

Youth Work and the Proposed Human Rights Bill for Scotland

Introduction

YouthLink Scotland is the national agency for youth work. We are a membership organisation representing over 100 regional and national youth organisations from the voluntary and statutory sectors. We champion the role and value of youth work and represent the interests and aspirations of our sector.

About youth work

Youth work is a powerful, dynamic and versatile education practice that equips children and young people with the tools and support they need to reach their potential. It is part of the wider professional practice of Community Learning and Development (CLD). Youth work is planned, delivered and evaluated by professionally qualified youth work/CLD practitioners, and other experienced practitioners, including volunteers, who hold a range of competency-based qualifications and skills to practice youth work.

Youth workers are based in the third sector and local authorities. The work is delivered across various settings, including youth centres, schools, colleges, outdoor education centres, prisons, or on via outreach programmes and detached youth work. A diverse range of engagement tools and vehicles for learning are used to respond to the needs and priorities of children, young people, families and communities.

Youth work promotes inclusion, mutual respect, equality and youth voice. It's about building relationships based on trust and shared understanding and using the strength of these relationships to develop a person-centred and non-formal learning approach to the development of young people.

It focuses on the 11-25 year age group. This can include primary to secondary transition support, after-school clubs and uniformed groups.

Youth Work and the Human Rights Bill Consultation

Youth work is one of the most potent [community-based](#) assets to help us create a better society. We know the practice nurtures confidence and boosts educational attainment. It stimulates personal development. It helps young people manage relationships. It provides volunteering opportunities. It assists young people who come into contact with the law. It aids a young person's mental health. And positively contributes to respecting and promoting the fundamental rights of children and young people in Scotland.

We recognise the great strides in our collective human rights journey and support the commitment to go further through a new Human Rights Bill incorporating international human rights standards already signed and ratified by the UK into domestic law in Scotland.

YouthLink Scotland agrees that embedding international human rights in Scotland will further emphasise the importance of all people being treated with dignity and ensure that human rights play an even more central role in our strategies, policies and decision-making processes across all areas of government and the wider public sector.

Youth work is human rights work and supports the aims of the proposed Human Rights Bill for Scotland because:

- *The United Nations Convention on the Rights of the Child (UNCRC) enshrines the [National Youth Work Outcome and Skills Framework](#)*
- *Respects and promotes the fundamental rights of children and young people in Scotland*
- *Supports inclusion, mutual respect, and equality*
- *Builds relationships based on trust and shared understanding and uses the strength of these relationships to develop a person-centred and non-formal learning approach to the development of young people.*

- *Assists young people who come into contact with the law*
- *Aids mental health and wellbeing of young people*
- *Nurtures confidence and boosts educational attainment*
- *Supports young people to understand and use their rights, including those furthest from mainstream services*
- *Stimulates growth and promotes youth voice and democratic engagement.*

As an organisation, we want a country where children's and young people's rights are recognised and rooted deeply in our public and voluntary services. We know youth work is important in supporting young people to understand and use their rights. This consultation on the proposals for a Human Rights Bill to be introduced within this session of the Scottish Parliament can support our shared vision.

In particular, and as an offer for future engagement, The YouthLink Scotland United Voices Network was established to provide a safe space for youth workers supporting young people facing racism and antisemitism to come together with a stronger voice. The network has been built with the needs of its members at the fore and has the following priorities: peer support for youth workers; change in the education system in relation to the experiences racism faced by young people; funding becoming more accessible; and diversity in the youth work workforce. This would be a strong follow-up for the Human Rights Bill Team as the discussion on incorporating relevant Treaties continues. YouthLink Scotland would be happy to enable direct discussions and/or facilitate with members of the network or host sessions with the network itself to have a deeper discussion of the expectations and potential impacts of the Bill on those with experiences of racism in Scotland.

Incorporating the Treaty Rights

What are your views on our proposal to allow for dignity to be considered by courts in interpreting the rights in the Bill?

Allow

YouthLink Scotland understands that the principle of human dignity (as in the inherent worth of the human person) is a crucial feature of international and regional human rights treaties. Human dignity is a foundational concept of the Universal Declaration of Human Rights 1948 and is referenced in all four treaties that the Human Rights Bill seeks to incorporate - as well as the UNCRC.

Youth work is a rights-respecting, enabling and promoting practice, ensuring young people have opportunities to live a life with dignity at its core.

We believe all people should be treated with dignity in the decisions taken by public bodies. We agree, therefore, with the proposal for dignity to be a key threshold for defining Minimum Core Obligations and that courts should be directed to consider dignity when interpreting a person's rights.

The youth work sector and broader Community Learning Development (CLD) partners will be crucially important to help with consistent understanding and interpretation of rights in the Bill.

Local authorities and voluntary youth workers are keenly positioned in the heart of Scotland's communities. Youth work leaders will be critical for public awareness raising and should be considered integral partners in building a culture of human rights and guarding against narrow duty compliance.

What are your views on our proposal to allow for dignity to be a key threshold for defining the content of minimum core obligation (MCOs)?

Allow

YouthLink Scotland believes that human dignity should be a key threshold for defining the content of minimum core obligations. Fairness and respect underpins the youth work sector's National Youth Work Outcomes and Skills Framework and is enshrined by the United Nations Convention on the Rights of the Child (UNCRC).

Further, we know from our specific consultation engagement event (27/09/23) held alongside The Scottish Government Human Rights Bill Team and YouthLink Scotland members that youth workers working alongside a range of young people (including those with protected characteristics) and from SIMD groups 1 and 2 believe the sector contributes well to upholding dignity. One youth worker said, *"young people are listened to and respected as part of a learner journey, and dignity is fundamental to youth work practice"*. Other examples such as *"youth voice"* and *"supporting Article 12 of UNCRC"* were given, as well as *"meeting young people where they are"*, a key definitive feature of youth work as a dignity-embodiment practice.

In summary:

Youth work is instrumental in improving readiness to learn, health and well-being, and educational outcomes among children and young people and contributes to efforts to close the poverty-related attainment gap.

- Youth work is rooted in inclusion, mutual respect, and equality principles, aligning with the United Nations Convention on the Rights of the Child (UNCRC).
- Youth work offers targeted support, non-formal learning opportunities, and a bridge between young people and their communities.
- Youth work is non-stigmatising and generates numerous positive impacts, including improved engagement in learning, health, and skills development.
- Youth work recognises the importance of collaboration between local and national partners in delivering transformative change in public services – a

critical ongoing requirement during the incorporation and implementation of the Human Rights Bill Treaties and complementary pieces of legislation.

What are your views on the types of international law, materials and mechanisms to be included within the proposed interpretative provision?

The most consistent and resource-effective approach is one where key international human rights principles, such as the universality, indivisibility, interdependence and interrelatedness of all rights are included within the framework.

Therefore, we **agree** with the Scottish Government and the SHRC to include a provision for duty-bearers, courts, and tribunals to read, apply and interpret the rights in line with international human rights law, materials and mechanisms. This includes the General Comments and recommendations of UN Committees, concluding observations of UN treaty monitoring bodies and other mechanisms at the international or regional level.

What are your views on the proposed model of incorporation?

We agree with the core elements of the Scottish Government's approach. However, the incorporation model needs to be made much better and stronger to realise the rights of more people in Scotland and to have the transformational change we need.

Public bodies should have due regard plus a duty to comply with rights in the Bill, with timescales specified in the Bill.

Further consideration and transparency are needed around whether it is possible to put a duty to comply with all of the special protection treaties.

The need to "*demystify*" the human rights landscape became apparent in YouthLink Scotland's Member Network Policy Special on the Human Rights Bill. Youth work is a non-formal learning practice, providing a critical, non-judgmental space for young people to interact with their peers alongside their youth workers. However, some youth workers mentioned in the engagement session that there is some underconfidence in this area. While YouthLink Scotland is providing ongoing training and support around UNCRC, more information, training and support to allow young people to flourish further in a youth work environment so the youth worker and young person alike better understand the broad swathe of human rights is required. It was said that well-intentioned legislation and campaigning can get lost in a landscape that some in the youth work sector perceive as "*cluttered*" or misunderstood through competing bits of legislation and Treaties – weaponised in an often highly political and/or hostile

environment. One of the youth work groups suggested a “*mapping exercise*” that would also show areas of devolved competence and a closer appreciation of the integral nature of the UNCRC.

It is crucial then that the Scottish Government reflects on the widespread learning from the UNCRC (Incorporation) (Scotland) Bill (‘UNCRC Bill’) across all levels of government as well as more broadly across civil society, children and young people and the Children and Young People’s Commissioner Scotland (CYPCS). The UNCRC Bill will incorporate the UNCRC into Scots law once technical issues are resolved and act as an essential pathfinder for the Human Rights Bill. We therefore support Together (SACR) recommendation to the Scottish Government to conduct a legislative audit to identify where acts of the Scottish and UK Parliament (in line with devolved competence) fall short of human rights standards. We believe this should be completed as a matter of urgency. We are aware of the very wide range of legislation – including that relating to planning, environment, transport, health, and education impacts on a young person’s right to a critical education that includes access to youth work as part of that essential rights-based learning. As such, mapping the legislation and areas which need to be strengthened should be considered essential.

We support the HRCS’s view that the CRPD includes important rights not found in the ICESCR. We, therefore, would want the Scottish Government to ensure there is a duty to comply with CRPD. YouthLink Scotland and its member network have significant experience working alongside young people furthest from mainstream services. Our networks span across all the protected characteristics. We ask that these local authority, voluntary, and thematic networks be utilised when developing advice and protocols - especially during the implementation period of the Bill.

Are there any rights in the equality treaties which you think should be treated differently?

No.

During the consultation of the UNCRC, we favoured the approach of directly incorporating text from the UNCRC into Scots law. For the Human Rights Bill, we would propose taking a broadly similar approach – putting the rights from the four treaties into the Bill using the exact wording as in the treaties themselves - removing anything reserved to the UK Parliament.

We agree that transposing the rights in an amalgamated way creates a significant risk that we could lose the meaning behind the treaties and that the Bill could move away from the standards, principles and practices of international law. This would create challenges for the future interpretation of the rights as they could lose their context as rights are taken directly from international standards.

A more fragmented approach may also make it more difficult to rally the youth work sector behind the Bill or youth work groups operating within thematic areas of the Bill to perceive a hierarchy of rights. As potential duty bearers and advocates for the sector in this environment, it could prove needlessly fraught or divisive at worst and simply more challenging to organise and communicate the benefits at best. In short, all rights are indivisible and interdependent, so they should not be treated differently.

Therefore, YouthLink Scotland supports the HRCS and Together (SACR) view that the appropriate term "*special protection*" should be used rather than "*equality*" treaties.

According to the Scottish Parliament's powers, the Bill should aim for maximum provision.

YouthLink Scotland's position on Recognising the Right to a Healthy Environment

As part of the Together (SACR) All Our Rights in Law conversation event with Children and Young People in 2021, YouthLink Scotland led on the Right to a Healthy Environment theme. The purpose of these conversations was to provide members of the National Taskforce for Human Rights Leadership with an opportunity to hear from children and young people about their experiences of their rights and their views on plans for a new human rights law for Scotland.

Participants felt that the UK and Scottish Governments were not respecting their right to a healthy environment. They gave numerous examples – such as continuing to invest in fossil fuels and not doing enough to encourage individuals to change their behaviour:

“it feels extremely worrying with the horrible effects of climate change and the fact that the government not taking it as seriously as it should, for example, they are still investing in fossil fuels.”

“I would personally say that our right to a healthy environment is not respected just now, because the government is not encouraging people enough to take active travel.”

They said politicians needed to take climate change seriously and do more to address it. Children and young people made the following recommendations:

“The government should take every possible measure to ensure it's not unnecessarily damaging the environment or allowing other groups or people to do so. Everyone should be able to access open, natural spaces that aren't polluted or contaminated.... ”

“The government should also encourage people to make responsible decisions which are less damaging for the environment. For example, eating local, organic or a plant-based diet”.

Participants noted that changing to a different diet could cost more and that people should get extra help if they need it:

“this is more expensive. There should be some effort to make it easier for people to access these foods”.

They also suggested that the government should encourage active travel and ensure enough charging points for electric cars, particularly for people who live in blocks of flats with little outside space. The importance of decision-makers listening to and considering children and young people's views about the environment was clear. The young people mentioned several opportunities to make their voices heard, such as being an #IWill Ambassador and youth-led, grassroots projects and opportunities gained through youth work.

The participants got information through schools and through being a part of participation projects (including youth work) to have their voices heard.

- *“we learn about climate change at school, greenhouse gases and the effects of glaciers. We get some good information. I have had some good opportunities to have my voice heard (youth-led and grassroots projects).”*
- Participants also spoke about how to raise awareness of the new human rights law. They said this should be through schools and other education settings (where people come in to tell you about the rights you have), websites or social media. They said information must be easily accessible and easy to understand but not too basic or it might not be taken seriously.
- One participant emphasised the importance of information not being solely being online or reliant upon technology, as not everyone has access to this and lots of young people are *“bored of sitting at a screen”* as a result of lockdown.

YouthLink Scotland takes a digital positive approach to embracing new technologies to engage and enhance young people's learning. However, we believe face-to-face education settings where young people can build relationships with their youth workers as a part of a partnership process on a learner journey is the best way to ensure understanding and access to rights. The importance of information, mechanisms, and supportive structures to help them claim their rights was cited as crucially important. Therefore, adequate resourcing of the youth work sector as awareness-raising and rights-respecting and promoting essential components of this legislation should be considered if we want the new law to be effective.

Young people said the new human rights law would reassure them of worries related to climate change:

“there’s a significant mental health impact related to the environment e.g. climate change – climate anxiety, it feels like everything is hopeless. If there is proper action taken by Scottish Government, it would offer some great reassurance and hope to young people.”

One participant felt that a new law could help move things on from debates about the climate to decision-makers taking action. Another thought the new human rights law might help people access clean water, food banks and a clean and healthy environment everywhere. They said that this, in turn, would mean people are healthier and they can do their jobs better.

One participant felt that the new law could help empower children and young people to stand up for their rights and have a voice:

“it will help young people like myself stand up for climate justice and stuff and to challenge government and other elected members. It will help us make sure that they do what they say they’re going to do instead of putting it in a manifesto and not delivering on it. It is important to hold people to account and make sure that they are keeping their promises.”

We are assured by this session and the broader work of our members that there is consensus on enshrining a right to a healthy environment. We were heartened that the UN General Assembly formally recognised this as a human right in July 2022.

While we understand that Scotland has made some strides on policy initiatives for environmental protection, recognising the right to a healthy environment as a human right for everyone in Scotland will deliver a more robust framework to take further action and strengthen accountability.

We understand that the right to a healthy environment is linked to the realisation of other rights to be incorporated in the Bill, such as The UN Framework Principles on Human Rights and the Environment, including the Aarhus Convention, as guiding frameworks for developing this right within the Bill. As such, we support drawing upon the definition supplied, which includes specific reference to ecosystems and the biosphere.

We agree that substantive aspects should be understood as including clean air; safe and sufficient water; non-toxic environments (in which to live, work,

study and play); healthy ecosystems and biodiversity; and safe climate. Procedural aspects should be understood as including awareness-raising, promoting education and capacity building; access to information; public participation in decision-making; ensuring effective, affordable and timely remedies; and suitable policies, planning and action.

We know the climate is a priority area for many young people, and they are eager to engage in action to address the climate emergency. The youth work sector partners from the children's sector and young grassroots climate activists have forced climate change up the political agenda. Through enshrining this right, we have a unique opportunity to consider how to involve young people and the youth work sector in public engagement, listening to them and involving them in the critical policy and political changes required to support meaningful policy action. To do this, young people and youth work practitioners must be at the heart of the national approach.

We urge recognition of the positive impact of youth work by embedding youth work within the supportive infrastructures in the Bill and as a listed vital partner. The legacy-building potential of youth workers and our Community Learning and Development (CLD) partners to promote understanding, deliver key messaging, and encourage youth action towards Scotland, fulfilling the right to a healthy environment, is unparalleled.

Our other key recommendations in this area include:

- Upskilling youth work leaders on the climate emergency.
- Investment in outdoor learning
- Greater recognition of the benefits of youth work
- Facilitate collaborative approaches between the youth and environment sectors
- Support for environmental jobs to help deliver sustainable industries
- Consideration of green and blue employability routes and the role of youth work in building the skills of young people
- Participation of children and young people built into all policy planning processes
- Expansion of training on children's rights
- Address social class as a barrier to young people's environmental activism
- Peer support and highlighting campaign successes

- Inclusion of marginalised groups
- Policy and training support for youth work charities
- Consideration of sustainable development goals and UNCRC throughout the engagement strategy

This will help build the societal transformation required for Scotland to deliver on a right to a healthy environment.

We disagree with the Scottish Government's proposal that the right to food should not be included. The recent General Comment no.26 on children's rights and the environment highlights that States should take action to ensure that healthy and sustainable food is produced for children.

We know that a significant proportion of the youth population lives in poverty¹. Poverty hurts children's development, leading to lower income and health levels in adulthood. Therefore, we should recognise child poverty as denying children's human rights and violating the UNCRC².

Poverty deprives young people of their right to education, including access to non-formal learning through youth work. The main determinants of social exclusion are rooted in social inequalities³. So, to effectively prevent and remedy the risk of exclusion for many young people, the determinants that generate social inequalities must be redressed. Lessons learned from youth work indicate that this is possible⁴.

We must recognise youth work's untapped potential to act as a powerful lever in the drive against poverty in Scotland, ensuring strategic approaches are "rooted in dignity, equality and respect for human rights"⁵.

Note: YouthLink Scotland, with support from Northern Star, conducted an evidence review for the Covid-19 Learning and Evaluation Oversight Group at Scottish Government, to explore youth work's role during and in recovery from Covid-19 – impactful films can be found here.

¹ [50,000 families in wealthiest city living below poverty line | HeraldScotland](#)

² [Poverty is the denial of children's rights | UN DESA | United Nations Department of Economic and Social Affairs](#)

³ European Commission (2013) Youth social exclusion and lessons from youth work <https://ec.europa.eu/assets/eac/youth/library/reports/eurydice-study-social-exclusion-2013.pdf>

⁴ European Commission (2013) Youth social exclusion and lessons from youth work <https://ec.europa.eu/assets/eac/youth/library/reports/eurydice-study-social-exclusion-2013.pdf>

⁵ [Tackling Child Poverty Delivery Plan 2022-26 - gov.scot \(www.gov.scot\)](#)

We believe young people need access to healthy food to maximise their physical wellbeing and to get the most from their youth work experience. YouthLink Scotland has a longstanding commitment to a right to food. Our organisation backed the Scottish Youth Parliament (SYP) campaign in 2021-2023 that every young person has the right to have food that is accessible, readily available, and adequately meets their dietary needs. Moreover, learning from YouthLink Scotland's food insecurity and learning loss pilot, developed in partnership with the Scottish Government and The Lines Between, demonstrates that the youth work approach positively addressed a right to food by incorporating it into the youth work offer, as well as other positive impacts, including attainment, broader family wellbeing and the youth work approach to food provision being de-stigmatising.

What are your views on the proposed formulation of the substantive and procedural aspects of the right to a healthy environment?

The UN Framework Principles on Human Rights and the Environment (which sets out the basic obligations of States under human rights law), and the Aarhus Convention, are guiding frameworks for developing this right within the Bill. Based on those international standards and following engagement with stakeholders, we think the right should be understood as having both substantive aspects and elements which set out a course of action (procedural aspects).

Do you agree or disagree with our proposed approach to the protection of healthy and sustainable food as part of the incorporation of the right to adequate food in the International Covenant on Economic, Social and Cultural Rights (ICESCR) rather than inclusion as a substantive aspect of the right to a healthy environment?

Disagree

The right to food should be included as a substantive aspect of the right to a healthy environment. It supports young learners in various settings to make and maintain youth work involvement and thrive. Further, incorporating the right to adequate food will protect the environmental aspects of food production.

Do you agree or disagree with our proposed approach to including safe and sufficient water as a substantive aspect of the right to a healthy environment?

We agree with the proposed approach, and echo ERCS's calls to extend the definition to recognise adequate sanitation and the right to healthy and sustainably produced food.

Are there any other substantive or procedural elements you think should be understood as aspects of the right?

Yes

YouthLink Scotland supports the ERCS's position and Together (SACR) and other stakeholders' recommendations - following engagement alongside the [Rights Detectives](#). They emphasised the importance of sustainable travel as an aspect of the right to a healthy environment. The Detectives called on the Scottish Government to ensure that when implementing the right to a healthy environment, sustainable travel options are accessible to all, acts to address the affordability of electric cars and encourage environmentally friendly practices. We acknowledge the UN Committee has also urged action on sustainable travel in its recent General Comment 26. Scottish Government should, therefore, consider how these calls could best be secured.

Incorporating Further Rights and Embedding Equality

Given that the Human Rights Act 1998 is protected from modification under the Scotland Act 1998, how do you think we can best signal that the Human Rights Act (and civil and political rights) form a core pillar of human rights law in Scotland?

We support the Human Rights Act as a core pillar of human rights law in Scotland. Human Rights Act's duties and rights should be fully integrated

across implementation of the Human Rights Bill and the UNCRC Incorporation Bill. This should include guidance, training, capacity-building, information and awareness-raising. All of which youth workers are keenly positioned within the heart of all of Scotland's local authorities to help disseminate, upskill, and promote.

How can we best embed participation in the framework of the Bill?

Youth participation is a core underpinning of youth work. Youth workers tell us that when young people participate in youth work practice, especially those from seldom heard groups, it enables them to exercise their rights as citizens and contributes to a more democratic society. It promotes their personal development and enhanced their knowledge and practical skills in a non-formal learning environment that creates a framework to flourish.

Participation is a crucial aspect of taking a human rights approach. The Rights Detectives were clear that: *"[i]n developing and implementing the new Human Rights Bill for Scotland, Scottish Government should prioritise community-rooted development work to ensure that the voices of children and their families are actively included and considered throughout the process", as part of a broader range of recommendations for the implementation of participation rights.*

YouthLink Scotland is committed to ensuring effective participation in policy development for the Bill prior to introduction and beyond and working with partners to make that happen. Youth workers stand ready to support community-rooted development work, providing whole family support, and ensuring the principle of [Article 12 UNCRC](#) is maintained during the implementation of the Bill. We can take inspiration from the [#IWill movement in Scotland](#), which encourages and empowers young people to take action, make a difference and influence change within their communities, the environment and broader society through activities such as youth work, volunteering, fundraising, mentoring, campaigning and activism.

What are your views on the proposed approach to including an equality provision to ensure everyone is able to access rights, in the Bill?

YouthLink Scotland agrees that the success of the Bill depends on the rights being incorporated in a way which means their protection can be enjoyed

and accessed by everyone equally, regardless of status. Therefore, we support the inclusion of an equality provision in the Bill as an essential integral component.

How do you think we should define the groups to be protected by the equality provision?

YouthLink Scotland has made a [renewed commitment to delivering on the Promise by 2030](#) and are encouraging and working alongside youth groups to support the directional intent of youth work to deliver this aim. As such, we support calls made by Who Cares? Scotland that Care Experienced people of all ages should be named in and explicitly protected by the equality provision. This would also build upon progress at the local level, whereby some local authorities have voted to recognise Care Experience as a lifelong and protected characteristic.

Do you agree or disagree that the use of 'other status' in the equality provision would sufficiently protect the rights of LGBTI and older people?

YouthLink Scotland disagrees that the use of 'other status' is sufficient. We would support Together (SACR) position that a non-exhaustive listing should be used, along with 'other status.' This would help specifically where children and young people do not have access to equality protection. We support ongoing consultation with LGBTI groups, including specific LGBTI youth work leaders working alongside the LGBTI community to explore this question further.

Do you think the Bill Framework needs to do anything additionally for LGBTI or older people?

Yes.

There is benefit in these groups being visible given the particular consideration needed to address barriers to their rights. A naming approach would also help to overcome the fact that Care Experienced people have historically not been recognised by the broad category of "*other status*".

The Duties:

What is your view on who the duties in the Bill should apply to?

The duties in the Bill should apply as widely as possible and should include all organisations provide public services. This should include private and

third sector organisations who provide youth work. Many of these organisations are YouthLink Scotland members and are committed to providing high quality youth work opportunities for young people. In so far as possible this should also ensure a balance is struck between protection for rights-holders, while delivering a Bill that provides clarity for duty bears and allows adequate time for implementation and meaningful changes in practice. We know youth workers take a maximalist approach to UNCRC and as a sector we are committed to being rights respecting and promoting. So, embracing the Human Rights Bill is something that can be incorporated into current youth work delivery – a considered approach would allow the sector to embed any renewed shifts in practice and contribute positively to driving culture change across sectors.

What is your view on the proposed initial procedural duty intended to embed rights in decision making?

We support a procedural duty applying across all the treaties and that this should follow a 'due regard' model.

What is your view on the proposed duty to comply?

YouthLink Scotland supports a strong duty to comply. We believe this should take place as soon as practicable possible after the Bill becomes an Act so rights are built into the fabric of decision making and the delivery of services.

Do you think certain public authorities should be required to report on what actions they are planning to take, and what actions they have taken, to meet the duties set out in the Bill?

Yes.

How could the proposed duty to report best align with existing reporting obligations on public authorities?

YouthLink Scotland agrees that existing reporting obligations could be aligned in a way that priorities an inclusive process that supports participation by rights holders with it being onerous and therefore undermining the intention of realising rights.

What are your views on the need to demonstrate compliance with economic, social and cultural rights, as well as the right to a healthy environment, via minimum core obligations (MCOs) and progressive realisation?

The approach taken by UNCRC that Governments should commit "*maximum available resources*" to realise children's rights means that minimum core obligations can be secured without a need for additional resources. It should be seen as minimum floor from which the progressive realisation of the right builds upon. However, setting a minimum core for Scotland has the potential to be significantly impactful in determining the

most basic needs of people in Scotland that must be prioritised and realised immediately – matching the ambition of the Bill.

What are your views on the right to a healthy environment falling under the same duties as economic, social and cultural rights?

We support the views of the Rights Detectives who make no such distinctions between rights. They view a healthy environment as being an integral part of the right to play, the right to an adequate standard of living, the right to food, freedom of association and the right to housing. Therefore, we believe this supports the same duties applying across the sets of rights.

What is your view on the proposed duty to publish a Human Rights Scheme?

YouthLink Scotland supports the duty to publish a Human Rights Scheme. This should align with the Children’s Rights Scheme, a positive component of the Scottish Government’s commitment to implementing the UNCRC as outlined in the Bill. We support Child rights impact assessments (CRIA), inclusive communications, enabling children and young people to access documentation and child-friendly complaints. Further, this would make it easier for Scottish Government to publish their plans for implementation and report on any progress.

Ensuring Access to Justice for Rights-Holders:

What are your views on the most effective ways of supporting advocacy and/or advice services to help rights-holders realise their rights under the Bill?

YouthLink Scotland agrees that when the rights and duties in the Bill are engaged, remedies need to be:

Accessible – the individual understands clearly how they can resolve their issue through the system.

Affordable – the financial cost to the individual needs to be limited as far as possible.

Timely – the issue needs to be dealt with at the earliest opportunity.

Effective – the remedy needs to deliver a better outcome for the individual.

The Human Rights Bill should strengthen access to independent advocacy, with specific attention given to children whose rights are most at risk. We note the Rights Detectives recognised the importance of children knowing their rights as a necessary precursor to knowing when they have been breached and being able to seek support. Youth workers work with the most marginalised in society and those furthest from mainstream services. They are positioned to support young people when their rights are breached, providing advocacy and signposting where necessary. Young people tell us that youth workers are often the chosen trusted adults that young people would choose to come to for advice and support. The youth work sector should, therefore, be considered as one of a range of options available around effective remedy. The youth work sector should be considered in the Scheme and implementation planning for the Bill.

Advocacy

Youth workers can provide information, advice and advocacy for rights holders in relation to the rights in the Bill. They provide support and representation to empower individuals to claim their rights. They are an important resource in helping to ensure individuals can realise their rights and access justice where things go wrong. Given routes to remedy can be complex, advocacy services can play a crucial role in helping rights-holders navigate the system; we need to recognise and invest in crucial supportive youth work services.

What are your views on our proposals in relation to front-line complaints handling mechanisms of public bodies?

This was a strong theme during active engagement with the youth work sector during the UNCRC Bill. As such, YouthLink Scotland supports HRCS's position that complaints handling needs to be enhanced - specifically for children and young people, including a spectrum of formal and informal procedures, with accessibility to children and young people at its core.

What are your views on additional powers for the Scottish Human Rights Commission?

We support additional powers for the Scottish Human Rights Commission.

What are your views on potentially mirroring these powers for the Children and Young People’s Commissioner Scotland where needed?

YouthLink Scotland supports HRCS’s position, ensuring equivalent powers and additional resourcing for the SHRC and Children and Young People’s Commissioner Scotland (CYPCS), helping secure maximum protection for children’s rights.

What are your views on our proposed approach to ‘standing’ under the Human Rights Bill?

We understand that the UNCRC Bill made no specific provision on standing, which means that the ordinary rules about who can bring cases in court (in other words, the sufficient interest test) would apply to claims brought under that Bill. We support the ‘sufficient interest’ test for standing.

What should the approach be to assessing ‘reasonableness’ under the Human Rights Bill?

YouthLink Scotland supports [HRCS’s position](#).

Do you agree or disagree that existing judicial remedies are sufficient in delivering effective remedy for rights-holders?

Disagree.

We are keen to discuss further how a more comprehensive and flexible system of remedies could positively impact young, enabling remedies, if their rights are breached.

If you do not agree that existing judicial remedies are sufficient in delivering effective remedy for rightsholders, what additional remedies would help to do this?

The Human Rights Bill should align with the UNCRC Bill which specifies that courts may grant a remedy that it considers “*effective, just and appropriate*”.

What are your views on the most appropriate remedy in the event a court finds legislation is incompatible with the rights in the Bill?

Young people consulted on the UNCRC Bill were clear that it should have strong powers of enforcement, including strike down powers. They said this would demonstrate its respect for children’s rights and set a good example for other countries. Therefore, Courts should be able to ‘strike down’ laws or issue declarators of incompatibility where Acts of the Scottish Parliament are not compatible with rights in the Bill, reinforcing the principle that no legislation should ignore or violate these fundamental rights.

Implementing the new Scottish Human Rights Acts:

What are your views on our proposals for bringing the legislation into force?

YouthLink Scotland supports [HRCS's position](#) that a six-month commencement period following Royal Assent would be reasonable, with the additional duty to comply coming into force no more than two years later. This timeline would allow for the development of guidance, establishment of Minimum Core Obligations through a participatory process. We believe any related capacity-building should include youth workers as named partners. The timescale for commencement should be specified on the face of the Bill.

What are your views on our proposals to establish minimum core obligations (MCOs) through a participatory process?

We support an in-depth mapping exercise taking place to understand what children have already been asked and said about their rights, in order to prioritise gaps and frame creative forms of engagement to gain further information.

What are your views on our proposals for a Human Rights Scheme?

YouthLink Scotland supports the proposal to establish a Human Rights Scheme (as set out in the UNCRC Bill), as a crucial tool for accountability on the Scottish Government's commitment to advance human rights.

What are your views on enhancing the assessment and scrutiny of legislation introduced to the Scottish Parliament in relation to the rights in the Human Rights Bill?

All legislation introduced to the Scottish Parliament should be assessed against its compliance with the rights contained in the Human Rights Bill.

How can the Scottish Government and partners effectively build capacity across the public sector to ensure the rights in the Bill are delivered?

Guidance and dissemination of information is crucial to supporting effective implementation. Youth workers are positioned in the heart of local children's and family services and should be considered as a key stakeholder in building capacity in public authorities on the Bill.

How can the Scottish Government and partners provide effective information and raise awareness of the rights for rights-holders?

YouthLink Scotland has significant experience of working in collaboration with youth workers in every local authority in Scotland and the third sector to develop policies and mutually beneficial strategies. As youth work is a rights-based practice. It prides itself on meeting your people where they are as part of a dignified partnering approach to non-formal learning. Information sharing and providing space for critical thought is woven into the sector's very being and forms part of the nature and purpose of youth work. We would be pleased to share our experience.

The current Bill provides an opportunity to strengthen existing approaches in a way that builds upon what children and young people have already told us, ensuring inclusive communication is used throughout.

What are your views on monitoring and reporting?

YouthLink Scotland supports HRCS's position and calls from Who Cares? Scotland and SCLD on the need for improved data collection, monitoring and publication to better understand the needs of particular groups of children and the extent to which their rights are being upheld.

ENDS

ED NOTES

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