



The Government of the United Kingdom signed up to the Convention in December 1991. Information contained in this booklet is only about Scotland.



Scottish law can be changed by an Act of Parliament or through the courts. Since first of July 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 are and go and talk to them! They will be the ones with most influence over the new laws as they affect you.

### Law in Scotland

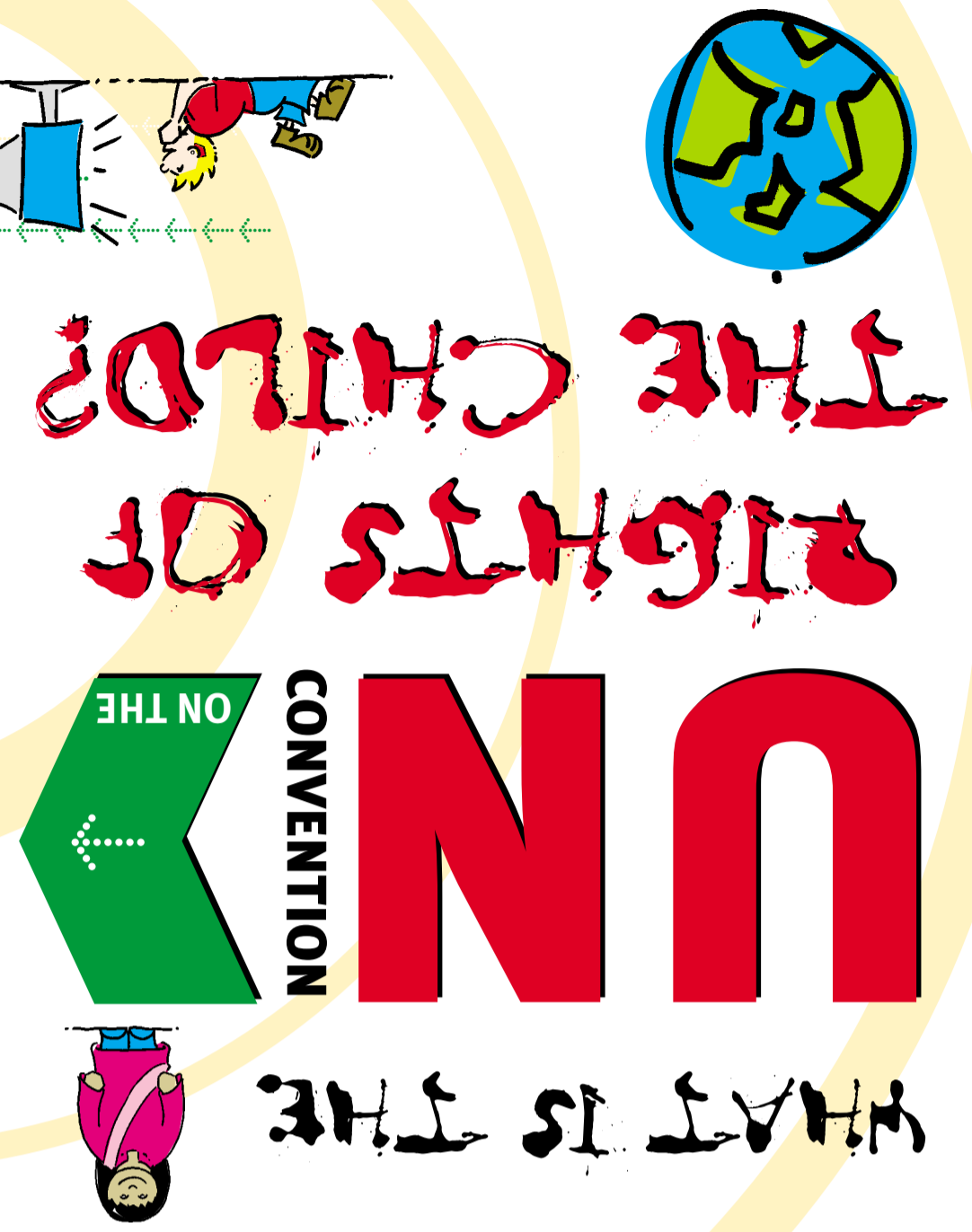
The Convention has 54 articles. We have not included all the articles here as some of them may not be of direct interest to you. If you wish you can read all of the articles in a full copy of the Convention which you can get from the Stationery Office, price £6.10. (See the back of this leaflet for the Stationery Office Phone No.) There are sometimes changes to the law in Scotland. Each time a new law is being made, the Government ought to look at the Convention to check that each change is in line with it.



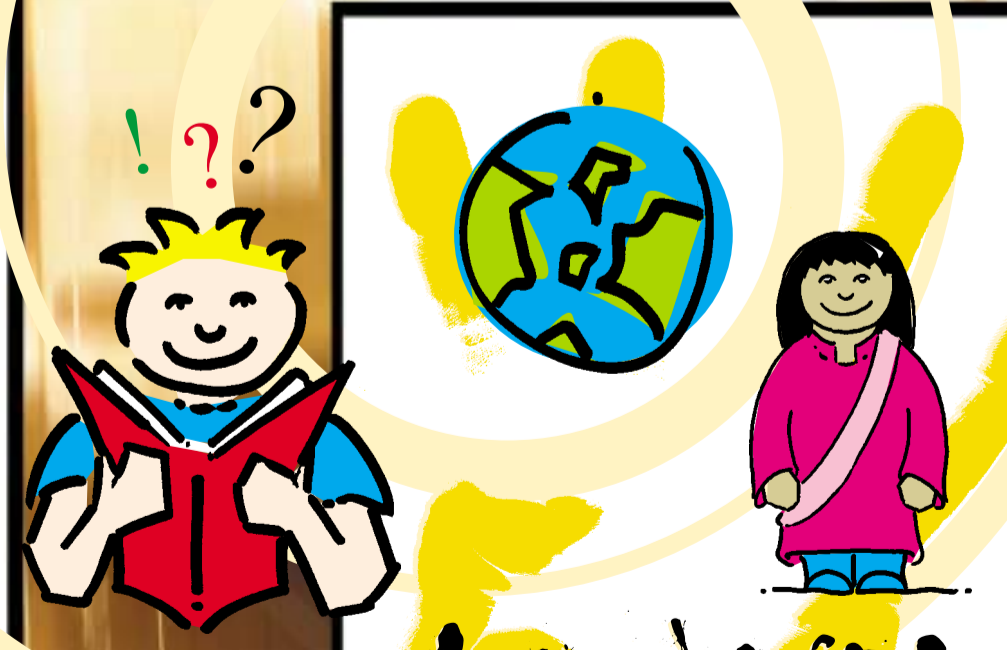
It describes the commitment that your Government have made to recognise YOUR Rights. The Convention is not a law but a code that recognises that young people in Scotland have rights.

UNDER 18 YEARS OF AGE - The law in Scotland treats us differently depending on our age.

If you are UNDER 18 YEARS OF AGE, the UN Convention on the Rights of the Child is about YOU.



## The UN Convention on the Rights of the Child



A guide for young people

## Rights

As you are growing up you will hear people talk about how you should act more responsibly. The Convention recognises that people have to grow up in order to become fully responsible but exercising the rights within the Convention as they are growing up will help young people to become responsible adults. Recognising that young people have rights can be difficult for some people. The Convention recognises that and it tells people exactly what kind of rights young people should have. For example, the right to be heard and to participate in decisions which affect them, as well as the right to protection from harm.

*It is an international standard against which life in Scotland for young people can be measured.*

## International standard

There are standards all over the world which are agreed and help to protect young people. The Convention is one that the majority of countries in the world can agree upon. Other standards you may have heard of come from Europe, like the CE mark you see on toys and clothing which says that they have achieved a certain safety and quality standard.

*The information in this booklet describes the "Articles" contained in the Convention that are important to you and links them with life in Scotland for young people.*

### List of helpful organisations

- Scottish Child Law Centre Young person's advice line 0800 328 8970
- ChildLine Scotland 0800 1111
- Article 12 in Scotland 0131 527 8200
- Who Cares? Scotland 0141 400 6363
- National Drugs Help line 0800 776600
- The Stationery Office 0870 600 5522

This leaflet and You Matter can be obtained from the Scottish Executive on 0131 244 3735  
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This leaflet is intended as a guide to the law and is not an authoritative interpretation of the law.





**1 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 at what age things are legal or illegal, then contact the Scottish Child Law Centre first. The number is on the back of this booklet.

**2 The Convention applies to all races, religions, or abilities equally. It applies to everyone, no matter what they think or what they say or what type of family they come from.**  
Remember that there are a variety of organisations which campaign on behalf of sections of society.  
If you think that you are being discriminated against, then contact the relevant organisation because the discrimination could be against the law.

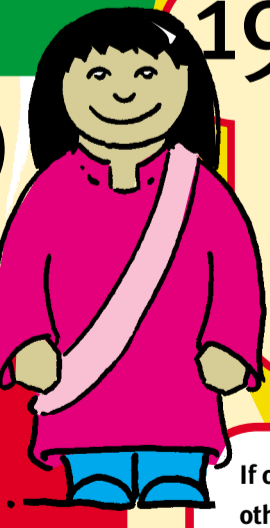
**3 If a decision is being made by any organisation about your well-being, then your interests must be considered when making the final decision. What is best for you MUST be a major thing they think about and must be a priority.**  
If a local authority is planning a new road they have to think about how their plans affect your safety.

**4 The Government have made a commitment to live up to the Convention's standards.**  
This can be delivered through:  
• The UK Government based in Westminster, London  
• The Scottish Parliament or  
• Your Local Authority

**5 In any family there are parents or other adults, as well as children. The Convention states that Governments must value and support parents and other adults in their roles as carers. The Convention recognises that parents and others have a responsibility to listen to you and you to them. Adults must consider your age and understanding when listening and deciding issues.**  
The Children (Scotland) Act 1995 recognises that parents have responsibilities and rights towards children, directing them up to age 16 and guiding them to age 18.  
As you get older you will be listened to differently. There are obviously different occasions when parents will know best but as you mature and show that you are maturing that will be taken into account.

**6 Children have the right to life and must have the best possible chance to develop fully.**

**7 Every child has the right to a name at birth and the right to become a citizen of a 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 (if known) will normally all be recorded together in one place.  
In Scotland, the law recognises that your parents should normally be the people who care for you unless it is not in your interests.



**8 The Government are committed to respect your right to preserve your nationality and identity.**  
If you are over the age of 16 and adopted you can make enquiries and may be able to 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 to someone about it. Your local authority will be able to help you.

**9 If you have to be separated from your parents against your will it can only happen if it is in your own best interests. If it does happen, then someone who is an interested party must be given the opportunity to take part in proceedings and have their views heard.**  
If you do get separated from your parents, there is a right for you to keep in touch regularly unless it is thought that such contact would be harmful to you. Someone who has an interest in your welfare might be your gran or aunt or someone else.  
There are organisations you can talk to about your situation if you are separated from your parents against your will. (On the back of this booklet you will find details about where to obtain the booklet, You Matter. You Matter explains what happens when your parents may be splitting up or divorcing.)

**11 Governments must take steps to stop children being taken out of the country illegally.**  
Babies must now have their own passports with pictures.

**12 Children and young people have the right to express a view about things that affect them.**  
The Children (Scotland) Act 1995 includes the right to be heard on major issues as one of its principles.  
Article 12 is a youth-led charity supported by Save the Children Fund in Edinburgh. For further information, please call the telephone number at the back of this booklet.

**14 As they mature, children have the right to freedom of thought and religion. Parents have a duty to guide their children on these important matters.**

**15 Children have a right to join organisations and to meet with each other. They can also take part in meetings and peaceful gatherings. However, any gathering must not be against the law and, by taking part, children must not affect other people's rights.**  
Local authorities and voluntary youth clubs are active all over Scotland.  
Contact your local education authority for a list of groups active in your area.



**18 Both parents have the main responsibilities for bringing up their children but the Government are expected to recognise that some parents may need help to care properly for their children.**  
The Government give child benefit and other types of financial help to assist parents to look after their children.

**19 Children must be kept safe from violence and they must be kept safe from harm. They must be given proper care by those looking after them.**  
If you think anyone is in real physical danger, you can report it to someone in authority like the police, a social worker, a teacher or an adult that you trust.

**20 If children cannot live with their family, they must be properly looked after in some other way, for example, by another family or in a children's home. The child's religion, race, culture and language must all be considered when a new home is being chosen for the child.**  
This might mean putting them with people of the same or similar background. Sometimes though it is just too difficult, and people are placed as close to their own background as possible.

**21 Children being adopted must only be adopted under very strict rules which ensure that what is happening is in their best interests.**  
In Scotland there are strict laws which cover adoption procedure.  
If you have any questions about adoption, then your local authority can help.

**23 Children who have any kind of disability should be helped to lead as able and independent a life as possible.**  
There are a lot of groups and organisations which exist to provide services and promote the rights of disabled people. Local authorities can also help.

**24 Children have the right to be as healthy as possible. If they are ill, they must be given good health care to enable them to become well again. The Government must try to reduce the number of deaths in childhood and to make sure that women having babies are given good medical care.**  
Children have the right to live in a safe, healthy environment with good food and clean drinking water.  
In Scotland the Government have the duty to provide health care for everyone, including children. There are also a number of specialist services in health for young people run through local groups and Health Boards.

**25 If you are looked after by your local authority rather than by your parents the authority must review your situation regularly.**  
Local authorities must look at your situation regularly and 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. They are an independent organisation run for young people who are in this situation.

**27 Every child has the right to expect an adequate standard of living. The Government shall help parents to achieve this for their children.**  
Parents have the main responsibility for providing an adequate standard of living for their children, but the Government should also provide help.  
Every child has the right to free education at primary school level. Different kinds of secondary school education should be available for children. For those with ability, higher education should also be provided.  
In Scotland, primary and secondary education is available free.  
In Scotland, every child has access to a free part-time, pre-school place in the year before they can go to primary school.

**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, reinforce messages of respect for other cultures and for each other.

**30 Children have the right to access their own culture, use their own language and practice their own religion.**  
In Scotland, there are many differing communities and cultures with different languages, religions and ethnic identities.  
A number of official books and leaflets are translated into different languages, for example, Chinese and Punjabi.

**31 Every child is entitled 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 balance in your life no matter how young or old you are.  
Your local authority can provide you with details about leisure activities in your area.



**32 The Government shall protect children from doing work which could be dangerous or which could harm their health or interferes with their 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 local education authority and ask for their advice.



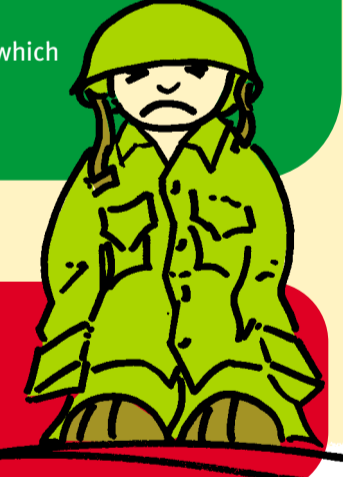
**33 The Government shall take measures to protect children from dangerous drugs.**  
You can contact the National Drugs Helpline on 0800 776600 if you are in any way concerned.

**34 The Government shall protect children from sexual abuse.**  
Organisations such as ChildLine Scotland provide services for young people who have been abused. (You can find their number at the back of this booklet.)

**35 The Government shall take measures to protect children from being abducted or sold.**

**36 Children shall be protected from all sorts of exploitation which can damage their welfare.**  
Exploitation can mean different things, but the Government shall protect young people from being taken advantage of in any way.

**37 & 40 Children who have committed a crime, or who are alleged to have committed a crime, should be shown respect for their human rights by those who are dealing with them. They should have access to appropriate help including legal assistance.**  
In Scotland, children do not normally go to court but are dealt with through the children's hearing system, unless they have committed a very serious crime. The Convention states that children should not be arrested, detained or imprisoned unless the law says they can be and that they should not be treated or punished in a cruel or inhuman way. If deprived of their liberty they should have the right to maintain family contact.  
Children's hearings try all the time to make decisions which are in the best interests of children and promote family contact.



**38 No child under 15 can be enlisted into an army.**  
In Scotland, you have to be 16 to enlist in any of the armed forces.

**41 If a country's own law better meets the rights of the child than the Convention does, then the terms of the Convention will not apply.**  
If children are looked after away from home, the local authority has many duties towards them. The local authority must make sure that, when they are making decisions about a child, they make the child's welfare their PARAMOUNT consideration. This means that what is best for the child should be their most important consideration. The Convention does not go this far, although it does say that it is very important to consider what is best for children. This means that our law is better for children than the Convention article.

**42 The Government must publicise the Convention to parents and young people throughout their country.**  
This booklet is part of the Government's programme to publicise the Convention.

# The UN Convention on the Rights of the Child

