

The UN Convention on
**the Rights of
the Child**

*A guide for children
and young people*



**one
scotland**
SCOTTISH GOVERNMENT

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 young people in Scotland have rights.

The Convention has 54 articles. We have not included articles 43 – 54 as these are about how the UN 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 these 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.

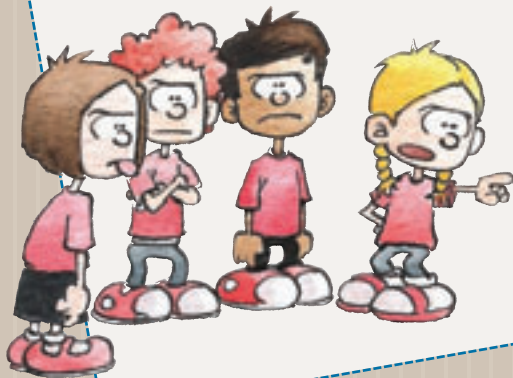
They think it is about children and young people getting everything they want and not having to listen to adults. But children's rights are human rights. Even the right to play (yes! – read on) is a serious right because children need to play to grow up happy and healthy. Read this leaflet and you will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

Your Rights

1.

Are you under 18? It applies to you! Remember that, in Scotland, it is legal to do certain things only at certain ages.

If you are unsure about what age things are legal or illegal, then the Scottish Child Law Centre can help you out. www.sclc.org.uk



2.

The rights in this Convention apply to all children, no matter who they are, whether they are a boy or a girl, what their religion is, whether they have a disability or what type of family they come from.

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

Discrimination can be against the law so get some help.





3.

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

For example, if a local authority 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 responsibilities to guide you through your childhood years and help you learn how to use your rights. This lasts until you are 18. 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 recognizes that, after 16, the parents' 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 children safe from harm.

7.

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

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 it's 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 and find out who your birth parents are. If you do 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 or neglecting you. Children whose parents have separated have the right to stay in contact with both parents, unless this might hurt the child.

If your parents have separated you might find the booklet "You Matter" helpful. If you have a parent in prison, you can get help from *Families Outside* [further details on the back of this leaflet].

10.

You have a right to live in the same country as your parents.

11.

The Government must make sure you are protected from being taken out of the country illegally or kidnapped.

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 (Scotland) Act 1995 includes the right to be heard as a major issue.

There are organisations that promote and support this right including Article 12 (details on the back of this leaflet).

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 to make friends – as long as it's not harmful to other people. In exercising your right, you have the responsibility to respect the rights and freedom of others.

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



16.

Children have the right to their own space and privacy. This may include not having their personal letters opened or anyone listening in to their 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 a child's reputation if it is not true.

17.

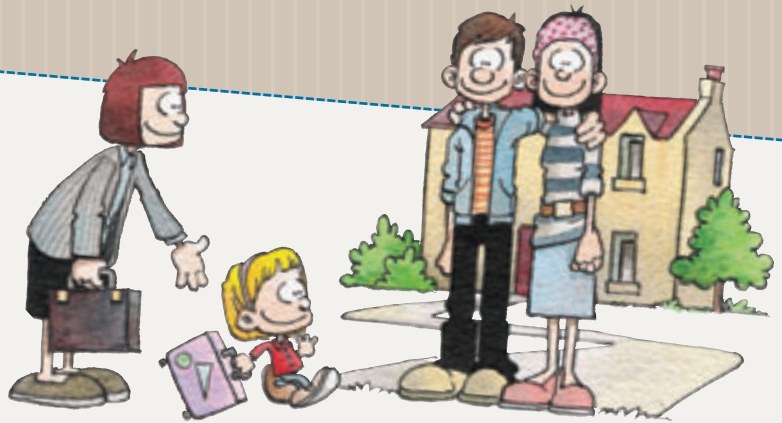
You have the right to access information which is important to your well-being. Adults should help you find the information you are looking for and make sure it's not harmful.

18.

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

The Governments give child benefit and other types of extra money and support to parents to help them look after their children.





19.

Children must be kept safe from harm and protected against violence. They must be given proper care from those looking after them. If you think you or anyone 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 by another family or in a children's home. Your religion, beliefs and language must all be considered when a new home is being chosen.

This might mean putting children with people of the same or similar background.

21.

Children being adopted must only be adopted under very strict rules which make sure that what is happening is in their best interests.

In Scotland there are strict laws which cover adoption procedures.

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

Contact details for 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 things. Money should not be a barrier to this.

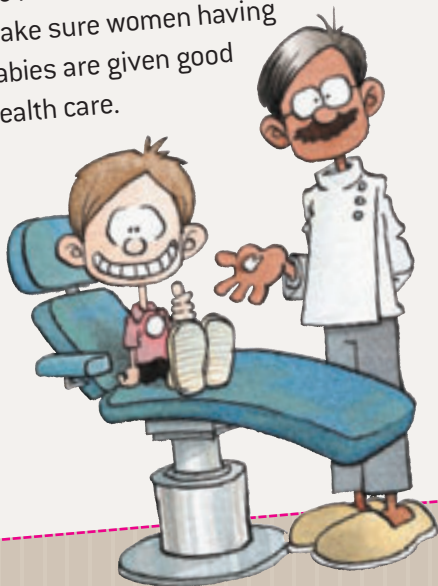
There are a lot of groups and organisations which exist to provide services and promote the rights of disabled people. Councils can also help.



24.

You have the right to be as healthy as possible. If you are ill then you must be given good health care 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 try to reduce the number of child deaths and to make sure women having babies are given good health care.



In Scotland the Government has a responsibility to make sure everyone gets health care, including children.

25.

If you are looked after in a care home or somewhere else away from home, you have a right to have your living arrangements looked at regularly to make sure they are still what's best for you. In looking at your situation, they 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, then you can contact *Who Cares? Scotland* who will be able to help you (details on the back of this leaflet).



26.

If you are poor then you have the right to help and financial support from the Government.

27.

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

Parents have the main responsibility to make sure their children have these basic needs met but the Government should also provide support.

28.

You have a right to an Education. In Scotland, primary and secondary education is free and every child has access to a free part-time pre-school place from the age of 3. Teachers should also speak to, and listen to, children and young people's views when setting up a school discipline policy which includes school rules.

29.

Schools should help children develop their skills and personality fully, teach them about their own and other people's rights, and prepare them for adult life.

Personal and social development programmes in schools as well as drama, music and art 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!

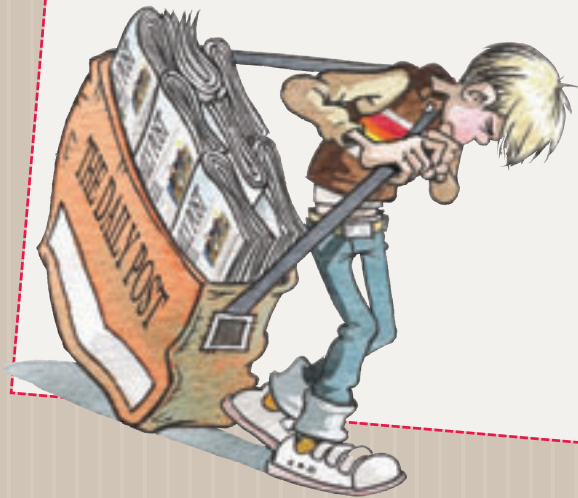


31.

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

Adults don't just think of boring stuff but also want you to enjoy yourself. 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 a right to be protected from dangerous drugs.

You can contact the Know the Score info line on 0800 587 5879 if you are in any way concerned.

34.

You have a right to be protected from sexual abuse.

Organisations such as *ChildLine* provide service for young people who have been abused (you can find their number at the back of this leaflet).

35.

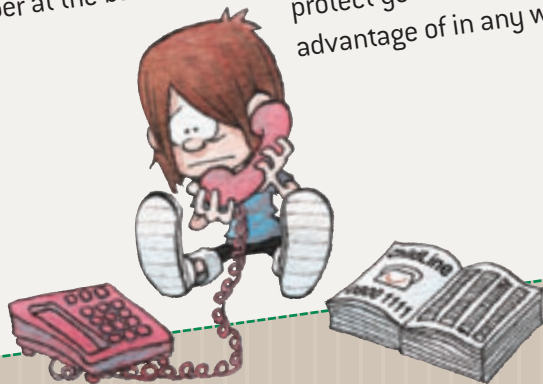
You have a right to be protected from being abducted or sold.

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. You should not be humiliated or hurt. You should be able to keep in regular contact with your family. You should not be locked up unless it is absolutely necessary. You should be able to get legal help.

In Scotland, if you are aged 8 or over, you are responsible for crimes you commit.

The children's hearing system in Scotland try all the time to make decisions which are in the best interest of children and promote family contact.

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 children should only be sent to prison if they have committed a serious crime and should not be put in prison with adults.

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



41.

If a country's own laws give children more rights than the Convention does, then the 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 a right to know your rights.
The Government must publicise the
Convention to parents and young
people 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 makes a lot of the laws that affect young people in Scotland. Get to know who your Members of the Scottish Parliament (MSP) 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 post code on this website to find out who your MSP is
<http://www.scottish.parliament.uk/msp/index.htm>



The Children's Commissioner

In 2001 the Scottish Parliament decided we might need a commissioner for children in Scotland to make sure their views and rights were looked after. After speaking to lots of people including children and young

people it was agreed that this would be a good idea.

Scotland Children's Commissioner started in 2004.

The Commissioner works for themselves and is independent of the Government.

In carrying out their work, the Commissioner must involve, and consult, both children and organisations that work with and for them.

If you would like to find out more about what the Commissioner and their team have been up to you can find out by looking at their website

www.sccyp.org.uk

or contact them on 0131 558 3733. They also have a Young Person's Freephone number for children and young people, it's 0800 019 1179.



Helpful Numbers

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)

<http://www.youngscot.org/infoline/>

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.

Website: www.lgbtyouth.org.uk

E-mail: <mailto:info@lgbtyouth.org.uk>

The Equality and Human Rights Commission

Helpline is here to give information and guidance on discrimination and human rights issues 0845 604 5510 (9:00am-5:00pm, Monday to Friday (an out-of-hours service will start running soon)) www.equalityhumanrights.com

SAMH

Works to support people who experience mental health problems.

Telephone: 0141 568 7000

E-mail: enquire@samh.org.uk

Website: www.samh.org.uk

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.

Telephone: 0500 839 383 (1:00pm-5:00pm, Monday-Friday)

E-mail: support@familiesoutside.org.uk

Website: www.familiesoutside.org.uk

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 and the call won't show up on your bill) open 24 hours a day.

Website: www.childline.org

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.

Telephone: 0141 226 4541

Fax: 0141 204 4398

E-mail: enable@enable.org.uk

Website: www.enable.org.uk

Forced Marriage Unit (FMU)

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

Telephone: 020 7008 0151 (9:00am-5:00pm, Monday-Friday)
020 7008 1500 (Emergency Duty Officer, out of office hours)

E-mail: fmufco.gov.uk

Website: www.fco.gov.uk/forcedmarriage

Scottish Child Law Centre

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

Telephone: 0800 328 8970 (free Mon – Fri 9.30am – 4pm)

Text: text 'SCLC' and your question to 80800

Post: 54 East Crosscauseway, Edinburgh EH8 9HD

E-mail: enquiries@sclc.org.uk

Website: www.sclc.org.uk/kzhome.htm

Article 12

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

Telephone: 01674 674086

E-mail: respond@article12.org

Website: www.article12.org

UNICEF

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

Website: 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.

Telephone: 0141 226 4441

Website: www.whocaresscotland.org

Know the Score

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

Telephone: 0800 587 5879 (free of charge)

Open: 24 hours

Website: www.knowthescore.info

Children's Rights Team

Scottish Government

Children's Rights Team

2nd Floor

Victoria Quay

Leith, EH6 6QQ

childrensrights@scotland.gsi.gov.uk

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



**The Scottish
Government**

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