



Using the law to advance human rights

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Clan Childlaw

What do we do?

- Legal representation for children and young people in Edinburgh, Lothians and Glasgow
- Legal information service across Scotland
- Learning and development on child law
- Policy development

Rights of the Child

United Nations Convention on the Rights of the Child

- Key principles

1. The best interests of the child
2. The right to life, survival and development
3. The right to participate
4. No discrimination

Unicef

Rights Respecting Schools Awards



Children's rights in Scotland

- Children and Young People's Commissioner Scotland
- Together (Scottish Alliance for Children's Rights)
- Children's Parliament
- Scottish Youth Parliament
- Equality and Human Rights Commission

Human rights law protects everyone, including children

- European Convention on Human Rights
- Human Rights Act, Scotland Act
- Equality Act

Parental rights

- Decide where a child lives
- Decide how the child is brought up
- Maintain contact
- Be the child's legal representative

Parental responsibilities

- Look after the child's health, development and welfare
- Provide guidance
- Maintain contact
- Act as the child's legal representative

Using law and human rights

- Human rights as the starting point
- Ensure decision-makers respect human rights in legislation, policy and practice
- The courts can be asked to check compliance with human rights
- The Equality and Human Rights Commission has special legal tools

Example

Named Person case

- Judicial review of the Children and Young People (Scotland) Act
- Clan Childlaw intervened to give expert opinion to the court
- We argued children's right to privacy not respected
- Supreme Court agreed
- Government must now change legislation

Thank you

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