international level. To address that and promote a fuller understanding of Scotland's distinctive position, we have sought whenever possible to publish a free-standing Scottish position statement ahead of each treaty examination. The most recent to appear covered our obligations under the United Nations Convention on the Elimination of all Forms of Discrimination Against Women and it was published last week. We expect the formal examination to take place later this year.

As I indicated in January, when I gave evidence on the universal periodic review, there is certainly scope for the Scottish Parliament to use human rights mechanisms of that kind as an important framework within which to develop its own scrutiny work. My view is that the Parliament has a pivotal role to play in ensuring that we use both national and international human rights frameworks to the very best possible effect and as a way to find common ground, construct solutions and make a real-life difference to the everyday lived experience of all members of our society.

I very much look forward to reading and responding to the committee's deliberations in due course.

The Convener: Thank you very much for that detailed opening statement. There are many areas that we would like to interrogate further with you. Gail Ross will kick off.

Gail Ross (Caithness, Sutherland and Ross) (SNP): Good morning, panel, and thank you for coming along to the committee once again, cabinet secretary.

We have had a lot of evidence sessions on the issue, and every single session has thrown up something different. The evidence sessions and the written evidence that we have received have been excellent. There were break-out groups in Leith, and I was at an event in Inverness. Speaking to people with lived experience of disabilities and mental health issues was quite an eye-opener.

We all did a straw poll with our constituents in which we asked them what they believed human rights were, and we all agreed that a lot of our constituents feel that human rights happen or apply to other people—possibly in a judicial or immigration sense. How do we embed human rights in society as a whole? As you said, we have a pivotal role to play, not just in the committee but in the Parliament as a whole. How do we get that message out there?

Angela Constance: That is a great opening question. The bottom line is that human rights are for everyone. We cannot be selective about who they are available to; they are part of our rights as

individuals and our collective rights as communities of interest and as a society.

The language around human rights is very important. I know that the committee has heard lots of evidence about people needing to talk the language of human rights more routinely in all Government business, parliamentary endeavours and endeavours as individual members of the Scottish Parliament. There is always a challenge in relation to dumping jargon and trying to demystify the world of human rights. With the greatest respect to the lawyers, the area is not just for them; we have to take some of the narrative and discourse away from them and put it into everyday language.

Gail Ross mentioned the work with break-out groups. That is really important, and we could come back to it. One of the most important developments in how we have legislated and developed policy over the past decade or so has been the work that we are now intensively pursuing to really tap into the talents of folk with lived experience, whatever that lived experience is. Members can see that in the range of poverty truth commissions that have been established and in how we as a Government engage with that.

The poverty truth commissions were pivotal in the dialogue about a fairer Scotland, and I am sure that we will touch on how the experience panels have shaped our new social security legislation and will continue to shape social security policy and our new agency. However, if there is one thing that really gives me hope, it is what I visibly experience when, like others, I go in and out of schools.

This must make me sound extremely old, but when I was a child and I said, "It's no fair," my mother would say, "It's tough. Life's no fair." In the debates that we have with our own children and the discussions and dialogue that we are having in schools, we adults can no longer rest on saying, "It's tough. Life's not fair," when children have a sense of justice and fairness in terms of the rights-respecting schools agenda. Curriculum for excellence has provided a focus on citizenship and on empowering young people. I know that the committee has spoken a lot about the Scottish Youth Parliament and how we are seeing a generation of young people who are absolutely up and at it and prepared to articulate what their rights are, to advocate for those rights and to press down on those with parliamentary and governmental responsibilities for implementing and delivering on those rights.

Gail Ross: I completely agree that people with lived experience are the ones we should be speaking to all the time. The Scottish Youth Parliament and the people who tend to belong to groups already have quite a good notion of what

their human rights are, as you mentioned. How do we reach the disadvantaged groups—for example, people who would never think of standing for the Scottish Youth Parliament, people from deprived areas or people who are not part of disability groups? How do we reach those people?

Angela Constance: That is another fundamental point—how do you get beyond those who are already proactively involved in established structures? There is an issue about wider engagement, about normalising human rights as part of our everyday language, and about relevance. It is about trying to keep it real—giving real-life examples of where human rights have made a positive impact—and taking human rights out of the academic sphere of legalese.

It is also an issue of representation. If our national institutions—Parliament, Government, youth organisations or other organisations in civic Scotland—are representing only white and middle-class people and those are the only people participating in them, there is a failure there. Throughout our society, and starting with Government leadership, we must ensure that we have representation of Scotland's diverse communities and people from diverse backgrounds, including socioeconomic backgrounds.

Alex Cole-Hamilton (Edinburgh Western) (LD): I start by proffering my apologies. I have to slip out for a few minutes at 10 o'clock, due to an unavoidable commitment.

The committee has taken a lot of evidence about our mandate to draw human rights through the workings of the Scottish Parliament, making it real and not just a tick-box exercise. We have some specific, granular recommendations that we are going to make about that, but that is only half the battle, because a lot of the policy work that comes before the Parliament starts in the Scottish Government. Legislation is pushed through a filter of rights impact assessments and equalities impact assessments. In your view, how effective is that filter, which happens before the policies even come to the Scottish Parliament?

09:45

Angela Constance: It is important to stress that the duties that you describe and the responsibilities around impact assessments and the preparedness of policy work and legislation before they are introduced to Parliament must be rigorously examined. Consideration of human rights and equalities needs to be sewn into that.

Like me, the committee will be familiar with the processes for legislation to comply with the European convention on human rights and with the collective work across the Government.

Individual ministers have specific portfolio responsibilities, but there is a collective responsibility across the Government for shaping policy across portfolios—for example, Cabinet papers that are shared in advance of Cabinet meetings, and discussions about them, are structured around our obligations and the connections across the Government. None of that is rocket science; such an approach would be expected as part of good governance in any organisation.

When legislation is to be introduced, the next step is considering how accessible the consultation document that details the issues is and how explicit it is about putting human rights into practice. I am sure that all members study policy memorandums closely in their work as parliamentarians. We then have the scrutiny process in committees and the chamber to debate, test and pull together issues. We also hear the voices of civic Scotland outwith that.

That is the overall process, which has many parts. We accept that, if we get more right at the beginning, that improves the prospect of having an iterative journey of continuous improvement.

Alex Cole-Hamilton: It is clear that there are policy development mechanisms that are meant to deliver the approach, but we recently found an example of that not happening. My colleagues will be getting tired of hearing of this example, but it serves a purpose. It concerns the Age of Criminal Responsibility (Scotland) Bill, which absolutely has human rights at its core—it fulfils one of our outstanding commitments, on the age of criminal responsibility, in relation to the United Nations Convention on the Rights of the Child. When the committee first considered the bill, we identified that the section that refers to a place of safety, which says that young people can in theory be taken to a police station for their own protection, directly contravenes their rights under article 37 of the UNCRC.

That incoherence in the bill perhaps speaks to a lack of rights literacy across all the silos of the Government—the bill came from the justice area. When a bill team is formed, should somebody on that team understand the conventions and treaties to which we are signatories and which apply to the bill that is being developed, in order to inform the drafting process right out of the traps?

Angela Constance: You have raised a number of important issues. I do not want to pre-empt the committee's scrutiny and its dialogue with the relevant portfolio minister, but I will touch on the example that you gave before I talk about rights literacy and bill teams.

Given the importance of the Age of Criminal Responsibility (Scotland) Bill and the age of the

children who will be affected, I am sure that we all agree that we must, wherever and whenever possible, avoid using police stations as a place of safety. As part of the infrastructure for making rights real, there is a stakeholder delivery group for the bill, which includes representatives of children's rights organisations. They will look at best-practice approaches and help us to achieve what we all want.

You mentioned article 37 of the UN Convention on the Rights of the Child, which—if I recall correctly—states that the detention of a child must be a last resort and should be for the shortest appropriate period. Section 23(2) of the bill sets the threshold that a child can be taken to a place of safety if it is “necessary”—that word is important—

“to protect any other person from an immediate risk of significant harm”.

It states that the period of removal to a place of safety should be

“for no longer than 24 hours.”

I highlight the terms “necessary”, “immediate risk”, “significant harm” and

“no longer than 24 hours”

because the committee will have to test those provisions, and the minister will have to respond to them in the very rare—we hope—circumstances in which the potential for significant harm overlaps with issues around remote communities and out-of-hours services. I am not saying that those issues would necessarily merit a particular course of action or articulation of rights in the bill; I am simply trying to flesh matters out.

Given what the UNCRC says, the committee will have to test robustly the individual provisions in the bill, which are similar to those in the Children's Hearings (Scotland) Act 2011. It will also need to look at how particular scenarios might be avoided in practice, and at the legislative scope and whether or not framing is required.

I apologise for the length of that answer.

Alex Cole-Hamilton: Not at all, cabinet secretary. Forgive me—I was not asking you to speak specifically to the issue; I was simply asking about the general theme. We are talking about having, in every committee in Parliament, rights champions who are trained and who understand the rights landscape. Is there a view that there should be something similar in Government silos? Should each directorate have within it someone who has a forensic understanding of the rights landscape in relation to all the legislation that might come from that directorate? That might help to avoid clashes and ensure that legislation would not need to be amended at some point down the track.

Angela Constance: I apologise for the length of my previous answer—I was trying not to go too far into issues on which the committee will focus in due course, but to talk about the matter in a real way. I assure the committee that we do not produce legislation out of thin air—we actively consider the issues that are raised by the bill to which the member referred, and by other bills. People might not appreciate our level of consideration or our conclusions, but that is a different matter.

In my experience, bill teams are robust and thorough, and the Scottish Government legal department and its lawyers are very well versed in human rights; they are often a prompt for, and a check on, ministers, and a good resource. That has been my experience in dealing with a number of bills over the years. However, the issue of rights literacy is not only for bill teams and legal teams; we have to ensure that the organisation as a whole has the necessary capacity. I can point to what the Government is doing with civil servants, and how we operate as ministers, which shows a good understanding of the issues. For example, a high proportion of civil servants have been involved in equality impact assessments.

This area is not often black or white and it requires difficult choices. I know that your committee has touched on competing rights and obligations. We cannot be complacent about rights literacy. We must have an enduring commitment to it in terms of increasing understanding and the capacity within Government.

The Convener: A bill is accompanied by a financial memorandum and a policy memorandum. I am putting you on the spot, but would you be supportive of bills being accompanied by an equality and human rights impact assessment that assesses not only compliance, but the opportunities in a bill to advance rights further under a human rights umbrella?

Angela Constance: I am certainly open to suggestions that will help to promote a can-do culture that shows that we embrace and feel positive about this area and that gets us away from the tick-box approach in which there is just another form to fill in and more questions to answer. We want to mainstream a human rights approach. We want folk to be positive and enthusiastic about it and to implement it with joy in their hearts. The issue is how best to do that.

I can see the logic for a framework that is helpful. Frameworks are positive and can empower staff to inject their thinking and their talents into policy and financial memorandums about how we make human rights real in Scotland. I am very open to that, but I am always a wee bit cautious about adding to layers of bureaucracy and creating mechanisms that might not produce

outcomes at the end of the day. As I say, the issue is how we would do that.

The Convener: And the quality of it, too.

Mary Fee (West Scotland) (Lab): Good morning. I have a couple of brief follow-on questions before I ask my substantive question.

Following on from Alex Cole-Hamilton's question, I am interested in your view on whether, without full incorporation of the United Nations Convention on the Rights of the Child, we can truly protect children's rights.

Angela Constance: I am not hostile to the debate on incorporation of the convention, which I hope that you recognise applies across Government. Indeed, there are two important programme for government commitments in that area. One is the establishment of the First Minister's advisory group on human rights leadership. Although its genesis is in the context of Brexit, whatever happens in Scotland, we will not step back from rights; we will not see their regression.

The other part of the work of the advisory group, which is chaired by Professor Miller, is to look at the issue of incorporation in the context of how we give further and better effect to making rights real. That work ties in with the programme for government commitment to audit the embedding of the UN Convention on the Rights of the Child in our policies that support children and families. That audit, which is under way, includes the option of full incorporation. The First Minister has spoken extensively about incorporation, too. We are actively engaging in the debate.

I have two views about incorporation: I do not think that nothing that could be achieved without it—that is an oversimplification—and I am acutely conscious that it would not necessarily be a silver bullet or a standalone solution.

10:00

We will go back time and again to the debate about implementation and how incorporation could have a meaningful impact. The terminology around incorporation has become a shorthand, in some ways, for a complex implementation challenge. I do not say that we should shy away from such challenges, but it is right to recognise that a challenge is complex and to have a debate about how implementation is done. It is right to be open to expert advice and the views of civic Scotland about the benefits and challenges of incorporation. The question is whether incorporation in itself would deliver accessibility and legal certainty for duty bearers and right holders, and we are actively engaged in that area.

Mary Fee: You spoke about the work that is being done and the audits that are being carried out. Can you share with the committee any timescales for their completion, or could you share those in the future?

Angela Constance: The First Minister's advisory group plans to report in December, and that work is proceeding with pace. From memory, we expect the UNCRC audit later this year or next year, but I will double check that with education colleagues.

Mary Fee: That will be helpful. Thank you.

You spoke about the active participation of right holders, which goes back to Gail Ross's question about how we make human rights real and tangible for everyone. Could schools and education play more of a role? Schools do a lot of good work, but, as we engage in dialogue around human rights and their impact on everyone, it is as though there is a dual role to play, with stakeholders doing the top-down work and schools doing the bottom-up work. Not everyone will become literate and aware of their human rights overnight—it could take years. However, if we embed human rights properly in the curriculum, they will filter through and we will have a generation with a full understanding of its rights.

Angela Constance: Everyone could play more of a role, including in education. Looking at the bigger picture, the shining examples of good practice are in our education system. Your points have been about other areas of society, which are probably in more need of attention. Women's organisations do a lot to inform the nation—as well as to support women as individuals and community groups—about women's rights with regard to international treaty obligations, and those groups are in the discourse about how all those obligations translate into policy and practice. Many of our debates around ending violence against women and girls are rooted in human rights.

However, I fear that other communities and groups of people who are disenfranchised and discriminated against are less aware of their rights—Gypsy Travellers, for example, whom you and I have often discussed. I am hopeful about and encouraged by what is happening in education and around ending violence against women and girls, and we should not take our foot off the gas in that regard. Nevertheless, we have a lot more work to do to ensure that people in other particular communities know what their rights are.

I recently increased funding to Friends of Romano Lav, so that it could do more outreach work through interpreters. That was about reaching out to the Roma community, where there are issues about immigration services in terms of

compliance and interpreters not being used. That is a practical example of how, through a modest amount of funding, we can enable a local organisation to do something practical that provides a service and informs people of their rights.

Mary Fee: I have asked every panel in this inquiry how we can balance competing rights, and you touched on that earlier. How do we navigate our way through the rights of individuals and prioritise one right over another?

Angela Constance: That is where dialogue and exploration of issues are important, whether you are talking about incorporation or, as we were earlier, specific sections in a particular bill. The issue concerns how we ensure that rights are real. If everybody has equal rights and we do not have a hierarchy of rights, we then have to make judgments that may well be challenged, and we have to rely on principles around things such as risk and what is proportionate. Some of that is common sense and involves the kind of judgments that we make in everyday life. There can be competing issues—the rights of a child versus the rights of parents, for example—but the human rights approach encourages us not to look at one issue versus another; it requires us to unpick the issues with an eye to what is fair and proportionate, recognising that everybody has a stake in any given situation. The issue is about how we deliver that in practice.

Mary Fee: Last year, as part of the programme for government, the First Minister announced a three-year programme to raise awareness of children's rights. I know that it started only at the beginning of this year, but can you give us an update on that programme either now or in writing?

Angela Constance: I will write to the committee on that. I know that that work has commenced, but I would like to give you more accurate information from other portfolio colleagues, who will be able to give you a better idea of the structure and the timeline.

Mary Fee: That is helpful. Thank you.

Gail Ross: We heard from the Northern Ireland Public Services Ombudsman that she has quite a lot of judicial powers with regard to human rights. We have also been told that there is an opinion that the Scottish Human Rights Commission should be given more powers. What are your opinions on that, if you have any?

Angela Constance: I always have opinions, but I am conscious that I am representing the Government and that, although there is always a need for collaboration and shared understanding, there are different spheres of responsibility for the Government, the Parliament and our national

human rights institutions. Whether the powers of the Scottish Human Rights Commission and of ombudsmen—or ombudswomen—should be enhanced is rightly an issue for the Parliament as opposed to my giving an opinion in my capacity as a Government minister. There are layers and spheres of responsibilities, and it is about checks and balances. I am not trying to duck the issue, but I genuinely think that the matter is appropriate for Parliament as opposed to me.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Good morning, cabinet secretary. You mentioned the on-going work of Professor Alan Miller, whom we had in for a detailed evidence session last week. He talked about his work in leading the Scottish Government's advisory group on human rights leadership. How will Brexit impact on human rights, especially in relation to EU nationals and migrant workers?

Angela Constance: I always feel very positive and upbeat when I come to the committee to talk about human rights, but I have a sense of doom and depression when we are asked about Brexit, because it is a journey that no one really knows the outcome of.

Members will be as aware as I am that the UK European Union (Withdrawal) Bill is currently with the House of Lords. I was pleased to see that there were successful amendments in the House of Lords that recognised the important issue of retaining the Charter of Fundamental Rights of the European Union as part of domestic law. That is an important matter not just from the perspective of the Scottish Government but from that of other stakeholders. One of the committee's witnesses described the removal of the charter from our domestic law as being the loss of a security blanket, and that is accurate.

The Equality and Human Rights Commission and other stakeholders, such as Amnesty International, did a really good job of robustly explaining that, although we have human rights legislation and the Equality Act 2010, those are not the same as the Charter of Fundamental Rights of the European Union. My understanding of the charter is that it goes further than the European convention on human rights in that it gives better effect to economic, social and cultural rights. It gives better articulation and is rooted in real issues relating to health, housing and employment, and it would be a real loss not to have it as part of our domestic law. Members will have heard from countless witnesses that that would be a step backwards.

As I said, the UK Government's European Union (Withdrawal) Bill is with the House of Lords, and there have been successful amendments to retain the link between domestic law and the Charter of

Fundamental Rights of the European Union. To use Westminster parlance, I think that a period of ping-pong will be entered into: we expect the bill to go back and forth a bit. That, of course, will create uncertainty and risk over a longer period of time.

Fulton MacGregor: Convener, I ask for your advice. I would like to ask about the wider issue of prejudice, but I do not know how much time we have.

The Convener: Let me get Annie Wells in first. After that, I can come back to you if there is enough time. We are quickly running out of time and we have a big panel for the second session, which I would like to dedicate enough time to.

Annie Wells (Glasgow) (Con): I have a couple of questions that follow on from Mary Fee's points on the balance between core fundamental rights and other rights. In your opening statement, you spoke about effective human rights training and said that human rights are at the core of everyone's job in government. The committee is looking at human rights as a whole, to ensure that we are duty bearers and leaders in that field, but how does the Scottish Government propose to ensure that every parliamentarian has human rights at the core of their work? We are not human rights experts, but we want a human rights-based approach in whatever we do.

10:15

Angela Constance: The Government is responsible for training and awareness raising to integrate such an approach into the day-to-day practice of the civil service workforce and ministers. I do not think that it is appropriate for me, as a Government minister, to proffer opinions about what training parliamentarians should be going through, given that it is the job of parliamentarians to scrutinise me. It would be a bit cheeky for a Government minister to say what training parliamentarians should undertake and what opportunities they should have. Nevertheless, I agree with the general point about awareness raising.

I am not averse to training, but how it is done is important. It must be done in a way that empowers people and that allows the approach to be applied in practice in such a way that it is integral to everything that we do. Training can be provided in a way that bolsters silos, but we are trying to get a cross-portfolio, integrated, joint-working articulation and delivery of human rights, and how training supports that is important.

Annie Wells: In our evidence sessions, we have spoken about each committee having a human rights rapporteur attached to it, which most of the people we have heard evidence from think is a good idea. We have also spoken with

representatives of some local councils that have equality officers but want to add human rights to their remit. However, it is important to split human rights and equality. I see them as integrated but separate as well.

We have heard from a councillor that the equality impact assessment statements are tick-box exercises, at times. How can we ensure that each committee and each local authority embeds human rights at its core?

Angela Constance: Again, I am not sure that it is for a Government minister to tell committees how to do their business. I imagine that a number of committee conveners would get irate about that, and rightly so.

Annie Wells: Perhaps you could comment on the local authority side of it, then.

Angela Constance: When it comes to operationalising human rights, from a Scottish Government point of view and from the point of view of our partners in the public sector and in local government, the challenge is in getting away from a tick-box mentality. I can see the added value of having people in specialist roles, but we must consider whether the proliferation of specialist roles—whether they are attached to committees, bill teams, portfolios, health departments or local government—really helps to mainstream human rights.

The message that we are trying to get across is that nobody can opt out of this—it is everybody's job. Although there is a role for people with specialist input in helping to mainstream human rights, the bigger prize is about getting everybody to take the issue to their hearts and put it into practice, not having a proliferation of specific roles and assessment forms. There is a balance to be struck somewhere. It is a question of whether we can use specialisms to mainstream and engrain. I hope that that answer is helpful.

The Convener: Fulton MacGregor has just informed me that he will take his question up with the next panel of witnesses, as it would be more appropriately placed there, so that ends our direct questions to you today, cabinet secretary. There are a couple of areas that we did not get into deeply enough, so we will fire off a wee letter to you to get some more detail on those. If you could provide the information that you have said that you will write to us with, that would be really helpful.

I extend the grateful thanks of the committee to you for your attendance this morning and for your continuing correspondence on the inquiry, which will run for another few weeks. We hope to hear about some work that is being done at the UN—we are waiting for that to be published—and we will certainly come back to you at the end of the

process with our report and some communications on moving recommendations forward.

10:20

Meeting suspended.

10:29

On resuming—

The Convener: I welcome to the Equalities and Human Rights Committee the second panel of witnesses for our inquiry into human rights and the Scottish Parliament. It is a joy to have a table full of young people. It makes us feel young as well, so I thank you for bringing your youth into the room.

With us this morning—I will go very quickly around the table—we have Claudia Macdonald, director of influencing, and Callum Lynch, public affairs ambassador, from Who Cares? Scotland. We also have Sanna Aziz MSYP, who is the convener of our sister committee, the Scottish Youth Parliament's equalities and human rights committee—I am shadowing Sanna today to make sure that I know how to do it right—and Laura Pasternak, who is public affairs officer at the Scottish Youth Parliament. Juliet Harris is the director of Together—Scottish Alliance for Children's Rights—and is here with Dylan and Hannah, who are members of the Children's Parliament and are supported today by Chelsea Stinson, children's voices programme manager at the Children's Parliament. Lucinda Rivers is head of UNICEF UK in Scotland—we know about the rights-respecting schools award and we will be keen to hear more about it this morning. We also have with us Rama Hane, Mika Davidson and Maryam Zaki, who are supported by Khaleeda Noon, the service co-ordinator for heritage and inclusion at Action for Children.

Thank you so much for coming to the committee this morning, and for the written evidence that we have received from the organisations that are supporting you here, which has been very helpful. You will have seen the earlier panel session, at which the cabinet secretary sat at the other side of the table from me, so you will realise that this is a very different set-up. This is what we call a round-table session, because we get everybody around the table and you all get your tuppenceworth, which we are very keen to hear.

The rules are that you catch my eye, I keep a wee list and I make sure that everybody who wants in, gets in. If you are a wee bit shy, I hope that we can make some space for you to say what you want to say. Please do not feel shy or intimidated—we are here to listen to you today and we are very keen to hear from you. If you were here for the first session, you will have heard

the first question and, to give you that bit of familiarity, that is how we will open this session.

Gail Ross: Good morning, everyone. Thanks very much for coming along. It is really important that we hear from you today. I am going to start in the same way that we started with the first panel.

Obviously, you are very aware of what your rights are as young people. How can this committee and the Scottish Parliament help you to show leadership in your communities and across wider society to make people understand what their rights are?

The Convener: Sanna, given the work that your committee and the Youth Parliament are doing on that agenda, do you want to come in first?

Sanna Aziz MSYP (Scottish Youth Parliament): We do a lot of consultations with young people in our constituencies, and one way of doing that is to go into schools, talk to them and make them aware. I help my local council with the rights-respecting schools programme—we are trying to do that everywhere—and that is how we are taking charge in spreading awareness of young people's rights.

The Scottish Youth Parliament brings the issue up in consultations and we debate motions at our sittings. A motion was passed that stated:

"The Scottish Youth Parliament believes that young people should be taught about, and empowered to stand up for, their human rights through Personal, Social and Health Education (PSHE) or its equivalent in the curriculum."

It was a joint motion by our equalities and human rights committee and the education and lifelong learning committee, and it was passed with the agreement of 92 per cent of our young people. We are very passionate about the subject, so, having passed the motion on the policy, we will advocate it with any decision makers who we meet. We will say, "This is our policy and what we want to happen in our schools."

The Convener: Hannah or Dylan, would you like to tell us about the work that you are doing with the Children's Parliament?

Dylan (Children's Parliament): Recently, we have been doing multiple workshops around Scotland in different schools. We inform children about what it means to be a children's human rights defender, which is a child who is willing to stand up for not only their rights but other children's rights.

The Convener: Gail Ross asked about our committee making recommendations to make rights real in your world—your school and communities and the things that you do. Do you think that that would be a good thing? Do you have some ideas that we can use?

Dylan: It would definitely be great to implement that in near enough every school, if not every school in the UK and Scotland.

The Convener: Thank you very much. Could Khaleda tell us a wee bit about her organisation's work in Edinburgh schools? The young people who are with you could maybe explain how that work relates to Gail Ross's question about how to make rights real.

Khaleda Noon (Action for Children): Action for Children has developed the heritage and inclusion project in secondary schools in Edinburgh to make sure that we hear the voices of the minority ethnic young people who we work with. They are often excluded because of lack of awareness of their cultural barriers and issues with the curriculum that have been highlighted. We developed programmes that enable them to be proud of themselves, their identity and their heritage, and that gives self-worth and confidence.

When we first meet children, we get to know them and build trust. Action for Children believes that, for children, exploring their heritage and inclusion is the start of understanding their rights. With me are few of the young people who started participating two years ago and are coming to the end of the programme. We have delivered Duke of Edinburgh awards throughout, and this has been the largest group of ethnic minority young women in Scotland to participate. We adapted the award to meet the young people's needs—with regard to such things as staying over at night-times—to ensure that they could get their bronze, silver and gold awards. We are about to host a celebration event to give Duke of Edinburgh awards to 50 minority ethnic young women.

The girls who are with me have worked on what they would like to say about the project and what it has given them. Their voices will help to share good practice with other schools so that they can be aware that pockets of communities are not engaged in anything. We have to reach those communities, and we can do that through education and school. I ask Rama to say a little bit about what the project has done for her.

Rama Hane (Action for Children): I started school not knowing my rights. I did not know who to turn to, because many of the teachers were not really aware of things that I was going through, such as racism. Someone told me that I could not stay on at school because I did not have the ability to do well. However, when I joined the group, I found that I could speak to Khaleda. I got to know my rights and knew that I wanted to stay on, and now I am doing four highers.

If it was not for the project, I would not have the confidence to be here to speak to all of you. I would not have the opportunities that I have right

now, such as taking part in the charter mark programme and being able to speak to young people next year to help them. If it was not for the project, I would not have had the help that I did.

Khaleda Noon: Thank you. Maryam, would you like to speak about the discrimination that you have felt as a young Muslim woman and what you feel about schools not understanding who you are or the challenges that you face?

Maryam Zaki (Action for Children): A lot of it was always feeling excluded—you do not feel included and you cannot be who you are. Creating the heritage and inclusion project has been important, because it allows you to know who you are and to express yourself, which you cannot always do at school because people do not always understand.

Khaleda Noon: Did you feel that, when you first started the group, it was a safe space? How did the other participants feel?

Maryam Zaki: At first, I was not sure what to expect from it, and a lot of the other pupils felt the same way. However, once we had been in the group for a while, it became a safe place for us to express our feelings and opinions.

Khaleda Noon: Rama, you face discrimination at school. I know that, sometimes, you felt angry and you would lash out. How did that affect you in school and what teachers thought of you?

Rama Hane: I was racially discriminated against so many times in school that it reached the point that I felt that I would annoy the teachers if I complained to them about it. It made me angry and frustrated because there was no one to speak to. When I joined the project, I calmed down a bit. I knew that my studying was more important, and I could speak to Khaleda and the other members of the project, because they were going through similar issues. I had been told that I could not stay on at school and that I did not have potential, but I was allowed to stay and I am now doing four highers.

Khaleda Noon: Mika, what do you think about discrimination outside of school? You have recently had a few issues with you and your friends going to places together. What happens? How does that make you feel?

Mika Davidson (Action for Children): Basically, you do not feel included in the outside world. People speak to me in a certain way or are rude because I am in a group of people who have a darker colour of skin. You do not feel confident within yourself. We are teenagers. Going out in public with your friends and just hanging about is natural; it should be fun. When people who work in different places exclude us or try not to socialise with us, that does not boost our confidence at all. I

am lucky to have this project to be able to talk about the issues, feel good about myself and feel good that there are other people around me who might be going through the same things.

The Convener: Callum, we have seen some of your work with young people as a Who Cares? Scotland ambassador. You have heard the stories this morning about how young people feel, the opportunities that they are taking, the organisations that they are working with, the difference that that will make and how it will inform the work that we need to do in order to make recommendations to Government. Will you tell us a bit about what you do and give us an insight in answer to Gail Ross's question about how we could change some of the procedures here, or build more into them in order to do things a bit better?

Callum Lynch (Who Cares? Scotland): Is it okay to take a minute to give some context to what I am doing and why it is important for me to be here?

The Convener: Yes.

Callum Lynch: If the members look at their meeting papers, they will see an image of me when I was 12-years-old. I was petite and fragile. I am a care-experienced young person, which means that I have had experience of the care system. After assessing my life, I see that my human rights and children's rights have not always been fulfilled—not only prior to going into care, but during care and, to an extent, now.

As a child, I was a victim of extreme violence, abuse and neglect. My home was not a safe place. There was drug and alcohol misuse around me consistently, which led to me taking drugs at the age of 10. The fridge was bare and my siblings and I had to steal for food, so my initial start to life was rough and I guess that my parent was not adhering to a lot of my rights.

10:45

Through the issues that were happening in my home, my behaviour became difficult and challenging, which led to attention-seeking behaviour in school, and that led to me being removed from school. Instead of teachers listening to my cries for help, I was removed. At the age of 11, I had a breakdown to a social worker, and that was what it took to have me placed in care.

I thought that that would make me safe, but that was not the case. You can see the image of me as a young boy. When I was in care, restraining a child was occurring daily. It is the same for a lot of young people. By restraining, I mean physically holding and pinning a child down, and I have first-

hand experience of that from when I was younger than I was in that image.

I thought that those people loved me and that I had a relationship with them, but it was not nurturing—it was actually scarring. Now that I reflect back, I know that that did not happen to my friends or my peers, and I know that their parents would not have called the police for them bringing a mattress into the hallway and jumping on it. That happened to me, and it happened to many other young people. We were handcuffed for carrying on and were put into the back of police vans.

I am grateful and thankful to be here and able to share that experience with you, because human rights and child rights are so important. I want to be an ambassador for young people who have care experience, because it is crucial for people to know more about that and to have access to further opportunities to learn about it. How do we do that? Obviously, there are a number of ways. We can do it through corporate parenting, where the Government has a responsibility to scrutinise organisations on their duties, which we feel is super important in letting care-experienced young people know their rights.

One of the amazing things that Who Cares? Scotland has done over the past 40 years is to provide independent advocacy for young people in care. We are currently the only people who do that nationally, specifically for care-experienced young people. It is relationship based, child centred, one to one, and based on a foundation of trust. It is a complete offer, and you opt into it. I believe that, if that had always been available to me when I was on the edge of care, it would have been so beneficial prior to going into the children's hearings system.

Reflecting on my experience, I have to say that having an advocate was incredibly important in allowing me to understand and access my rights. My advocate had a lot of uniqueness, nerve and talent. He was independent from the system, and I cannot reiterate often enough just how important that is. As a child, you are presented with so many professionals who remind you that they adhere to the rules from above, so it was important to have someone there who was able to contest against what other people wanted to say for me, and who allowed me to understand my rights and exercise them. Any child going through a complex legal system such as the care system will find that they ricochet through it and that is why the outcomes are quite poor by the time they come to the end.

It is so important to reiterate how vital it is to have an advocate to build trust in a relationship-based and child-centred approach. That is the only effective way to do it, and that is fundamentally what we do. At the risk of making a public relations statement, I believe that a lot of the advocates that

we have are incredible at doing that. That is how I have accessed my rights, as a lot of care-experienced young people do, and it is important to improve that provision and give a lot more young people access and recourse to it.

The Convener: I am conscious, Hannah, that you are the only young person who has not managed to speak yet. Before I bring the adults in, I would like to hear from you, if that is okay. Callum Lynch has talked about ensuring, realising and seeing people's rights. Could you tell us a wee bit about the work that you have done at the UN to raise those issues?

Hannah (Children's Parliament): The first time that we went to the UN, we took a mural. We had worked on the mural for a week, taking ideas from children who go to our schools, and we took it to the UN to show people what children's views are on their community.

The second time that we went was in March. I went with a boy called Cameron, who is also a member of the Children's Parliament. That session was about planning for the general day of discussion in September. In the lead-up to that day, we are doing workshops in schools in order to hear pupils' views, including about what rights are most important to them. So far, those have been the right to privacy and the right to be educated.

The Convener: I want to ask Lucinda Rivers about Gail Ross's pertinent question. This morning, we have heard from groups of young people, including from young women, on the discrimination and the other issues that they face and how they use their organisations in order to realise their rights. We have heard from Callum Lynch, who said that if his rights had been considered at an earlier stage, his life might have had a different outcome. That said, Callum has had, through the strength of his character, a positive outcome, which he should be proud of. We have also heard from Dylan and Hannah on their work in the UN and from Sanna Aziz on the Scottish Youth Parliament's work.

We have visited a couple of United Nations Educational, Scientific and Cultural Organization rights-respecting schools and have seen first hand as a committee the joy that is felt as a result of that approach and the work that is being done in that area. Gail Ross asked about how we make rights real. How are you doing that in schools?

Lucinda Rivers (UNICEF UK): Thank you very much for giving me the opportunity to be here. I congratulate all the young people who are here today. They are all brilliant, and it is great that we have heard their voices.

UNICEF has an office in Scotland. We have a mandate from the United Nations general assembly to uphold the UNCRC. In Scotland, we

do that in a number of ways. You have talked about the UNESCO rights-respecting schools. I echo what you say—the schools are amazing. The children and young people who are in them have a lot of self-belief because they know what their rights are, they have great relationships with their teachers and they have the desire to be the best that they can be. All that is about how children's rights are embedded in the schools. More than 50 per cent of all schools in Scotland are rights respecting. Our aim is for that figure to be 75 per cent by 2021, and we are working hard towards that.

We have a number of other programmes to embed the UNCRC as much as possible. We work in every maternity unit in Scotland to ensure that mothers and babies have the best start in life. We are also doing a child-friendly city programme. Aberdeen is one of the first such cities in the UK. The idea of the programme is to embed children's rights across all services for children, such as services for looked-after children. That ensures that professionals who work with children take a rights-based approach to their work.

I also echo some of the other points that were made. Any engagement with children and young people must be meaningful. We need to ensure that messages about rights get out to children and young people and that they understand what their rights are. The rights-respecting schools programme is a very good way of delivering those messages.

The Convener: Juliet Harris, you work for an organisation that has been campaigning on the incorporation of the UN Convention on the Rights of the Child for a long time, so this debate will be very familiar to you. We are looking for ideas on how we can advance the position on the UNCRC and embed and mainstream it—and all the other words that are used—to ensure that we make rights real. Do you have any views on that?

Juliet Harris (Together (Scottish Alliance for Children's Rights)): Yes, definitely.

The Convener: I thought you would. [*Laughter.*]

Juliet Harris: First, I congratulate the committee on having such a vibrant round-table session. It is brilliant to see so many members of Together, children and young people and policy support people sitting around the table for this discussion. It is also brilliant to see this discussion happening at the heart of the Scottish Parliament.

I add that it is really important that the Scottish Parliament gets out to the spaces where children and young people feel safe, secure and able to talk about their rights, because this is quite an intimidating environment—I find it scary—and it is difficult to present a coherent message to MSPs and say everything that you want to say.

Therefore, my first point, which is not just for this committee but for all MSPs, is that you must remember that children and young people are disenfranchised. Those under the age of 16 cannot vote for you; they cannot let you know their views.

That places even more of an obligation on MSPs to get out into the community to talk to children and young people and find out about their experiences in places where children and young people feel safe and secure and able to say what is going on in their lives. The events at which we tell MSPs about the lived experience of children and young people's rights in Scotland should not be one-off events—they should be recurring ones, and MSPs should not just speak to parents.

I would like to raise two key points with the committee. First, the cabinet secretary said in the earlier evidence session that incorporation of the UNCRC is very complicated. It is not complicated; it is really easy. We just need Parliament to support a bill on the obligations that we have under international law. The UK has signed up to the UNCRC and said that we will take forward all its provisions. We just need Parliament to bring that international commitment into domestic law. It should not be complicated, because we are already bound by the UNCRC. We just need to explore how to do it. It is quite a simple process.

I agree with the cabinet secretary that it is not a silver bullet and would not mean that all children's rights would be held up all the time across Scotland. However, it would mean that the impact assessments to ensure that bills comply with children's rights were done properly and that there was that level of scrutiny. Importantly, it would let children and young people know that Scotland and the Parliament are committed to them and that those rights are not just abstract concepts from the UN—those rights are what we all want children and young people to have as their lived experience.

Secondly, we raised in our submission the intergroup in the European Parliament on the rights of children and young people. That point is important because children's rights should not be looked at just by the Equalities and Human Rights Committee or the Education and Skills Committee. They need to be looked at across all areas, including justice, transport, and homelessness—the whole lot. To do that, we need champions in every committee to speak out for and speak with children and young people and involve them in the work of the Parliament. If there is to be something tangible from this inquiry, it would be brilliant if it was a recommendation to have an intergroup on children and young people's rights and have real champions in all the committees who push the importance of MSPs going out to speak to children

and young people in their constituencies. That model is in place in the European Parliament, and it is worth looking at and considering for your work.

The Convener: Thank you. You have touched on a lot of points that are similar to previous evidence that we have heard. I reassure you that the committee has gone out to events in the north, south, east and west, including those in Leith and Highland. This coming week, on Friday and Monday, we have events in Clydebank and in Galashiels, to make sure that we get right down to the Borders. We are trying to talk to as many people as we can. Two weeks ago, the cabinet secretary and I attended a Gypsy Traveller education project that happened to be in my constituency. It was superb, because the young people ran it—they came in, sat down and told us how it was. They ended up by saying, "How are you going to make a difference?" which was very good. In a room with young people, we hear question such as, "Why?" and "How?" and "When are you going to fix it?"—that is always very important for us.

Some of the work that Juliet Harris has spoken about is going on; notwithstanding that, we take on board what she said. We will have a wee look at the European Parliament model as well.

I want to open out to Mary Fee's question on another aspect of the issue. It might be helpful if she directs her question.

Mary Fee: I have asked about the balance of rights in all the evidence sessions. I am interested in views, particularly from Who Cares? Scotland, about the rights of care-experienced children, because I think that they are completely disadvantaged and removed from the whole rights agenda by the very nature of being care experienced. I would be interested in views from the older people in the room.

I also have a question for the younger people who are with us. You heard that we asked the cabinet secretary about how to make rights relevant, what the Parliament can do to raise the profile of rights and how we should take rights into account when we do any piece of work.

If the cabinet secretary was still here and you had the opportunity to ask her a question, what would it be? Dylan and Hannah might ask about what should be done in schools; the MSYPs could ask about something that the Scottish Youth Parliament wants her to do; and Callum might have a question about what should be done for care-experienced children.

11:00

The Convener: Who will be first up? If you do not volunteer, I will just pick you out.

Mary Fee: I will revert to my first question for the older people, about balance and rights, and let the young people think about the answer to the second question.

Claudia Macdonald (Who Cares? Scotland): Thank you for welcoming Callum and me to talk about what we believe is possibly the most important issue with regard to our care-experienced members.

It will not surprise people that I want to echo what our allies and friends here have already said about rights. Mary Fee is right that children and young people face a peculiar experience when the state intervenes to care for and protect them.

Care-experienced people are no different from children and young people across Scotland. They have dreams, aspirations, talent, ability and capability. They have grit, determination and hope, and they have lives that they want to live out successfully. Our organisation's sole mission is to see a Scotland—and beyond that, a UK, a Europe and an international community—where, every single day, care-experienced people experience love, equality and respect. That is why the human rights frame is so important to us.

Human rights are children's rights, and children's rights are human rights—it is important for me to point out what is probably obvious and reiterate it. The frame through which the Scottish Parliament was set up was about accountability, power sharing and equal opportunities, and those are all around the lens of participation, family life, freedom from degrading treatment, education, health and an adequate standard of living. Recently, in the Scottish Parliament, particularly with the creation of the social security system, I have heard members of this committee share consensus on how new laws that are progressive and protective should be put into Scottish society. It is very encouraging to hear members use words like “dignity”, “citizenship”, “respect”, “understanding” and “equality” so actively.

I believe that those are the fundamental things against which we should always assess the standards of childhood for our care-experienced people. Mary Fee is right that the system is complex. It is there to protect children and to keep them safe. We know that care-experienced people are subject to many adults and that there is a power imbalance. The adults are appointed to look after the children, who need protection because they have come from family lives that have not been of a standard that we would expect for our own children. The balance of rights should be assessed according to two main themes: protection and participation. With regard to protection, children with care experience and a care label and care identity face stigma, harassment, prejudice and a high level of

difference compared with their non-care-experienced counterparts. More needs to be done to protect the childhoods and day-to-day experiences of our care-experienced children and young people. As Mary Fee rightly said, the impact of rights being restricted, reduced or disappearing altogether from those childhoods is lifelong—it will last in the legacy of the adults who have care experience.

With regard to the umbrella theme of participation, it is fundamental that care-experienced children and young people feel that they are able to say what they think. I ask members to imagine how difficult it would be to talk to a stranger who is in front of you not because of blood or family connection, but because they have been appointed by a care and protection system. Imagine doing that over and over again and imagine feeling that your voice is not being heard by the people who are there to care for and protect you.

We believe that active participation, with understanding of how their voice can be used and how it should be heard—and understanding what redress they have when it is not heard—is absolutely vital to care-experienced children and young people in our country, so that it is part of their lives.

We recommend that the two lenses of protection and participation are used to assess the standard of childhood for care-experienced people in Scotland. As Callum has highlighted, there needs to be far more conscious commitment from the Scottish Parliament to enhance access to independent support through advocacy for care-experienced people. Advocates enable care-experienced young people to say out loud something that they might otherwise not be able to say because of the day-to-day situation for a child or young person that I have highlighted.

We want to see a Scotland that is the best place to grow up, especially for children in care—our children who are subject to statutory procedures, complex legal systems and to many adults who have power over them and their lives. That is the standard for our society that our members want to see.

The Convener: I will take you back to what you said about protection and participation. We are wrestling with a question about the legislation that the Parliament makes. At the earliest stages of drafting, we would want to see an equalities and human rights impact assessment, but also an opportunities assessment. That would be about not just the impact of a bill and its compliance with current legislation, but whether the bill might present an opportunity to advance some rights. Would protection and participation be a means of

ensuring that such an assessment was done? Does that make sense?

Claudia Macdonald: The easy answer is yes, of course. Anything that enhances the consideration and compassion that is given to care-experienced children and young people will always be welcomed by Who Cares? Scotland.

An additional point is that equalities impact assessments have had a positive benefit for a range of communities in our society. We believe that the lens of protection that is offered by the protected characteristics could be extended to care experience. Children and young people have had tangible, negative experiences that leave a lasting legacy, purely because those children have been labelled as care experienced. The strong association between care experience and discrimination must be redressed. We recommend that this committee utilises the powers that we think that you have over public bodies through not just corporate parenting legislation, but the Scotland Act 1998, to enhance the levels of protection and participation that could be offered through a protected characteristic association for care experience in Scotland.

The Convener: We will go on to Mary Fee's other question.

Are Dylan and Hannah ready with ideas on what to ask the cabinet secretary if they could ask her one question?

Dylan: Hannah and I would ask, "What are you trying to do to point blank remove the inequality and discrimination of LGBTQ+ groups, and why does that matter to school pupils and young people?"

The Convener: I suggest to Mary Fee that the questions could form part of our letter to the cabinet secretary, so that we can get direct answers for Dylan and Hannah. Would you be happy with that?

Mary Fee: Yes; that would be good.

The Convener: I do not know whether the girls are ready yet; Callum, go for it.

Callum Lynch: I would ask the cabinet secretary for some additionality to the UNCRC. I have experienced a lifelong stigma. I have experienced discrimination in being declined flats just because I am care experienced. I have been harassed in the street and had weapons pulled on me just because I was a boy who stayed in a residential home. I have experienced the stigma of discrimination and I have multiple examples, and so does the collective of the care-experienced.

A key question that I would like to be included is, "What additionality will the cabinet secretary give to create equality and lifelong rights for young

people regarding our relationships?" I am going to use the word "love", which is being discussed a lot just now, especially in our political climate. There is a lot of talk from the First Minister about it, including in the review of the care system. I would love to live in a world where young people have the right to feel loved, to be loved or have the opportunity to give love. That is a bold statement, but everyone around this table would agree, regardless, that every young person should have the right to experience that. I do not think that many people would deny a child that right.

I went through a system in which there are lots of barriers and restrictions around what is allowed. I completely understand the ideology and the principles of protecting people and young people, but there is a detriment to people's well-being, which is one of their fundamental rights. I have felt the consequences of not being hugged and not being told that people feel emotive towards to me: that has affected me as I have got older. A lot of young people, especially our members, are speaking up and saying that that is fundamentally missing. I would ask the cabinet secretary whether she would give additionality to existing legislation, or legislation that may be adopted, to give young people in state care the right to feel love and to be loved or, the opportunity to give others love or experience it. I would love to know the response to that.

Mary Fee: We will ask the question and you will get a response.

The Convener: I loved to hear Callum's question, because the fundamental of any anti-discriminatory practice is to find a wee bit of love in your heart for "the other"—the other is always denoted as a negative thing—but if you can feel a wee bit of love for the other, it deals with some of the discrimination and the fear that leads to that discrimination.

Callum Lynch: When we think about this, everybody in the world has basic human rights. If we apply that to Maslow's hierarchy of needs, we find that we have rights to housing and shelter, for example, but we also have psychological needs that include attachment, responsibility, protection, care—the emotional side. Why is love not included in that, because would not every single parent in Scotland argue that young people should have the right to be loved? I would love to sit in a committee room with those who disagreed with that point. [*Laughter.*]

Mary Fee: We would love to sit in that committee room too.

The Convener: We are not sitting in that committee room today. I think that we can safely say that we all agree. Which of the girls will go first?

Khaleda Noon: Maryam has an exam today—

The Convener: Maryam needs to say her answer quickly and then go.

Maryam Zaki: I do not have a question, but a question was asked earlier in the meeting, when we were listening, about how we get to people who know nothing about their rights. It may seem that we are repeating ourselves by saying that Action for Children helps them but, to be honest, it does. If children can find people who represent them—people like us—and we speak up for them, that means that we can reach them more easily.

It is important to know that, because a lot of pupils who come from different backgrounds have no idea how to express themselves or their opinions—especially young women like us. They might come from cultures that are not educated on that matter. It is important that, if we were able to reach more people more easily, we could reach other people who would have that right to speak.

The Convener: That is a great point.

11:15

Sanna Aziz: It is difficult for me to choose one question, because I have a lot of questions—many things still need to be done. A huge part of our manifesto is simply about listening to young people, because we are not listening to them enough. We have so many opinions and we are so diverse, and we think differently to other generations. People need to realise that we are not here just for show and tell. You can say, “We listened to this one young person”, but that is just one person. My opinion will not be representative of the opinions of all young people in Scotland.

We need to go out and listen. We do that as MSYPs, but do you guys do it as MSPs? Does the minister do it? That is something that we need to look at. A good example of the SYP’s work in that area is our rights review, which happened last month. We had five ministers—is that right?

Laura Pasternak (Scottish Youth Parliament): We had 40 Government officials and seven ministers.

Sanna Aziz: There were a lot of MSYPs there—I do not know how many.

Laura Pasternak: There were 25 MSYPs.

Sanna Aziz: There were 25 MSYPs who represented various areas of Scotland, including the Highlands. We consulted young people in our own areas to ask what the biggest rights issues are. In my area, I consulted 100 young people, and their biggest issue was education. We made speeches and we told Government officials and ministers about the issues. That consultation was arranged by us—I feel that ministers and

Government officials need to arrange stuff like that so that young people can hear what they want to do and question them about it. Consultation cannot be a one-way street—it is about going out there. My question is, do you listen to young people?

The Convener: Thank you, Sanna—we are hearing you today.

Fulton MacGregor has a wider question about discrimination and how we tackle it.

Fulton MacGregor: Khaleda Noon mentioned discrimination—I know that she has just left to accompany Maryam Zaki, but my question would have been directed at her. I tried to raise the issue in the previous session too, but we ran out of time.

For the folk who do not know, I am convener of the Parliament’s cross-party group on racial equality in Scotland. Last night, the group’s members attended a meeting of our sister group, the cross-party group on tackling Islamophobia, for the launch of a new book called, “No Problem Here: Racism in Scotland”. The book is trying to address the myth that Scotland does not have a problem with racism and prejudice in the way that other parts of the UK or the wider international community do.

I will not go into all the details, because the speakers spoke for about an hour in total and there were a lot of statistics. However, the gist was that, although there is a difference in policy between the devolved Governments, including in Scotland, and the UK Government, which has brought in quite a lot of “old empire” policies, public opinion is broadly similar in all parts of the UK. I would like to have asked the cabinet secretary about that. A lot of studies say that around 30 per cent of folk in Scotland hold significant and serious prejudices; I find that figure astonishing. How do we ensure that human rights are upheld in that environment? I think that there is a general consensus that the Government in Scotland, and the Scottish Parliament as a whole, are going in a very positive direction in that respect, but it seems that public opinion in Scotland is broadly similar to that in the rest of the UK. I just wanted to put that out there, not least in the context of Brexit.

The Convener: Perhaps Sanna Aziz, along with Rama Hane and Mika Davidson, can address those points directly.

Sanna Aziz: My answer will be slightly more personal, because I was a member of Young Scot’s fairer future panel, which reviewed the Government’s “Race Equality Framework for Scotland 2016-2030”. We made recommendations on the framework, which had been drawn up without any consultation with young people. There were about 15 of us on the panel, and we could all

tell when we looked at the framework that it was put together by older people, because it did not consider anything that a young person would want it to. We looked at all of it, bit by bit.

As an MSYP, I was mainly interested in the participation and representation aspects. A huge part of what I wanted was not necessarily about role models. I know how hard it is for young people—and ethnic minority people as a whole—to get into politics, because we feel that we do not have a voice. My parents do not really care about politics; it goes over their heads. However, since I got into politics, I have said to them, “Okay, guys, this makes a fundamental difference. You need to research this. I’m not going to tell you what to do. You have to decide for yourselves.” They say, “But we cannot be asked to do the research”, so I do the research for them. That is how my family makes its decisions, because I tell them, “This is this and this is that.” If I had not told my parents to do that, they would not care.

However, not everyone will do that or have an interest in politics. Not everyone will realise the effect that politics has on them. Before I studied modern studies, I thought, “Oh yeah, politics—urgh!” It is not something that we consider in our day-to-day lives, because we have so many other issues. For example, my parents own a restaurant and, when it was up and coming, we dealt with so much discrimination. It is unreal, particularly in rural areas. I am from a really small place in the Borders where, I think, 1 per cent of the population is from the ethnic minority community—it is something surreal like that. We stick out like a sore thumb in a small community.

It is intriguing that there are different interests. People need to say, “Your voice does count. You have an opinion and the right to be heard, and it does make a difference.” It is about knowing that we have rights and the right to express our view, because a lot of us do not know that. We do not think that our voices will be heard because we are the minority and everyone will overlook us. It is about validating us and saying, “Your voice will be heard. We will take it to heart and make sure that what you say will be considered.” That verification is very much needed.

Fulton MacGregor: Can I follow up on that, convener?

The Convener: I think that Rama and Mika perhaps want to come in.

Rama Hane: There is a lack of cultural awareness in schools. Holding an assembly once a year, with a clip that shows how racism is wrong, is not very effective. Children face racism in schools every day. Sometimes they feel that they cannot even go to school, because they do not want to face their bullies or they feel that they

cannot speak and do not have a voice. Groups such as Action for Children should be placed in every school. For example, the heritage project that is taking place in my school gives children the opportunity to come together and speak about their problems. Teachers should also be more aware of how their students are feeling in schools, because I feel that they wash it out. Not many people can speak out, and that is not fair.

Mika Davidson: To follow up on what Rama said, discrimination and ignorance are sadly still evident in 2018 in our schools and in our everyday life in public. We need people, such as those from Action for Children, and we need projects that will create more awareness in general for young children and adults, so that they can understand teenagers more. As teenagers, we have a lot going on in our lives already, whether it is exams, school, family problems, our cultural background or whatever it is. We need to raise awareness of people like me, in order to bring more thought and understanding about teenagers who might be going through those issues every day. As Rama said, it is not enough to hold an assembly once a year and to talk for 15 minutes about a situation that people face every day. People are scared, but they really want to speak out, be heard and have a voice about these things. We need to bring a lot more awareness to these types of issues.

The Convener: Fulton MacGregor can come back in briefly, and Annie Wells can come in after that.

Fulton MacGregor: I appreciate that we are running out of time, convener.

The answers have been absolutely fantastic, but do the people who have given answers think that the Government is on the right track? What more can it do? The statistics that were revealed at the meeting that I was at last night showed, for example, that a large proportion of people do not feel that a person can be considered Scottish unless they have a white skin colour or a Scottish accent. As I said earlier, 30-odd per cent are in that category. I find that astonishing. The issue is about the right to be Scottish and part of this country. There might not be time to get full answers, but is the Government on the right track?

Mika Davidson: I was brought up in Edinburgh and I am Scottish, but I am still asked where I am from when I meet new people. If I say that I am from Scotland, they say, “Where are you actually from?” Even people who have been brought up in Scotland are asked that question just because they are not white or they do not have an accent. That is not disturbing; it is just not nice to hear that people cannot understand that people who have different skin tones—if they are not white—and cultural backgrounds can be from Scotland. The Government needs to raise more awareness of

that and show people that there are people who are different and that people are from Scotland not because they are white but because that is where they come from.

The Convener: That is absolutely straight to the point. Thanks very much.

Sanna Aziz: One thing popped into my mind as soon as being white in Scotland was mentioned. When I was originally elected as an MSYP, I was over-the-moon excited, but one comment, which I will use as evidence of discrimination, got me down. Some people said, “Why is she an MSYP? She is not truly Scottish.” I was born and raised in Scotland, and I have a really strong national identity, but that comment hit me. That was from people in my school and people I have known for a very long time. I asked why I would not be Scottish because of the colour of my skin. My parents are Pakistani, and I love being Pakistani, but I identify as Scottish-Pakistani. Scotland comes first because Scotland is what I know. I do not even know any language other than English. There was that initial racism. I talked to a person who said that and asked why they said it. They said, “Because it’s funny,” and I said, “But is it really?” They have now changed their mind and they say, “Yeah, you’re Scottish,” and I say, “Yeah, I know.”

A lot of what people do and a lot of discrimination come about mainly because people think that what they say is what their friends want them to say, that something is comedy, or that it will not hurt, but it does hurt. It is a matter of trying to relay that message. It is really hard to stand up and say, “That hurt me,” because people will say, “She is getting hurt by that. I am going to hurt her even more because I think it’s funny.”

The Convener: Thanks, Sanna.

It has been incredibly important to hear the voices of young people. I know that many members have not asked their questions. We are right out of time, but I think that Annie Wells has a question about how training is done.

Annie Wells: Yes. Some of you will have heard the question that I put to the cabinet secretary earlier. There is a balance of rights—there are core, fundamental rights and other rights—and, as parliamentarians, we need to ensure that we consider everyone’s human rights. Should every parliamentarian go through human rights training? Should we consider placing a rapporteur on each committee? How should we do that? That could be quite challenging, and I think that a lot of judicial stuff goes with it. However, for us to be leaders, we need to know what we are doing.

11:30

The Convener: Lucinda, do you think that we need to be a rights-respecting Parliament?

Lucinda Rivers: I do. Nine months ago, we talked to the Deputy First Minister about doing child rights training, which could be similar to the work that we do in schools. Everyone should do it and needs to be aware of the issues—I am referring to children’s rights, because that is what we do. I support that and we should focus on it.

Juliet Harris: I agree. Every parliamentarian should have training on children’s rights and human rights more generally. There should be a special rapporteur as well and I point you to what I said earlier about the interparliamentary group. Parliament needs to have more training on and awareness of some of the mechanisms that are in place. The Children and Young People (Scotland) Act 2014 places a requirement on ministers to consider the UNCRC. The Scottish Government now uses child rights and wellbeing impact assessments, and MSPs need to have the support and training to properly examine those impact assessments to ensure that they are being done effectively. A range of training is required on issues from the basics of children’s human rights to the international legal system, as well as what is happening domestically and how to hold Government to account.

Chelsea Stinson (Children’s Parliament): I want to quickly touch on issues that were brought up earlier about making rights real, and rights being something for people elsewhere. What we hear most often from children is that when they are taught about rights, it is about something that happens to children elsewhere in the world, rather than about rights being real here in Scotland. Although it is important to raise the level of understanding and awareness of rights, it is also important that children in Scotland experience their rights, which, in our responsibility as duty bearers, we can task all adults with. As conversations take place about adverse childhood experiences, the care system, discrimination and the issue of human dignity, we need to explicitly link those to children’s rights or human rights more broadly.

The Convener: That is a good point on which to finish. You realise that we could have sat and listened to you for hours, but parliamentary protocol means that I need to close this committee meeting. I should have done so a minute ago, but we needed to hear from everyone this morning.

If you go away feeling that you have not been able to tell us something that you wanted to tell us, please tell us through the people who are supporting you. As I said earlier, this inquiry is running for another few weeks and we want as

much information as possible for our recommendations to Government and Parliament on how to move the Scottish Parliament to being a human rights guarantor. Your evidence on that is incredibly important, not just for us but everybody, including young people.

I extend our deep and grateful thanks to you all for your evidence. You have all done absolutely brilliantly and told us exactly what we need to hear. We have heard it and I hope that we will reflect it in our report, but you can come back and tell us if we have not. We will not leave this issue to lie after the report has been published as we will continue with this mandate for the whole parliamentary session until 2021. Thank you again for your evidence.

11:32

Meeting continued in private until 11:38.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba