EXPLORERS

Rights Challenge Badge

Resource Pack

Scouts Scotland

RIGHTS DEFENDERS
PROMOTE. PROTECT. DEFEND.

CHILDREN & YOUNG PEOPLE'S Commissioner Scotland

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The Children and Young People's Commissioner

The Children and Young People's Commissioner Scotland promotes and protects the rights of everyone under 18, or up to 21 if they are in care or care experienced. The role was created by the Scottish Parliament after years of campaigning by children, young people and adults.

The Commissioner has the job for six years and Nicola Killean started in the role in 2023. She works to make sure the laws that affect children and young people's lives are fair. She also challenges people in power to keep the human rights promises they have made to ensure children have everything they need to grow up in an environment of happiness, love and understanding.

A key part of the job is helping children and young people understand how valuable and important their human rights are. That understanding means they can demand change when their rights – or the rights of others – are not being respected. The Commissioner also makes sure adults in Scotland know more about children's rights so that they see where they need to make changes.

Children and young people must be involved in the Commissioner's work, and this happens in different ways, in person and online.

Learn more about the Commissioner

The Rights Challenge Badge

This Rights Challenge Badge helps Explorers learn more about their human rights, and the rights of other young people. It's essential that you know and understand your rights so you can claim them. It's important that adults know your rights too so they can make sure you get your rights.

If your rights are not being respected, you can challenge people in power to keep the human rights promises they have made to you. These promises are outlined in the United Nations Convention on the Rights of the Child (UNCRC).

The Rights Challenge Badge will contribute towards your Top Awards. The badge is designed to contribute to the International, Community and Values (ICV) list of each of the Top Awards. To gain the Rights Challenge Badge, complete six activities with at least one activity from each section being finished. Please discuss with your mentor how this will specifically support you achieving your top award.

If you support a younger section with their Rights Challenge badge, this can also support the completion of Young Leader Mission 3.

If you are an adult supporting a young person to work through this badge, you may face some challenging conversations about human rights. This may include conversations about difficult situations, for example, experience of poverty or bullying. Sometimes people find just talking about human rights tricky or 'controversial' and it can be helpful to remember that human rights are agreed all across the world. Human rights agreements came from the aftermath of two World Wars, where countries came together to agree the rights and freedoms that human beings are equally entitled to. You can read the Universal Declaration of Human Rights, which was agreed in 1948. You will also find information on children's human rights on the Children and Young People's Commissioner Scotland's website.

If you are an adult working with young people on this badge, issues and conversations around human rights may be uncomfortable or challenging as young people may share personal experiences. Scouts Scotland has a safeguarding and child protection policy to help you support young people in the organisation.

There is information on children's human rights and guidance on how to complete the badge at the end of this resource pack for young people taking part in the badge, and for adults supporting them.

How to earn your badge:

Complete six activities from the list below with at least one activity completed from each section

Activities:

International

- Research and present information on a Children's Commissioner or Children's Ombudsperson's office in a different country that helps uphold and promote the rights of children and young people. Check the guidance notes for links to these organisations.
- As part of an international experience, connect with an organisation that promotes and upholds children's rights in the place you are visiting. Share your experiences with your Unit when you return.
- Take an active part in a project with an international organisation (for example with Save the Children, British Red Cross, the UN, UNICEF). Present your experience to your Unit or another relevant audience, such as another section.
- Complete any activity of a similar nature agreed beforehand and registered with your mentor.

Community

- Organise and deliver a session to help a younger section to complete their Rights Challenge Badge. There are resources to help you with this. This can also count towards your young leader mission. More information is available.
- Complete the requirements to achieve Stage Three or Four of the Community Impact Staged Activity Badge.
- Research and participate in a rights-based project to make an improvement in your local community. This could include attending a march, advocating for a positive change to an adult, such as your head teacher, local MP, MSP or Councillor, or supporting your school/sports club/youth group/activity group to embed rights. There is guidance at the end of this resource which can help you. You could explain what human rights are, and outline how rights can be embedded in your chosen example. Present your experience to your Unit.
- Raise awareness and understanding of children's human rights by creating a communications project to explain what you have learned about your human

rights. This could explain what human rights are, who they apply to, and why they are important. Your project could consider the UNCRC and outline why it matters, and/or could explain who the Children and Young People's Commissioner Scotland is, and what they do to protect and promote children's rights in Scotland. Think about how your knowledge could be presented. You could host an information session for other Explorers or adults, create social media posts, produce a PowerPoint, write a report or a blog, or make a short video. Don't forget to share your project with the Children and Young People's Commissioner and let the Commissioner know if they can repost your work. You can share your project on social media @cypcs or email media@cypcs.org.uk

- Complete any activity of a similar nature agreed beforehand and registered with your mentor.

Values

- Discuss the UNCRC and how Scotland is the first part of the UK to incorporate the convention into law during your Unit meeting. Explore some of the issues that might arise upholding the rights of children and young people. Think about the Scout Promise and Values and how they might help. There is information at the end of this resource about the UNCRC.
- Complete one of the ICV Values activities that you feel will best help you and your Unit explore identity, equity and making a difference.
- Explore what equity, equality, diversity and inclusion means and organise a series of six activities for your Unit or another section to mark or celebrate equality, diversity and inclusion. For example, World Children's Day, (20 November), Human Rights Day (10 December), Black History Month (October), Pride Month (June), International Women's Day (8 March), International Youth Day (12 August), International Day of Persons with Disabilities (3 December).
- Complete any activity of a similar nature agreed beforehand and registered with your mentor.

This section has some information to help you start your research into which activities you might like to do as part of your Rights Challenge Badge

Your human rights in Scotland

What are human rights?

Everyone in the world has human rights. Human rights are a list of things that all people – including children and young people – need to be able to live a safe, healthy and happy life. People have them no matter where they are from, how old they are, what they believe, or how they choose to live their life. Governments cannot pick or choose which rights to honour. Human rights can't be taken away. And adults must respect and protect children's human rights when they plan services, make policies, and make decisions.

United Nations Convention on the Rights of the Child

Children's human rights are set out in a document called the UN Convention on the Rights of the Child (UNCRC). It exists especially for everyone who is under 18. Childhood is a time that is entitled to "special care and assistance" and that's one of the reasons children have their own Convention.

Children have rights that apply to everyone in the world, and some additional rights too. The UNCRC is divided into 54 different parts called articles. Each article says something different about children's rights and how they must be promoted and protected.

Some of the rights these articles talk about include your human right:

- to have your opinions listened to and taken seriously
- for adults to think about what's best for you
- to play, rest and relax
- to have an education that develops your talents and abilities to the fullest
- to live free from violence, abuse and neglect
- to have access to healthcare and support for physical and mental health
- to a safe, warm house and hot, nutritious food

When people talk about the rights in the UNCRC, they often say they are:

Universal – that means everyone under 18 has these rights.

Inalienable – that means they can't be taken away from you.

Indivisible – that means they can't be separated from each other and no one right is more important than another.

Interdependent – that means the different rights depend on each other and they are all part of a structure that is essential to human dignity.

Putting the UNCRC into law in Scotland

Children, young people, and adults campaigned for decades to have children's rights recognised in law in Scotland. This campaigning led to the Scottish Parliament passing a bill to 'incorporate' the UNCRC in December 2023. Incorporation of the UNCRC means that children's rights are part of the law in Scotland.

This means that when rights are not upheld, this can be challenged legally in court. But even more significant than that, it means that people who make decisions, such as local councils, must make sure that they take children's human rights into consideration when they make laws and policies and set financial budgets.

Who checks Scotland's progress in children's human rights?

The United Nations Committee on the Rights of the Child is the body which monitors the progress that countries make in keeping their human rights promises under the UNCRC in a process called reporting. The Committee is made up of 18 independent children's rights experts from different countries.

The State (the UK and Scottish governments) must report to the UN on progress. At the same time, the Children and Young People's Commissioner reports to the UN too, making sure that children's and young people's views are included.

The UK is unusual as it's a UN Member State that contains four countries – Scotland, England, Wales and Northern Ireland.

UNCRC reporting looks at whether the UK and devolved governments are keeping their human rights promises. Because of this, the Children's Commissioners of all four of the UK's countries are involved in reporting to the UN. Many other people and organisations are also involved in the reporting process.

In addition to the UNCRC, the UK has signed human rights agreements including:

- the European Convention on Human Rights
- the European Convention on the Exercise of Children's Rights
- the UN Convention on Discrimination against Women
- the UN Convention on the Rights of Persons with Disabilities
- the UN Convention on Racial Discrimination, and
- the European Social Charter

International work around children's human rights

European Network of Ombudspersons for Children

The Children and Young People's Commissioner Scotland is a member of the European Network of Ombudspersons for Children (ENOC). It has 44 members from 34 Council of Europe member states who meet every year to discuss issues that affect children's human rights across the continent, and to share good practices.

Every year, ENOC chooses a different advocacy theme around children's rights to focus on. Examples include:

- 2023: independent children's rights institutions
- 2022: climate justice
- 2021: Covid-19
- 2020: children's rights impact assessments
- 2019: digital environment

By choosing one area to focus on, ENOC aims to:

- gain expertise on that area
- share national experiences, challenges, and good practice
- listen to young people's opinions, and
- come up with policy recommendations

ENOC members work together – and with the European Network of Young Advisors – through seminars, forums, studies, and workshops. They will publish a special report called a synthesis report – outlining the situation around the issue in ENOC member countries – and a position paper highlighting where ENOC stands on the issue, and recommendations for policy and practice.

European Network of Young Advisors

Article 12 of the UNCRC says that children have the right to be heard and for their views to be taken seriously. ENOC makes sure that this happens in their work through the European Network of Young Advisors (ENYA).

ENYA brings together children and young people to get involved in ENOC's work and to give them the platform to be heard at a European level. These young human rights defenders have their say on the big topic that ENOC is considering, express concerns and views, and can shape policy recommendations with their proposals.

Some children's rights issues in Scotland

You can look at any aspect of rights that you are passionate about. Here are just some of the biggest issues that children and young people say they are concerned about. You can find out more about different rights issues on the Children and Young People's Commissioner's website.

Poverty

Poverty is the most significant issue facing children's human rights in Scotland today. Before the pandemic, there were 260,000 children living in poverty in the country – that's a quarter of all children.

Poverty is such an important human rights issue because it affects every aspect of a child's life. Poverty can mean that families do not have enough money to buy food, clothes, shoes, and other essentials, or turn the heating on. It can mean that repairs and maintenance does not get carried out on homes. It can negatively impact health, education, family, relationships, and hopes and dreams for the future. Experiencing poverty as a child can even affect people's adult lives and reduce their opportunities.

The UNCRC says that children have human rights in relation to poverty:

- Article 4 says governments must use available resources to the maximum extent possible to fulfil children's rights.
- Article 6 says children have the right to survive and develop.
- Article 23 says children have the right to extra support if they are a young carer, disabled, or care experiences – groups who are impacted more by poverty.
- Article 24 says children have the right to good mental and physical health – poverty can be detrimental to children's health.
- Article 26 says children have the right to have their family supported and to benefit from social security.
- Article 27 says children have the right to a safe, warm home, and hot, nutritious food – but poverty can mean that some families must choose between heating and eating.

What does the UNCRC tell governments to do to end poverty?

- Article 3 says that children's best interests must be a primary consideration in all actions that affect them. This includes taking decisions around welfare and support that significantly impact families.
- Article 12 says that children and young people's views should be meaningfully considered on matters that affect them, like poverty.

Mental health

Children and young people have been saying for a long time that they think adults should take their mental health concerns more seriously. A Lockdown Lowdown survey of over 2,000 young people, conducted between March and June 2021 by the Scottish Youth Parliament, Young Scot, and YouthLink Scotland, identified mental health as a primary concern among young people, with over a third (35%) worried about their mental wellbeing and two fifths (40%) not confident about accessing information on mental health and wellbeing. Young people said that they would like to receive more support with mental health, including better support in school.

Funding for mental health services for children was inadequate before Covid-19, and the pandemic and cost-of-living crisis has only made things worse. But like everybody else, children and young people have the right to the best mental health possible. That doesn't mean not having a mental health condition, like anxiety or depression. It means being supported to have positive mental well-being.

The UNCRC says that children have rights in relation to mental health:

- Article 2 says that children must be protected from all kinds of discrimination. Mental health services should be provided for everyone regardless of their age, religion, disability or sex. They shouldn't be discriminated against because they have poor mental health or a mental health condition.
- Article 6 says that children have the right to be alive, survive and develop. The government has a responsibility to keep children safe from harm.
- Article 24 says that children have the right to the best possible standard of health and that governments must provide good quality healthcare and education on health and well-being so that they can stay healthy. If a child is is ill, they have a right to good health services. They have the right to live in a safe, healthy environment which helps them stay well.
- Article 27 says the government must make sure children have a decent standard of living that allows you to develop fully – physically, mentally, emotionally, spiritually and socially.

In 2023, Young Advisors to the Children and Young People's Commissioner led an investigation into the provision of counselling services in secondary schools. The Young Advisors – aged between 14 and 17 – planned the investigation, requested information from local authorities, assessed that evidence, and made recommendations.

They took their investigation – called Mental Health: Counselling in Schools – to the Scottish Parliament and recommended that:

- all children should have a right of access to counselling at school
- local authorities should ensure counselling is available outside school hours, during school holidays, and outside school buildings
- the Scottish Government should expand school counselling provision to all primary and special schools in Scotland
- local authorities should have clear waiting times for children who want counselling and information should be child-friendly

Climate justice

Children and young people in Scotland have told the Children's Commissioner that one of the most important issues to them is climate change and environmental degradation. Climate justice is about protecting the environment for now and for the future.

Children and young people have led climate justice movements, for example during school strikes, online, and in court.

How does climate change affect children's rights?

A right to a healthy environment encompasses rights to clean air, a safe climate, access to safe water and sanitation, healthy and sustainably produced food, non-toxic environments in which to live, work, study and play, and healthy biodiversity and ecosystems. Other important areas include the right to access to environmental information, participation in decision-making relating to the environment, and access to justice.

What does the UNCRC say about climate justice?

- Article 24 says that children and young people have the right to the best health possible. As part of that, it says that States should think about the dangers and risks of environmental pollution when they take steps to combat disease and malnutrition.
- Article 3 says that the interests of children and young people should be thought about at all levels of society and that their rights should be respected by people in power.
- Article 29 says that one of the aims of education is to make sure children and young people develop respect for the natural environment.

What does the UN tell governments to do to tackle climate change?

In 2023, the United Nations recommended that the UK and Scottish Government should:

- Strengthen national laws to protect the environment
- Have national plans in place to cope with adverse weather impacts
- Strengthen children's right to freedom of association and peaceful assembly and ensure that children are not threatened for exercising those rights, including for their involvement in climate activism
- Ensure children are educated about their rights, the environment, and environmental harms

Education

Every child has the right to an education. Young people have told the Children and Young People's Commissioner Commissioner that education – and issues around it likes exams and assessments and learning in ways that suit them – is a very important issue.

What does the UNCRC say about education?

- Article 4 says governments must use available resources to the maximum extent possible to fulfil children's rights.
- Article 23 says that disabled children have the right to special care and education, they should be taught in a way that understands their disability, and they should be able to join in and feel included at school.
- Article 28 says that all children have the right to education, no matter who they are.
- Article 29 says that children have the right to an education that develops their personalities, talents, mental and physical abilities to their full potential.

How does education affect children's rights?

The UNCRC says that children should have a say in decisions that affect them, and that applies to education too. Schools must involve children in decision-making by listening to their opinion and taking those opinions into consideration.

Education rights are not about getting through exams and assessments, the right is about developing your personality, talents, mental and physical abilities to the fullest potential. The right to education is closely linked to other rights such as good mental and physical health and to participating in life and building friendships. Schools are not just places of education, they are important parts of our communities. You don't just learn in school, you see your friends there, you hang out, you eat together and you have fun. Some children and families can access help through school, and that might be even more important if you need additional support.

What does the UN tell governments they should do about education?

In 2023, the United Nations recommended that the UK and Scottish Government should:

- Work to make sure children who are living in poverty, or who are disabled, or who are black or minority ethnic, or who are refugees, or who are young carers are supported to do their best at school
- Ensure that education is inclusive for disabled children
- Ensure that more is done to tackle bullying
- Ensure that children and teachers know about children's rights

Information to help you with your activities

There is a lot of information about children's human rights on the Children and Young People's Commissioner's website and here are links to specific resources that you may find useful:

- There is a poster which uses symbols and easy-to-understand language to explain the rights in the UNCRC.
- There are simplified explanations of the UNCRC articles.
- There is a UNCRC pocketbook which contains the full text of the UNCRC.

Email administration@cypcs.org.uk to request printed resources

There are other organisations that can help when you are researching issues. Here are a few suggestions:

- Together Scotland
- Scottish Youth Parliament
- UNICEF
- Amnesty International

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Please let us know about all you're doing to complete your Rights Challenge Badge by tagging us in on social posts and using the hashtag #RightsBadge