



The Right Way

Article 12

training

resource pack

This pack has been developed to support officials and decision-makers to take part in *The Right Way* project's online training on Article 12 of the UNCRC.

Alongside the information and videos on *The Right Way web hub*, the additional materials and activities in this pack will ensure you have the knowledge you need to practice the meaningful participation of young people in your work.



Part 1: What is the UNCRC & Article 12?

The first part of the training gives details on what the UNCRC is, its history, its key concepts and a quiz.

Before doing this, please watch the two videos of MSYPs explaining what the UNCRC is and what Article 12 means to them on the training page of therightway.scot.

What is the UNCRC and Article 12?

Info sheet 1



What are Human Rights?

The Equality and Human Rights Commission says: human rights are the basic rights and freedoms that belong to every person in the world, from birth until death. They apply regardless of where you are from, what you believe or how you choose to live your life. They can never be taken away, although they can sometimes be restricted – for example if a person breaks the law, or in the interests of national security.

These basic rights are based on shared values like dignity, fairness, equality, respect and independence. These values are defined and protected by law.

What is the UNCRC?

As well as the human rights that apply to everyone in the world, young people have other rights.

The United Nations Convention on the Rights of the Child (UNCRC) is a legally-binding international agreement setting out the civil, political, economic, social and cultural rights of every child, regardless of their race, religion or abilities.

Under the terms of the convention, governments are required to meet children's basic needs and help them reach their full potential. Central to this is the acknowledgment that every child has basic fundamental rights.

It has fifty-four articles that set out the rights of everyone under the age of 18. Forty-two of these articles are 'substantive' rights which set out children's rights. The other twelve articles are about how adults and governments must work to make sure children can enjoy their rights.

What is the UNCRC and Article 12?

Info sheet 2



The history of the UNCRC

The UNCRC was drafted in 1989 and is the most widely and rapidly ratified human rights treaty in history. In total, 196 countries have ratified it - including the United Kingdom on 16th December 1991. The USA is the only country that has not ratified the Convention.

There are three agreements which were added later, called Optional Protocols, that strengthen the Convention and add further unique rights for children. They are optional because governments that ratify the Convention can decide whether or not to sign up to these Optional Protocols. They are: the Optional Protocol on the sale of children, child prostitution and child pornography, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on a complaints mechanism for children (called Communications Procedure).

The fact that a country has ratified the UNCRC does not guarantee that the rights in it shall be respected, protected and fulfilled. This can only be ensured when steps are taken to implement the Convention into domestic law, policy and practice. The Committee on the Rights of the Child is the body of 18 independent experts that monitors implementation of the UNCRC by its States parties (countries that sign up to it). States parties submit regular reports to the Committee and the Committee responds through 'concluding observations' sharing their concerns and recommendations.

The Committee also makes recommendations on any issue relating to children to which it believes the State parties should devote more attention. They share these through 'general comments'.

Decision-makers in Scotland made a clear commitment to the UNCRC, when in March 2021 the Scottish Parliament voted unanimously to incorporate the UNCRC into Scots Law. Despite this, as of March 2023 the UNCRC (Scotland) (Incorporation) Bill is yet to come into force.

What is the UNCRC and Article 12?

Info sheet 3



Key concepts of the UNCRC

UNCRC rights are:

- Universal – Everyone under 18 has them
- Inalienable – They can't be taken away from you
- Indivisible – Can't be separated, or placed in an order of importance
- Interdependent – They all depend on each other

What are the General Principles of the UNCRC?

The four general principles of the UNCRC. Together, these four principles underpin how the Convention should be interpreted and put into practice. They are:

- Article 2 - Right to non-discrimination;
- Article 3 - Right to have a child's best interests taken as a primary consideration in all matters affecting them;
- Article 6 - Right to life, survival and development;
- Article 12 - Right to express views freely and for those views to be taken seriously.

What is article 12 of the UNCRC?

Article 12 has two paragraphs the first, our focus, protects the right to be listened to and taken seriously, and the second refers to the right to be heard in any judicial or administrative proceedings. The first paragraph can be split into two, related, parts, The right to share views; and the right for those views to be given due weight (or taken seriously).

General comment 12 published by the UN Committee on the Rights of the Child in 2009 explains how Article 12 should be interpreted. It places the obligation on the State to:

- Put in place mechanisms to gather the views of children and young people
- To give 'due weight' to that view. This means that simply listening is insufficient; the views of the child have to be seriously considered when the child or young person is capable of forming her or his own views.
- To ensure this right is protected, respected, and fulfilled, decision-makers should practice the meaningful participation of young people in their decision-making process.

What is the UNCRC and Article 12?

Quiz



After you've watched the video on what the UNCRC is and read the info sheet on the history of the UNCRC, have a go at answering these quick quiz questions about the UNCRC! (Answers on the next page).

1. How many articles does the UNCRC have?
 - a.12
 - b.42
 - c.54
2. UNCRC rights are indivisible, which means they...:
 - a. They can't be taken away from you
 - b. Can't be separated, or placed in an order of importance
 - c. They all depend on each other
3. The four general principles of the UNCRC - Articles, 2, 3, 6, & 12 - help the interpretation of the Convention because...:
 - a.They underpin it.
 - b.They are more important than the other rights.
 - c.They are rights that impact all young people.

4. Article 12 of the UNCRC refers to giving views due weight, this means...

- a. Simply listening is insufficient; the views of the child have to be seriously considered when the child or young person is capable of forming her or his own views.
- b. The views of children and young people should be the main consideration of decision-makers.
- c. Decision-makers must act immediately to make the changes reflected in the children or young people's views.

5. The obligations of the State include:

- a. Challenge other countries to uphold Article 12
- b. Give children and young people the chance to meet with leaders
- c. Put in place mechanisms to gather the views of children and young people.

6. One young person said that Article 12 means what to them?

- a. Everything!
- b. Giving young people the opportunity to share their lived experiences.
- c. Much more than all the other Articles of the UNCRC.

What is the UNCRC and Article 12?

Quiz answers

1. C - 54
2. B - Can't be separated, or placed in an order of importance
3. A - They underpin it.
4. A - Simply listening is insufficient; the views of the child have to be seriously considered when the child or young person is capable of forming her or his own views.
5. C - Put in place mechanisms to gather the views of children and young people.
6. B - Giving young people the opportunity to share their lived experiences.