



# Call for Evidence on the General Comment on the Rights of Adolescents

Submission from the Scottish Youth Parliament

## Introduction and background to the Scottish Youth Parliament

The Scottish Youth Parliament is the democratically elected voice of Scotland's young people. The organisation consists of approximately 150 young people, elected from electoral constituencies and national voluntary organisations in Scotland. The elected young people campaign on issues that matter most to Scotland's young people, and seek to influence policy and ensure that the views of young people aged 12-25 are heard by local, national, and international decision makers.

The Scottish Youth Parliament welcomes the Committee on the Rights of the Child's decision to develop a General Comment on the rights of adolescents, and is grateful for the opportunity to respond.

As an organisation, our fundamental values are based on Article 12 of the United Nations Convention on the Rights of the Child (UNCRC) which states:<sup>1</sup>

*"1. State Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.*

*"2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law."*

We exist to provide a platform for young people to discuss the issues of importance to them, and to affect the change they wish to see by facilitating and promoting engagement between key national and local decision makers and young people in order to shape policy development. As such, Article 12 of the UNCRC is a key pillar of our vision for Scotland, and the values which underpin that vision.

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<sup>1</sup> UNICEF, *The United Nations Convention on the Rights of the Child*,  
[http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC\\_PRESS200910web.pdf](http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC_PRESS200910web.pdf)



## Policy of the Scottish Youth Parliament

Our submission is based on the policies selected and passed by our democratically elected Members of the Scottish Youth Parliament (MSYPs) at our tri-annual National Sittings, during which MSYPs meet in plenary to debate policy issues of importance to their constituents. Our contribution is further grounded in the policy statements contained in our youth manifesto “Change the Picture,” which received almost 43,000 consultation responses.<sup>2</sup> Therefore, our remarks are shaped by the genuine views of young people.

The Scottish Youth Parliament affirms importance of the UNCRC, with the young people of Scotland agreeing that:

*Young people are entitled to as much protection of their human rights as the law can give them. This means the United Nations Convention on the Rights of the Child (UNCRC) should be given more force in Scots law.*

The Scottish Youth Parliament also believes that young people must be educated and empowered to contribute to civic life, and have a say in the legislation and policies which affect them. The young people of Scotland support the following statements:

- *The Scottish Youth Parliament believes that young people must be given the opportunity to contribute to civic life if Scotland is to achieve its potential. A strong commitment from Government must be given to achieve genuinely effective youth participation.*
- *All young people should be involved in the services and decisions which affect them and should have the opportunity to get involved in local decision making opportunities.*
- *Compulsory and good quality political, citizenship and democracy education should be provided in all schools in Scotland. Schools should help pupils register to vote.*
- *The minimum age for voting in all elections and referendums should be lowered to 16.*

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<sup>2</sup> You can see the list of SYP Policy, including our youth manifesto here: <http://www.syp.org.uk/policy-W21page-340->



## Findings from consultations with adolescents

### Terminology

We affirm that young people face unique challenges during this stage in their lives, and that their evolving capacities in the realization of their rights must be respected and nurtured.

We note that the Committee defines adolescents as a “specific group of children, commencing from puberty until 18 years.” From our engagement with young people, we believe that young people in Scotland are resistant to the term “adolescent,” due to negative connotations often associated with criminality and negative stigma. They do not identify themselves as “adolescents” and prefer the term “young people,” which they view to be more respectful, authentic, and non-patronising.

The Scottish Youth Parliament further notes that defining adolescence as beginning at puberty is subjective, and that the onset of puberty will differ for every young person, and can begin as young as eight years.<sup>3</sup> We believe it is important to further define this age range.

### Awareness

Many of the young people with whom we engage lack awareness or proper working understanding of their rights under the UNCRC. We believe this may be due to the language often used with the UNCRC. Young people aged 12 and over do not prefer to be referred to as “children” and may not see the relevance of the UNCRC to their lives, or understand that this applies to them. The Committee may wish to give consideration to this in their General Comment.

Furthermore, we have found that groups which are harder to reach, or whom face multiple disadvantages, have the least awareness of their rights and how to seek redress if they feel their rights are not being upheld. States must make more of an effort to use the language of “rights,” explicitly recognise the rights of children and young people, and raise awareness of the rights of children and young people and avenues for redress. We believe rights should be incorporated into a curriculum which educates the full person, and which is able to tailor the message of rights in an accessible and tangible fashion.

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<sup>3</sup> “Why is puberty starting young?” The Guardian. 4 November 2013.

<http://www.theguardian.com/politics/2013/nov/04/why-is-puberty-starting-younger-precocious>



## **Legislation and Policies**

The Scottish Youth Parliament has also found in its work that there are disparities in Scottish law in regards to age, with some laws coming into effect at the age of eight, twelve, 16, or 18. This creates confusion among young people as to their legal rights and responsibilities. For instance, while the age of criminal responsibility is eight in Scotland, children cannot be prosecuted until twelve. Additionally, while 16-and-17-year-olds were able to vote in the Scottish Independence Referendum, they are not able to vote in the upcoming UK General Election. While it is important to recognise the evolving capacity of young people, we believe clarity and cohesion must be given proper consideration.

It is important that young people are consulted on all legislation and policies which affect them, and have a say in the age at which the laws come into effect. Young people are best placed to understand their evolving capacity, and these views must be considered in the development of policies.

## **Services**

The Scottish Youth Parliament believes that young people benefit from organisations which advocate their rights, and which give them a platform to engage with decision makers and effect real change in their communities and nation. The importance of services which promote comprehensive adolescent development outside of traditional education should be recognised and affirmed by States, particularly as these organisations can play an important role in the education of and realisation of rights.

## **Importance of universal rights**

The Scottish Youth Parliament also believes that the Committee should assert that rights are universal, and deserve protection under the law in all States. All rights detailed in the UNCRC should be respected, protected, and fulfilled. Legal recognition for evolving capacities, and movement to empower young people as citizens is needed to ensure all rights are respected.

## **Involvement of young people**

Finally, the Scottish Youth Parliament believes that young people should be better represented on official international bodies. Official youth delegates on national delegations could be involved in relevant discussions, which would allow more young people to engage in these international bodies, and directly represent the views of children and young people around the world.



## **Contacts**

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