



THE UN CONVENTION ON THE RIGHTS OF THE CHILD

A guide for children and young people



Scottish Government
Riaghaltas na h-Alba
gov.scot

THE CONVENTION – WHAT IS IT?

If you are under 18, the UN Convention on the Rights of the Child is about you.

It describes the commitment that your Government has made to recognise your rights.

The Convention is an international law that recognises that children and young people in Scotland have rights.

The Convention has 54 articles. We have not included articles 43 – 54 as these are about how the United Nations checks up on what the Government has done.





What are Rights?

Rights are about making sure people are treated well and get a fair deal. They set out the sorts of things that must be put in place for this to happen. Everybody has rights, and everybody should respect the rights of other people. We all have responsibilities to do that. That's how you get a safe and happy society.

Some people find the idea of "children's rights" quite difficult.

Some people may think it is about children and young people getting everything they want and not having to listen to adults. But children's rights are human rights. Even the right to play is a serious right because you need to play to grow up happy and healthy. Read this leaflet and you will be able to spread the word about children and young people's rights to help make sure they are respected.

YOUR RIGHTS

1.

If you are under 18, the Convention applies to you. Remember that, in Scotland, it is legal to do certain things only at certain ages.



2.

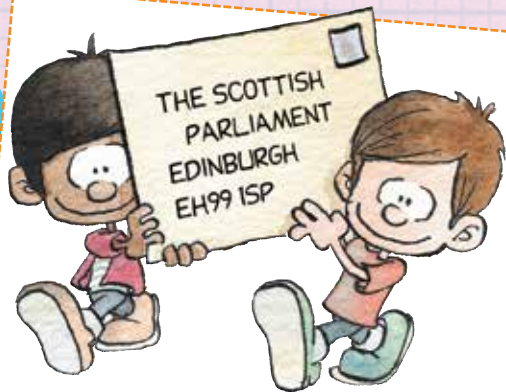
The rights in the Convention apply to everyone under the age of 18, no matter who you are, whether you are a boy or a girl, what your religion is, whether you have a disability, or what type of family you come from.

ChildLine can help you out if you feel you are being discriminated against.

Telephone: 0800 11 11 (free of charge – even from a mobile. The call won't show on your bill) open 24 hours a day.

Discrimination can be against the law, so get some help.





3.

If a decision is being made by any person about you, then your interests must be considered when making the final decision. What is best for YOU is what matters.

For example, if a council is planning a new road, they have to think about how their plans affect your safety.



4.

The Government has a responsibility to make sure your rights are protected and to create an environment where you can grow up safe.

5.

Parents have a responsibility to guide you through your childhood and help you learn how to use your rights. The kind of support and guidance parents give will change as you get older and more independent.

The Government must respect this important role that parents have. Scottish law recognises that, after 16, a parent's role is more about guidance than direction.



6.

You have the right to be alive, survive and to develop through life.

The Government must keep you safe from harm.

7.

You have the right to a name at birth and the right to belong to your country. You also have the right to be cared for by your parents, as far as possible.

Every child in Scotland has to be registered when they are born. Your name, the date you were born and your parents' names will normally be recorded together in one place.

In Scotland, the law recognises that your parents should normally be the people who care for you if this is the best thing for you.

8.

You have a right to know who you are – official records should be kept.

If you are over 16 years old and adopted, you can try to find out who your birth parents are. If you decide to do this, it is really important that you think things through and talk about it with someone.



9.

You should not be separated from your parents unless it is for your own good; for example, if a parent is mistreating you or neglecting you.

If your parents have separated, you have the right to stay in contact with both parents unless this might hurt you.

If your parents have separated, you might find the booklet “Family Matters: Family Law & Young People in Scotland” useful. This is available on the Scottish Government website.

If you have a parent in prison, you can get help from *Families Outside*.

10.

If you and your parents live in different countries, you have the right to stay in touch or get back together as a family.

11.

The Government must make sure you are protected from being kidnapped or taken out of the country when you shouldn't be.

In the UK, babies must have their own passports with pictures.



12.

You have the right to speak up and have your opinions listened to and taken seriously by adults on things that affect you.

The Children & Young People (Scotland) Act 2014 is the law in Scotland that says Scottish Ministers have to think about your rights and also respect the views of all children and young people when introducing new laws.

There are organisations that promote and support this right including *Article 12*.

13.

You have a right to say whatever you believe as long as it does not harm or offend other people. You also have the responsibility to respect the rights and freedom of others.

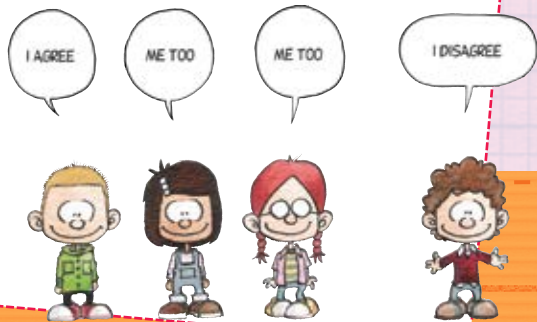
14.

You have the right to choose your own religion and beliefs. Your parents should help you think about this.

15.

You have the right to join and form groups and make friends – as long as this does not harm other people. In exercising your right, you have a responsibility to respect the rights and freedom of others.

Contact your council for a list of groups up and running in your area.



16.

You have the right to your own space and privacy. For example, you shouldn't have your personal letters opened or anyone listening in to your personal phone calls.

In Scotland, the law will allow exception to this right when you or someone else is in some kind of danger.

The law should also stop people saying things that damage your reputation if they aren't true.

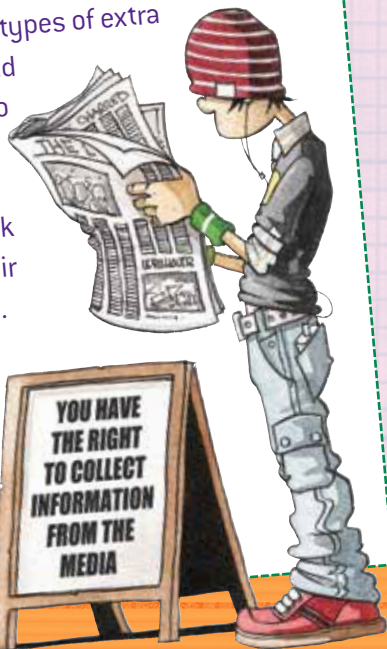
17.

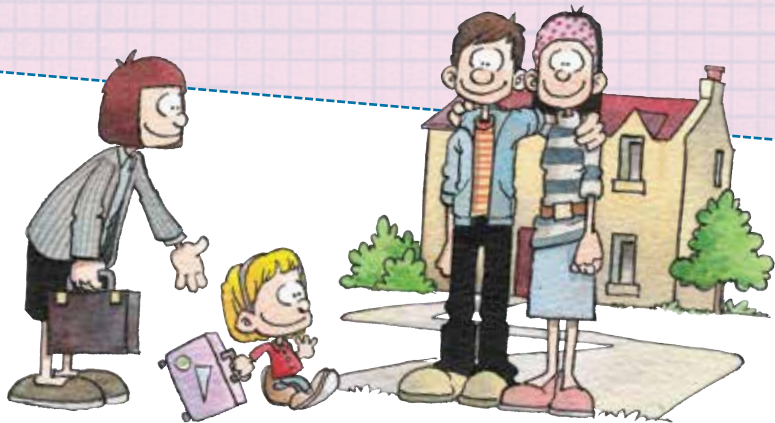
You have the right to access information which is important to your wellbeing. Adults should help you find the information you are looking for and make sure it's not harmful.

18.

Both parents have the main responsibility to bring you up and should always consider what is best for you. The Government is expected to help your parents care for you properly.

Your Government gives child benefit and other types of extra money and support to parents to help them look after their children.





19.

You must be kept safe from harm and protected against violence. You must be given proper care by those looking after you. If you think you or anyone else is in real danger then you should speak to an adult you trust – maybe a teacher, a social worker or *ChildLine*.

20.

If you can't live with your parents then you have the right to special care. For example, you may be looked after by other members of your family or by a different family. Your religion, beliefs and language must all be considered when a new home is being chosen. This might mean finding people from the same or similar background as you.

21.

If you're being adopted, this must only happen under very strict rules which make sure that what is happening is best for you.

In Scotland, there are strict laws which cover adoption.

If you have any questions about adoption, your council can help.

Contact details for your council are available in your local library.

22.

Refugees are people who have been forced to leave their country because it is not safe. If you are a refugee, you have a right to special help and to be allowed to live somewhere that is safe.

23.

If you have any kind of disability, you have a right to special help to make sure you can join in with things. Money should not be a barrier to this.

If you need information on the rights of disabled people, you should try the following organisations:

Direct Gov

www.gov.uk/rights-disabled-person/education-rights

Enquire

www.enquire.org.uk

Alliance Scotland

www.alliance-scotland.org.uk

Contact – For families with disabled children

www.contact.org.uk

Self Directed Support in Scotland

www.selfdirectedsupportscotland.org.uk

24.

You have the right to be as healthy as possible. If you are ill, then you must be given good healthcare so you can get well again. You have the right to live in a safe, healthy environment with good food and clean drinking water.

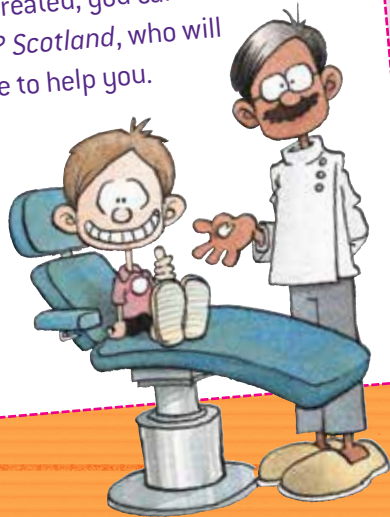
The Government must make sure that anyone having a baby is given good healthcare.

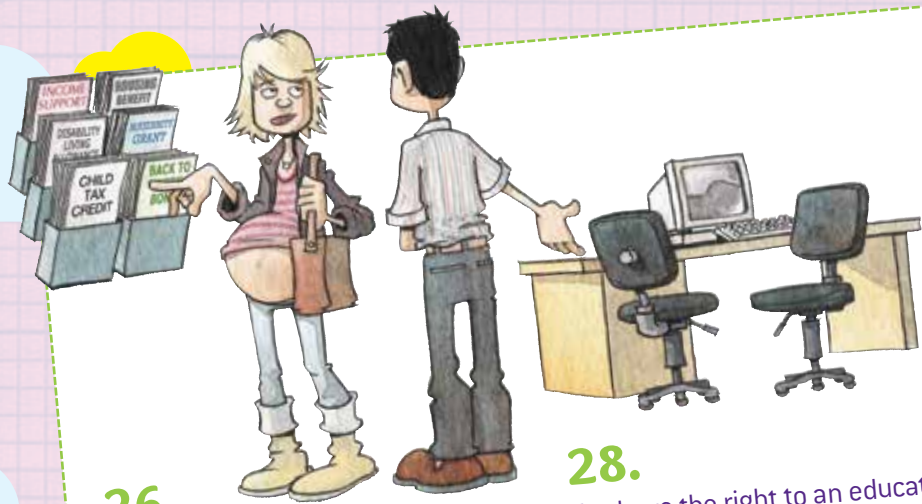
In Scotland, the Government has a responsibility to make sure everyone gets healthcare, including children and young people.

25.

If you are looked after in a care home or somewhere else away from home, you have the right to have your living arrangements looked at regularly to make sure they are still what's best for you. When looking at your situation, people must take your views into account.

If you are being looked after away from home and think you might want to talk through how you are being treated, you can contact *Who Cares? Scotland*, who will be able to help you.





26.

You have the right to help and financial support from the Government if you need it.

27.

You have the right to a safe place to live, food, clothing and to take part in things you enjoy.

Your parents have the main responsibility to make sure you have these basic needs met, but the Government should also help.

28.

You have the right to an education. In Scotland, primary and secondary education is free and children from three years old are entitled to a free nursery place, should their parents wish to take this.

Teachers should also speak to you and listen to your views when setting up a school relationships and behaviour policy which includes school rules.

29.

Where you learn should help you develop your skills and personality fully, teach you about your own and other people's rights, and prepare you for adult life.

Personal and social development programmes, as well as drama, music and art, should help raise awareness of the message to respect other cultures and to respect each other.

Howz it goin'?

30.

You have a right to enjoy your own culture, use your own language and practise your own religion.

In Scotland, there are many different communities and cultures with different languages, religions and ethnic identities.

aap kiaseh hain?

Ote kwana!



31.

You have the right to rest, play and to have the chance to join a wide range of activities.

It is really important to remember to have a balance in your life, no matter how young or old you are.

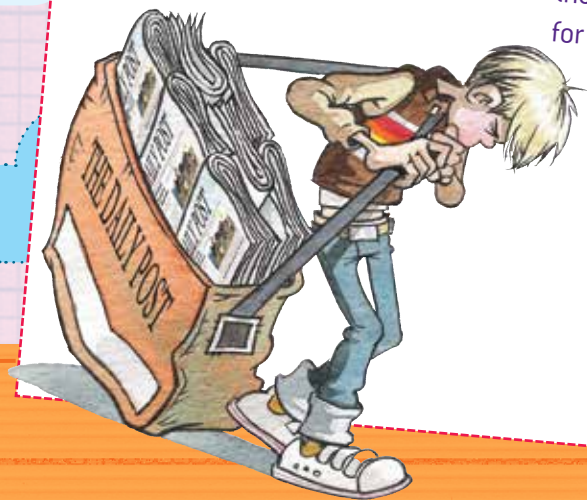
Your council can provide you with details about leisure activities in your area.

32.

The Government must protect you from doing work which would be dangerous, or which could harm your health or interfere with your education.

If you are under 16 there are laws about where, when and for how long you can work.

If you are unsure about taking a job, then contact your council and ask for their advice.



33.

You have the right to be protected from dangerous drugs.

You can contact the *Know the Score* info line on 0800 587 5879 if you have any worries about drugs.

34.

No one should ever pressurise, force or trick you into doing anything sexual. This is abuse and you have the right to be protected from it.

Please phone *ChildLine* on 0800 11 11 to speak to someone who can help, or talk to an adult you can trust. Please remember – what is happening to you is not your fault.

35.

You have a right to be protected from being abducted or sold.

There are also things that people should never make you do against your will, like make you marry someone.

36.

You have a right to be protected from all sorts of exploitation which can damage your welfare or development.

Exploitation can mean different things, but the Government must protect you from being taken advantage of in any way.





37.

If you have committed a crime, or if someone says you have, you should be treated with respect. Your safety and wellbeing are key considerations and contact will be made with your family. You will be able to get legal help. You should not be locked up unless it is absolutely necessary.

The Age of Criminal Responsibility (Scotland) Act was passed by the

Scottish Parliament in May 2019 and received Royal Assent in June 2019. Once implemented this Act will mean that the age at which you can be held responsible for your crimes will increase from 8 to 12.

In Scotland, children do not normally go to court but are dealt with through the children's hearing system or early intervention.

38.

If you are under 15, you cannot be forced to go into the army or take part in war.

In Scotland, you have to be 16 to join any of the armed forces, but you should not normally be allowed to fight until you are 18.

39.

If you've been hurt or badly treated, you have the right to special support to help you recover.

40.

You have the right to be given legal assistance if you have committed a crime. The Convention also states that you should only be sent to prison if you have committed a serious crime and you should not be put in prison with adults.

The children's hearings system in Scotland tries all the time to make decisions which are in the best interests of the child.



41.

If your country's own laws give children more rights than the Convention does, then your country should stick to those laws. For example, children in care (who are looked after by the council) have more rights under Scottish law than under the Convention.





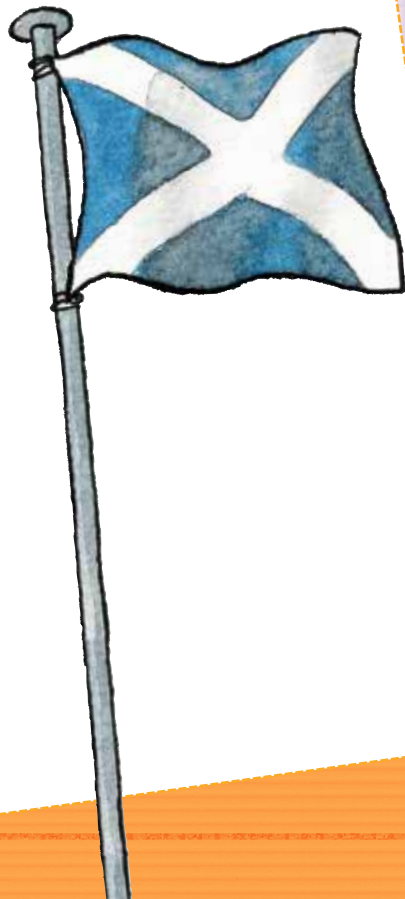
42.

You have the right to know your rights. The Government must publicise the Convention to children, young people and parents throughout their country.

Law in Scotland

Scottish law can be changed by an Act of Parliament or through the courts. Since 1999, the Scottish Parliament has made a lot of laws that affect children and young people in Scotland. Get to know who your Members of the Scottish Parliament (MSPs) are and go and talk to them! They will be the ones with most say over the new laws that affect you.

You can use your postcode on this website to find out who your MSP is:
www.parliament.scot/msps.aspx



The Children & Young People's Commissioner

In 2001, after speaking to lots of people – including children and young people – the Scottish Parliament decided that Scotland should have someone who works to look after your rights.

Scotland's first Children and Young People's Commissioner started in 2004. Your Commissioner's job is to protect and promote your rights and they are independent of the Government or Parliament. The Commissioner works to make sure that you and other people know about your rights and that people making decisions – for example Government or councils – have

your best interests in mind. The Commissioner will also speak out if they believe children or young people aren't getting a fair deal.

If you would like to find out more about rights and what the Commissioner does, please visit www.cypcs.org.uk/.



To get in touch with the Commissioner and team, phone 0131 346 5350 or freephone number 0800 019 1179, or email inbox@cypcs.org.uk.

Helpful Contacts

Article 12

Is a young-person-led network that works to promote young people's participation and information rights.

www.article12.org

ChildLine

Is the free and confidential 24-hour helpline for children and young people in the UK to talk about any problem they have.

Telephone: 0800 11 11 (free of charge – even from a mobile. The call won't show up on your bill) open 24 hours a day.

www.childline.org

Children's Parliament

Builds relationships that allow children the opportunity to voice their ideas, thoughts and feelings; so that their concerns and opinions can be listened to and included in the social and political landscape.

www.childrensparliament.org.uk

ENABLE Scotland

Is an organisation which campaigns for a better life for children and adults with learning disabilities and supports them and their families to participate, work and live in their local communities.

www.enable.org.uk

Equality Advisory Support Service

The Government has commissioned a new Equality Advisory Support Service which has replaced the EHRC Helpline.

www.equalityadvisoryservice.com

Families Outside

Can help and support you with any questions you may have about a parent in prison. They can help you with visiting rights and they can signpost you to other support organisations.

www.familiesoutside.org.uk

Forced Marriage Unit (FMU)

Is there to help people who are being forced into marriage. The FMU offers confidential support and information.

www.fco.gov.uk/forcedmarriage

Know the Score

Provide information and advice about drugs and how they affect people.

www.knowthescore.info

LGBT Youth Scotland

Is a national youth organisation working towards the inclusion of lesbian, gay, bisexual and transgender young people in the life of Scotland. They provide a range of services for young people, families and professionals.

www.lgbtyouth.org.uk

SAMH

Works to support people who experience mental health problems.
www.samh.org.uk

Scottish Child Law Centre

Free legal advice for under 18s – they can help you with any questions about the law.
www.sclc.org.uk

Scottish Youth Parliament

Is the democratically elected voice of Scotland's young people, working to achieve a nation that actively listens to and values the meaningful participation of its children and young people.

www.syp.org.uk

Together (Scottish Alliance for Children's Rights)

Is a charity with over 340 members, including other charities, schools, and lots of people who work with children. Together raises awareness and understanding of children's rights, and works to make sure that the rights of every child and young person in Scotland are met.

www.togetherscotland.org.uk

UNICEF

Is the United Nations agency that promotes children's rights all over the world.

www.unicef.org.uk

Who Cares? Scotland

Work with, and for, children and young people in care. They provide a range of services to children and young people with experience of being looked after in Scotland.

www.whocarescotland.org

Young Scot InfoLine

If you have a question and don't know who to turn to, then call Young Scot InfoLine. You can ask anything from how to get all your charges back from the bank to how you can improve your diet. All calls are confidential and are FREE from landlines and your mobile. Phone Young Scot InfoLine on 0808 801 0338 (Mon to Fri 10am - 6pm).

www.young.scot

This leaflet is intended as a guide to the law and is not an authoritative interpretation of the law.

Children's Rights & Participation Team

Scottish Government

2nd Floor, Victoria Quay

Leith, EH6 6QQ.

www.gov.scot



Scottish Government
Riaghaltas na h-Alba
gov.scot

© Crown copyright 2016

OGI

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at
The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-78652-498-0

First Published 2016

Revised and reprinted with minor amends and additional content
on pages 12, 18 and 23. August 2019

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS46660 (09/16)

w w w . g o v . s c o t