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Established by the Commissioner for Children and Young People (Scotland) Act 2003, the Commissioner is responsible for promoting and safeguarding the rights of all children and young people in Scotland, giving particular attention to the United Nations Convention on the Rights of the Child (UNCRC). The Commissioner has powers to review law, policy and practice and to take action to promote and protect rights.

The Commissioner is fully independent of the Scottish Government.

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## **Introduction**

This submission is from the Children and Young People's Commissioner Scotland's [Young Advisers](#) – Eve, Faye, Finlay, and Sophie with additional comments by Aurelia and Marcus. They are raising important human rights issues for children in Scotland.

## **Child poverty**

Children in Scotland are missing out on their human rights because of poverty and cannot afford enough healthy food, school materials, decent housing, and heating.

Poverty affects a child their whole life, in their education, future study, health, employment, and future opportunities. Young Advisers highlighted that stigma and stereotyping is a big issue for children in poverty. As one said, "People who grow up in child poverty are instantly disadvantaged.[...] It limits their potential, they won't be able to live their best life." They face more barriers and a different starting point to others. Another commented, "Being at a disadvantage means they have to work harder to get into places [...]. You also have to work harder to get a scholarship or free place."

Children experiencing poverty face barriers others don't consider, such as travel costs to and from education. One Young Adviser noted, "If you grow up in a deprived area and don't have access to money, you won't be able to afford fares for transport or access job opportunities or opportunities as a whole." Children experiencing poverty struggle to do extracurricular activities as it's more money and time. There are limited opportunities for creative subjects, like dance. Poverty limits children's ambitions and opportunities in higher education, which is free but only for undergraduate study in Scotland.

Food poverty is an [important issue for children](#) in Scotland. Lack of food makes it harder to concentrate and develop. Some schools provide breakfast clubs to ensure that children have food to start the day. However, this is not enough.

School costs like uniform costs, travel, learning resources, food, clubs, and school trips affect children's ability to [access school](#). One Young Adviser noted that children are sometimes punished or denied access to class if they don't have all their uniform. Another said, "You have to be able to access calculators, textbooks and everything else that most people have.[...] The school should provide some stuff for people who don't have everything else."

Cuts to benefits and benefit changes are one cause of child poverty. This includes [cutting](#) the £20 monthly increase to Universal Credit,<sup>1</sup> which was introduced in March 2020 and made a real difference to families in poverty. One Young Adviser commented, "It was really cruel to take it away and people are still struggling with the effects." The current cost-of-living crisis is making it harder for families in poverty and "as prices have been rising and inflation raises, it's just not fair." One added, "They need to sort out the benefit system, because that's where it stems from."

## Recommendations

- Make changes to the benefits system to ensure all families have access to the financial support they need and reintroduce the £20 increase to Universal Credit.
- Ensure children do not miss education for financial reasons. Provide stock in schools for children who don't have the required materials.
- Provide breakfast club in all schools and introduce schemes to ensure children can access nutritious meals.

## Climate justice

Climate change already affects children's lives in Scotland. Severe weather events such as storms and flooding damage critical infrastructure, housing, schools, play and recreation areas, and disrupt supply chains. This affects children's education, physical and mental health, and an adequate standard of living. Job losses due to weather damage or climate change actions also affect children. Young Advisers agreed that there isn't a lot of time left to act, climate inaction by the authorities is a huge barrier, and there isn't much easily available information on climate change and solutions.

The leading role children have been forced to take in climate justice, [eco-anxiety](#), and worrying about environmental inaction adversely affects children's mental health. One Young Adviser commented, "I know a lot of kids feel very, very strongly about this and it damages their mental health." Another stated, "We're all in a helpless situation where we're not being listened to. We're absolutely powerless and it is very stressful for many." A [2021 study of children in 10 countries](#), including the UK, found that 59% of children were very or extremely worried about climate change and more than half felt afraid, sad, anxious, angry, powerless, helpless, and/or guilty. Focusing on the problems without talking about the solutions adds to children's stress. One Young

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<sup>1</sup> Universal Credit is a monthly payment for those on low income, out of work, or unable to work to help with living costs. A £20 increase was introduced in March 2020 to help alleviate poverty but ended in October 2021.

Adviser commented, “Not knowing what to expect really takes a toll on your education and how you live.”

Children lack access to meaningful climate education, which would empower them to understand the crisis, its causes, and solutions. [Outdoor education](#), nurturing knowledge and passion for conservation, and community and bee gardens in urban spaces are important for climate justice and children’s rights, including [play](#).

Young Advisers felt that the Scottish government does not share information in a way designed to reach them, so they don’t know what the government is doing and what actions they can take. One noted, “I’ve tried to research in the past, but it’s kind of difficult[...]. [We need] a simple document with...bullet points that everyone could see and [that’s] communicable easily and readily available.”

Children don’t always know how to fight for climate justice or what protest actions they can take legally and safely, have a platform, or the power to achieve change. As one Young Adviser said, “on a national and local level, people don’t have the power.” Another noted that negative media reporting of protests could deter children from attending protests or defending the planet commenting, “People need to know what’s okay to do so they can actually speak freely without the fear of what’s going to happen to them.” Power-holders need to listen and “listen well.”

## Recommendations

- Implement climate change mitigation and adaptation measures at national and local level with sufficient powers and resources.
- Make information and education about climate change and climate action easily available and accessible for all, including children.
- Provide more information about children’s human rights, including at protests.
- Ensure that children have a platform to share information and advocate for climate justice.
- Listen to and involve children when taking decisions that involve them.

## Education

Children’s education has been affected since March 2020 due to:

- school closures
- online learning
- a lack of devices or adequate internet connection and
- a change in how learning was assessed.

This has increased inequalities and caused significant stress for children, [affecting their learning](#) and mental health.

One of the biggest challenges is equal access to good quality education. Some children face greater barriers, including children in poverty, disabled children, children who’ve struggled with mental health, those with difficult living situations or whose

parents/carers have experienced unemployment, in rural areas, and who've experienced bereavement. One Young Adviser commented, "access in education...it has a lot of variables." Children in these groups are often not offered the same opportunities or able to extend their potential in the same way as others. "You see them getting pushed away from education." Another added, "It's like teachers label people."

Young Advisers felt the education system is not well-adapted for children from different backgrounds, adopting a rigid, "one-size-fits-all" approach. "Every single individual is different and [...]it should be made for a wider range of people and take into account all the difficulties people may have." The education system doesn't allow for growth or for individuals to flourish. Young Advisers agreed a more flexible system, which allows all students to reach their potential and develop at their own speed, is needed.

Returning to school with the easing of pandemic regulations has been difficult for many children. Rules are applied inconsistently, even within schools, so that pupils don't know what applies and can feel uncomfortable or unsafe. Shielding children,<sup>2</sup> disabled children, and those with Additional Support Needs are particularly affected as they have struggled with pandemic measures, having the necessary adaptations in place, and feeling safe. This includes difficulties for children with face coverings and maintaining physical distancing. As one Young Adviser commented, "the people who were vulnerable before are still vulnerable."

National exams were cancelled for two consecutive years, causing [significant stress](#) and disruption. One Young Adviser noted, "Exams are still lacking in fairness, because of self-isolation and, because of the fact that...despite being talked about...we're still being left in uncertainty."

Young Advisers spoke about the pandemic's toll on their education and mental health with one saying, "I just had my prelims [exams] and I'm already ready to tap out halfway there, but it's just really hard for people to focus and focus on their mental health and on school and extracurricular stuff." Another added, "I [have] never ever been more physically tired. Just mentally exhausted that I was in those 'exams' that we had to sit back in May and June last year [2021] ...I was just done.[...] I was exhausted...never experienced anything like that." This applied to many schoolchildren across Scotland. One Young Adviser noted, "Everybody's been saying they don't feel like they have any [support]."

[Guidance is often unclear](#) and uncertainty causes additional stress. Scottish Qualifications Authority guidance on how to approach exams in 2022 has been met negatively by some children they feel it does not provide meaningful support in some subjects. One Young Adviser stated, "It's really stressful for some people" and some

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<sup>2</sup> Some people, described as clinically extremely vulnerable, were asked to stay at home at the beginning of the pandemic because they were at risk from Covid-19.

have “gotten really upset by the fact that they don’t know what’s going on.” Another commented, “You start getting that stress with exams...and anxiety and pressure.”

Throughout the pandemic, children have been largely absent from decision-making in education. As one Young Adviser said, “It’s about nothing about us without us. We’re not being told anything and we’re not being asked to get involved in the conversation.[...] How is that part of our human rights being respected? If we’re not being at least brought into the conversation, even if that decision is ‘we think we’re not going to cancel exams’...at least involve us...rather than having it all happen behind the scenes.”

Despite the [government announcement in June 2021](#) that it will establish a Children and Young People’s Education Council, work to establish this is not obvious to children yet. Overall, despite government commitments to change, one Young Adviser noted that, “This was an opportunity for the education community, a watershed moment [...] but it’s not really been. A lot of the problems are still there.”

## Recommendations

- Review systems of assessment in education so that they work for all children, to help develop their personalities, talents, mental and physical abilities to their fullest potential.
- Create dedicated space for children in educational decision-making processes.

## Mental health

Children in Scotland have consistently told us that mental health has suffered because of the pandemic. Accessing [mental health](#) support has been a significant challenge for several years, and has worsened because of [the pandemic](#). In response to a [2021 mental health survey of 1000 young people](#) aged 16-24, 72% of participants said they have struggled with their mental health. Children point to multiple stresses, including exam pressures, the climate emergency, the cost-of-living crisis, and the war in Ukraine.

Stigma remains an issue with mental health, particularly for anxiety and depression. One Young Adviser commented, “It seems to be that when you have mental health problems or when people find out that you do, we seem to think less of you.” This is particularly hard for children in small, close-knit, and rural communities. One Young Adviser commented, “People are afraid to be labelled because they’re subjected to...bullying and discrimination.” In addition to this everyday stigma, children are scared stigma around mental health will affect future education and employment. One Young Adviser noted that sometimes mental health can meet a diversity requirement for education or work, but this is not always positive as the organisation may not be focused on the support the young person needs.

How politicians communicate and the media report about world events, particularly the climate emergency and the war in Ukraine, is also stressful for children. Young

Advisers agreed that fearmongering and speculation about events and potential actions does not help and that it can be hard to work out what is realistic news and what is “fake news.” One Young Adviser commented, “It’s important to have it on the news but...some of it can be fear-mongering. How are you going to know that that’s not true...and you’re gonna get really scared about it.”

Children face multiple barriers to mental health support, including lack of government action, very long waiting lists and the quality of support and information available to them. One Young Adviser commented, “The waiting list to get an appointment is ridiculous and[...] when you do..., it wasn’t worth the wait because the quality of the appointment and the information and support they provide isn’t good enough.” Another commented, “There’s nowhere near enough support at all. You wait to get signed up, you wait for almost a year and a half, and then you get referred up and up, until you get someone who has no idea what you’re talking about anymore.” Some children get private therapy because the waiting lists are so long, but this isn’t possible for all children and increases inequality. A Young Adviser noted, “I’ve seen a lot of posts online about the government wanting to help with mental health with kids. But I haven’t seen a lot of action.”

Information is sometimes not available in the best format and should be adapted to more easily reach children, mental health information leaflets in schools often get thrown away or aren’t promoted by teachers. Young Advisers felt that mental health support is insufficient in schools and sometimes doesn’t feel confidential, which can prevent children from seeking help.

Young Advisers were clear that government action, more funding, staff training, and quality public mental health support is needed. “If there were just more places to go to see other people that was available to everyone, so it’s public, not private.”

## **Recommendations**

- Listen to children about their mental health needs and make information and support available so that all children can enjoy their right to mental health.
- Provide better support in schools and community settings to ensure that mental health concerns can be raised early on and reduce waiting times.
- Politicians and the media should communicate factually and responsibly on world events and developments.

## **Human rights defenders**

Children in Scotland often don’t know what their human rights are or how to defend them. The teaching of human rights and children’s rights in schools is inconsistent and not always part of regular learning. One Young Adviser commented, “You have to know what they are to be able to defend them in the first place.[...] Generally being educated on them and having examples of how they’re not respected would be useful.” Children also don’t know how to come together to defend human rights or how to do so safely, without being punished or attacked.

Children often don't have the support and tools to defend human rights, including not having a platform or access to support people such as advocacy workers. One Young Adviser commented, "Having access to someone who knows what they're talking about, someone who knows how to deal with things, so if you are facing a situation when you don't know what to do, you have someone to go to." Other barriers include power imbalances between children and adults, not being taken seriously by adults, and not being recognised as informed about the issue.

Children have told us they often receive limited or no follow-up or reporting back on processes, their inputs and how they were used, and outcomes. One Young Adviser said, "So often we are asked for our opinions and then after that, it's silence. You know we never heard how that's followed up, if it's actually achieved anything. We never see the impact of what we supposedly did to help."

In 2019, a group of children human rights defenders (CHRDs) advising the Commissioner [made several recommendations](#) on how to better support CHRDs, including by improving children's participation in relevant decision-making processes. One Young Adviser said, "showing children that they're not being tokenistic, including them from the beginning and [...] through the whole process." Another added, "And until the time comes where people are doing or just including young people by default, [...] there needs to be reserved space for young people in order they need to be actively considered rather than just passively considered."

### **Recommendations**

- Strengthen human rights and child rights education in schools.
- Include children in all decisions concerning them, including giving them a voice, platform to speak and exchange ideas, and communicating with them in a meaningful way.