



UN HOUSE
SCOTLAND

CHILD POVERTY AND THE HUMAN RIGHTS OF THE CHILD

A REPORT FROM THE
JUNE 2022 ROUNDTABLE



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Human Rights and Child Poverty in Scotland

*An Introduction from the
UN House Scotland
Human Rights Team*

Over the past year, the Human Rights Team at United Nations House Scotland (UNHS) has been planning a series of roundtables on the incorporation of humanitarian principles into Human Rights law in Scotland and beyond.

Our discussions have led us to understand that humanitarianism – at least for the purposes of our Roundtable and this Report – is the prioritisation of the collective needs of human beings above all else. The team’s first Roundtable in March 2021 discussed the efficacy of having such an approach in a rights-based framework, especially in providing a guiding force for the incorporation and implementation of human rights into Scottish Law.

We found that significant parts of Human Rights laws are focused on individual needs and rights as opposed to collective rights, which is how we came to ask ourselves if human rights can be based on collective rights. This stemmed from the entry into force of the Treaty on the Prohibition of Nuclear Weapons, which addresses the consequences of using nuclear weapons on the health and welfare of those affected and argues that such weapons should therefore be banned. We felt that this new discourse could be the basis of establishing human rights as collective rights.

We believe the same logic applies to human rights: historically, it may have been understandable to treat human rights as individual (social, economic, political) rights. However, it is even more important now, given the new framework, to focus on the collective humanitarian impact of when these rights are denied or abused, as well as recognise the bonds of trust which become necessary to stem such abuses.

We at UNHS believe Scotland must be at the forefront of dealing with Rights. Therefore, stemming from these considerations, the Human Rights team at UNHS seek to answer the following questions through our Roundtable series:

- i) What is a Human Rights approach to poverty?
- ii) Can a humanitarian approach be an important driving force for Scotland's Human Rights Framework as it addresses the eradication of poverty?

In considering human rights and child poverty in this Roundtable, we are looking at how children, especially those suffering from poverty, can benefit from a humanitarian approach to Human Rights law – looking at the different categories of rights (i.e. 'civil and political rights', 'economic, social and cultural rights' and more recently, 'environmental rights') as enforceable Rights and the impact on human beings as a collective as opposed to single individuals. Where do human rights sit in relation to poverty and, in particular, to child poverty?

Our Human Rights team at UNHS worked to produce a programme which would reflect the complexities in this important area of human rights and child poverty. (Please see the programme outline in Appendix 1.)

Each of the presenters at the Roundtable was able to provide further insight and relate their considerations to the current situation in Scotland. We, therefore, have an understanding of multiple experiences and perspectives, such as those from persons: living in poverty; connected with civil society actions to address poverty; taking forward the UN Charter on the Rights of the Child; in the Unit on Child Poverty of the Scottish Government. The importance of developing an empathetic connection with those living in poverty is the underlying drive of this Roundtable. We came to the view that without human empathy and humanitarian endeavours, human rights become removed from real people in need.

This report reflects these concerns.



Image 1

Brian Scott,

Poverty Truth Community

HUMAN RIGHTS - HUMAN RESPONSIBILITIES

The Poverty Truth Community (PTC) brings together legislators and those in power with community members who have 'real life' experience of poverty and its accompanying problems and traumas. Over the past decade, the PTC members have been successful in meeting and briefing the Education Secretary of the Scottish Government (SG) regarding the irregularities of the School Uniform Clothing Grant. This resulted in the SG establishing a 'uniform' amount of clothing grant across Scotland which abolished the postcode lottery of the previous system.

During the first pandemic and lockdown, the PTC and the Child Poverty Action Group (CPAG), had a successful meeting with the Head of Education of Glasgow City Council regarding food vouchers. Thanks to the Scottish Parliament, each child who qualified for school meals continued to receive an allowance for food during the lockdown. However, it was a matter for individual Local Authorities to decide how this money was distributed. For example, some local authorities paid directly into a parent's bank account, and others-like Glasgow City Council- opted to distribute Farmfood food vouchers.

The PTC & CPAG argued that **not all parents resided near this particular food store and would therefore incur travel costs to attend the store, negating the value of the food voucher. Additionally, there was no real variety or choice of food in some food shops. The reality is that modern Scotland is a multicultural society which means that some young people have special religious or cultural dietary needs.** Consideration also had to be given to increased food allergies, and the lifestyle choices/dietary preferences of young people. The PTC argued that paying the value of the food vouchers directly into the parents' bank accounts allowed them to fully meet their children's dietary needs.

The PTC ultimately succeeded in convincing Glasgow City Council to pay the value of the vouchers as a cash payment directly to the parents. These are just two examples of the PTC and policymakers working together to achieve a solution to a problem. At all times, the campaigns and activities of the PTC are led and instituted by members with lived experiences of poverty.

UN Convention of the Rights of the Child (UNCRC)

The UNCRC is built on the following pillars:

1. **Non-Discrimination**

“ALL children should enjoy their rights and never be subjected to ANY discrimination”.

2. **Best Interest of the Child/Children**

“.....in all actions concerning children whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration. ”

3. **The Right to Survival & Development**

“The principle most directly related to children's economic and social rights is formulated in the right to life article. The article goes further than just granting children the right not to be killed; it includes the right to survival and development which is formulated in Article 6:2 and states thus: "State parties shall ensure to the maximum extent possible the survival and development of the child."

4. **The Views of the Children**

“A crucial dimension of the convention is expressed through another principle, the one about respecting the views of the child. In order to know what is actually in the interest of the child it is logical to listen to him or her.”

It is hoped that in 2022, residents in the UK live up to the ‘The Great British Values’ of equality for all: equal opportunities; looking after the most vulnerable in society; helping fellow citizens when they hit life’s difficulties, such as when they are made unemployed etc. But is this true? The answer is no, especially regarding children and young people. There are citizens in Scotland who have fallen through the gaps in the system, whether through stresses on the social care system, the state benefits system or as a result of the current economic climate where people are working for low pay and long hours or are caught up in the bureaucracy of the refugee system.

If a State signs up for the UN Charter on Human Rights then there is an obligation to implement the Articles of that Charter. But what about individuals? What are the individual’s responsibilities to fellow citizens who fall through the gaps or who are ignored by society?



"There are citizens in Scotland who have fallen through the gaps in the system, whether through stresses on the social care system, the state benefits system or as a result of the current economic climate where people are working for low pay and long hours or are caught up in the bureaucracy of the refugee system."

Brian Scott

Why do these Articles not apply to groups such as refugees or those waiting for the Right to Remain in the UK? It is our responsibility to make sure they are protected and given the means to thrive and develop in Scotland.

Groups such as PTC should create a single voice to signify to politicians that there are children in Scotland, and the wider UK, who at this moment in 2022 are going hungry. They are being discriminated against by the very systems implemented to protect them and are facing mental health trauma stemming from the 'Cost of Living' Crisis, and through the repercussions of the Covid-19 pandemic.

There is a lifebelt in the form of the UN Convention on the Rights of the Child. Using this, and working together, the chains that trap children in poverty in Scotland can be unlocked. To use an old cliché "The children are our future". We all want to see them thrive and prosper in our communities and develop into the best person they possibly can be. Together, we can help our younger citizens get there.

Thank you.

CJ,

Poverty Truth Community

CJ, a 17-year-old from the Poverty Truth Community

"I am going to be honest. When I was asked to make a speech for this I had no idea of what to say. I mean what do you say? Please please...what? No offence, but I think it is common sense. It is great that this is happening. But it is also common sense that in 2022 this is a conversation that we need to have.

My opinion as a young person: poverty is embarrassing ... or should I say, it feels embarrassing. It feels embarrassing watching your peers do things you can't do. Reach opportunities you can't touch, solely because of your monetary status.

When your friends ask you to hang out, you learn to make excuses because words like "I can't afford it" are like acrid bile burning your throat. Soon they stop asking you. Soon you stop caring.

Your monetary status isn't just your status, it becomes your identity. It is like a lonely island which you cannot pass because you cannot afford to. It is frankly isolating.

You ask me what needs to change and I am at a loss for words. I could say 'more benefits' or I could say 'more opportunities for poor young people and poor children'. But these are points that have been talked about to death.

Instead I wish there was a change in attitude. We ask ourselves how we could change the problem without really delving deep into what the problem actually is. Why is it that in 2022 so many children still come to school hungry? Why is it that so many children are rehomed because their parents cannot afford to keep them?

What is the underlying problem here? That is what you need to ask yourselves. Then you can fix it. We need to remember that what you are fixing isn't just a problem. It is the lives of thousands of young people living here. Including me.

And with that I leave you with this poem:



*Dirty sneakers steeped in dirt as
grubby hands dig. Dig for what?*

*They say salvation comes when the
sun rises in the west and sets in the
east.*

*Battered bones and tattered jeans
run from to where?*

*And bitter tears burn as they travel
across your cheeks.*

*The stomach pangs in hunger and
longs for something else.*

*Cyclamens grow from the rubble at
your feet.*

*Undesired. Uninvolved. Undecided.
Unresolved.*

CJ

Clare MacGillivray,

Director of *Making Rights Real*

Introduction

Clare MacGillivray spoke about the necessity of having discussions about poverty and its impact on children's rights. More specifically, she discussed the process behind Scotland's initiative to embed children's human rights into Scots law, along with other new legislation to continue the advancement of all human rights. This was seen as timely because more Scottish children are living with the scourge of poverty.

Poverty is a human rights failure. Children's human rights are everyone's business.

Current legal precedents which are obstructing the protection of children's rights.

Children are being failed because their economic, social, and cultural rights are not being protected by duty bearers. Embedding the UNCRC into Scots law will provide a real opportunity for children, organisations and the Children's Commissioner to hold duty bearers to account for child poverty. This includes legal means. The state will have to use its maximum available resources to progressively realise children's rights. This is therefore a real opportunity for children, their parents and caretakers, and public bodies to learn about and embrace children's rights.

More children are deliberately and systematically being plunged into poverty by decisions of the UK Government – for example cancelling the Universal Credit uplift.

This is an attack on children's human rights and on the right to an adequate standard of living. It affects children who are already disproportionately affected by wealth inequality. It is conscious cruelty at its worst.

A recent report by the Coalition for Racial Equality and Rights showed that 44% of minority ethnic children in Scotland - even before COVID - are the only child poverty 'priority group' where poverty is still rising in Scotland.

We know from the Child Poverty Development Plan and implementing the Fairer Scotland Duty that children's rights are severely impacted by poverty.

Children living in poverty is a human rights issue. Every child has the right to a standard of living that is good enough to meet their physical and social needs and support their development. Governments must help families who cannot afford to provide this.” (Article 27 UNCRC).

This includes children having a right to adequate housing, and social security to be able to live a full life by enabling participation in their communities and having a say in things that affect them.

The time is now to make rights real for children in Scotland.

Real Impact

The infringement on children’s rights provoked by poverty was evident when I visited a Gypsy Traveller site. I witnessed:

- Children having to store their clothes in plastic boxes because of the mould in homes;
- Issues with sewage rising from the drains, and homes smelling of sewage;
- Rat and mice infestations;
- Food insecurity.

There were, and continue to be, no active or consistent changes being made.

The local authority seems to be unresponsive. There is plenty of talk and discussion on strategies but no palpable action is taken to address these issues.

These children are living with human rights infringements every day, which the State is responsible for addressing.

Making Rights Real will be working alongside these children and their families to use a Rights-based approach to influence change. We will work in a participative process with people to document the evidence of their lives and to campaign for change on the issues that affect them.



"Child poverty isn't just the responsibility of those who have children and families, or those who work with children and families. All public service providers need to engage with children on big issues like poverty "

Clare MacGillivray

Human Rights Solutions

There is an international framework to help public authorities take action and demonstrate accountability on human rights grounds, whereby children, their parents and carers can claim their Rights at courts of law.

Human rights budgeting could be used to prioritise funding for human rights concerns, alongside a children's Rights-based approach in practice.

A children's Rights-based approach can be used much more and would embed dignity and respect into existing systems and deliver what children need to thrive. It can also transform the current power relationship between children as rights holders, and public authorities being responsible for protecting and enforcing their rights.

Collaboration

The work of Making Rights Real is about supporting communities to use a rights-based approach in practice. There are definitely opportunities for embedding children's rights in practice. Children can participate in big issues which impact them.

It is generally seen that adults often "write off" children, but if the work of the Children's Parliament and Together is seriously considered, there are countless examples of children influencing big issues by voicing their opinions on issues, such as the places where they live, what it's like to live with poverty in their lives, how alcohol impacts children and campaigning for Scotland to adopt the UNCRC.

Child poverty isn't just the responsibility of those who have children and families, or those who work with children and families. All public service providers need to engage with children on big issues like poverty and we need to frame policies and action as we go forward to prevent children's human rights abuses.

Using a children's Human Rights-based approach to address poverty is one way of addressing these issues in a framework that works.

"The time is now for action."

The UNCRC and the system and culture change that should be accompanying it provide communities and individuals with a real opportunity. Everyone must do what they can to make children's rights real.

Cameron Wong McDermott, Office of the Children and Young People's Commissioner Scotland

Background

Poverty is a human rights issue. Even before Covid, poverty was the biggest human rights issue facing children in Scotland with an estimated 260,000 children living in poverty. The United Nations Convention on the Rights of the Child (UNCRC) does not contain a specific right to freedom from poverty; rather it takes a holistic approach to ensure children have the right to live free from poverty. Under the UNCRC, children have the right to an adequate standard of living, a safe and warm place to live, and good, nutritious food. They also have the right to benefit from social security and have their family supported.

The effects of the pandemic – which are still becoming clear – have only served to make a dire situation worse for those already under or on the poverty line.

Current situation in Scotland

The current cost of living crisis is threatening to drag more children and their families into poverty. Poverty affects every aspect of a child's life, including but not limited to their: ability to learn, mental and physical health, development, ability to socialise and engage in cultural activities and their future opportunities.

One child who spoke to the Children and Young People's Commissioner summarised how it felt living in poverty saying: when you're poor, you give up on your dreams.

For a child to feel like they cannot pursue their ambitions due to their financial situation – which they have no responsibility over – is yet another example of how we are failing so many of our younger members of society.

We know that some groups are disproportionately affected by poverty. They include families with a disabled child or parent, care-experienced, black and minority ethnic children, young carers, children of prisoners, children in single-parent families and children from larger families. The rights of these individuals must be respected, protected and fulfilled.

Children living in poverty can often experience a great deal of responsibility. They are acutely aware of what it means to grow up in poverty. One young person said: When I think of poverty, I think of inequality... it's not fair and it's not right.

Why is it that a 12-year-old is having to grapple with the feelings of living in poverty and all the stresses that go with it when instead, they should be able to focus on: their ability to socialise, their education, their mental and physical health, their development and their aspirations? The fact that children and young people growing up in poverty are aware that there is so much more that could be done to tackle the issues, but that those in power are reluctant to do so is a stark example of how poverty in the UK is not inevitable but is caused and exacerbated by political decisions.

The Scottish Government's Child Poverty Delivery Plan

The Child Poverty (Scotland) Act 2017 sets out four interim targets to hopefully be met in 2023-24, with final targets to be met in 2030. The targets are as follows:

- Fewer than 18% of children living in families in relative poverty in 2023-24, reducing to fewer than 10% by 2030.
- Fewer than 14% of children living in families in absolute poverty in 2023-24, reducing to fewer than 5% by 2030.
- Fewer than 8% of children living in families living in combined low-income and material deprivation in 2023-24, reducing to fewer than 5% by 2030.
- Fewer than 8% of children living in families in persistent poverty in 2023-24, reducing to fewer than 5% by 2030.

The Scottish Government's Child Poverty Delivery Plan 2022-26 known as "**Best Start, Bright Futures**" is a warm welcome in tackling the issue of child poverty in Scotland. However, recent statistics have shown that the Scottish Government's statutory interim targets set for 2023-24 are not on track. There are far too many children and families still living in poverty. With the ever-worsening cost of living crisis as well as the effects of the Covid-19 pandemic, the Children and Young People's Commissioner for Scotland, Bruce Adamson, argues it is vital that the Scottish Government take further action if it is to meet its 2023 statutory targets.

Incorporation of the UNCRC

The incorporation of the United Nations Convention on the Rights of the Child into Scots law marks a pivotal point for the rights of children and young people, by giving international agreements surrounding the rights of the child legal standing in Scotland. Cameron Wong argues, “it is the most important thing Scotland can do to protect the rights of children and young people”

The incorporation of the UNCRC into domestic law will fundamentally impact the way that governments and local authorities approach the issue of child poverty in terms of policies, legislation and budgets.

Although the incorporation of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill was passed unanimously by the Scottish Parliament on 16 March 2021, the UK Government referred the Bill to the Supreme Court on the basis that they believed certain provisions in the Bill impinged upon devolution rules.

The Supreme Court ruled that four provisions within the Bill were out of the powers of the Scottish Parliament as they encroached on UK bodies and UK legislation. However, the Scottish Government argued that the Bill must cover actions and legislation of the UK Government which impact devolved matters. Ultimately, the Supreme Court ruled that “if a UK Act is not compliant with UNCRC, the UNCRC Bill cannot be used to make it compliant”.

Since this decision in October 2021, the Scottish Government has committed to bringing forward the implementation of the amendments laid out by the Supreme Court. However, despite this, there has been a lack of urgency from the Scottish Government to do so. This is particularly worrying as “every single day of delay is a day when children’s rights are not fully protected”. Only when there is a legal framework which addresses economic, social and cultural rights will we get the change which is so desperately needed?

Participation

When tackling the issue of child poverty here in Scotland, it is vital that we do this through a children's rights lens. For measures to be most effective- by ensuring that they have the maximum impact on children and families living in poverty- they must incorporate the needs and voices of those children and young people whose rights are most at risk. More often than not, children and young people in Scotland feel like they are being left out of decisions which affect them when, in fact, these are the very voices we should be listening to.

The voices of children and young people are vital to learn from in order to ensure that our policies are helping those most affected by poverty. Leading on from this, the Poverty and Inequality Commission, alongside its advice to the Scottish Government's Child Poverty Delivery Plan, has been focusing on setting up its Experts by Experience Panel. The main purpose of this panel is to further amplify the voices of those with lived experiences of poverty.

With the ever-growing cost of living crisis, recognising the absolute necessity of including the voices of individuals with lived experiences of poverty has never been so urgent. If Scotland is to reduce its poverty and inequality in the upcoming years, Parliament must work alongside impacted individuals and families to ensure that their voices are heard and acted upon.



Image 5

Statement on child poverty, cost of living and UNCRC from the Tackling Child Poverty Strategy Unit of the Scottish Government

Statement on behalf of Scottish Government Ministers

The UNCRC Bill is a landmark piece of legislation that aims to deliver a proactive culture of everyday accountability for children's rights across public services in Scotland. It will require all of Scotland's public authorities to ensure the protection of children's rights in their decision-making and service delivery and make it unlawful for public authorities to act incompatibly with the UNCRC requirements as set out in the Bill.

Although the Supreme Court judgement has meant that the Bill cannot receive Royal Assent in its current form, on 24th May, the Deputy First Minister made a statement to Parliament setting out a proposal to amend the Bill to address that judgement. The Unit is currently undertaking targeted stakeholder engagement to ensure that those who have lobbied passionately for this Bill, understand the changes that are being made and why.

While the Unit has been considering the way forward for this legislation, a 3-year implementation plan was published that sets out how they have continued to support the delivery of a fundamental shift in how children's rights are respected, protected and fulfilled in Scotland.

This shift in children's rights is part of our ambition for Scotland to be the best place in the world to grow up. Alongside our efforts to protect children's rights, our work to tackle child poverty and the cost of living crisis play an essential part in supporting children to grow up safe, loved and respected, and to be able to achieve their potential.

The Tackling Child Poverty Strategy Unit is acutely aware that households across the country are facing a serious cost of living crisis – exacerbated by the UK Government's approach to Brexit. Those on the lowest incomes are being hit the hardest with many of these households likely to then carry an increased burden of debt.

The recent cost of living measures announced by the UK Government is welcome, but fall far short of what is needed to help the poorest households struggling now with the cost of living crisis.

To support those most in need, the Scottish Government is investing almost £770 million this year in cost-of-living support, including through a range of low-income benefits not available elsewhere in the UK. This includes a carers allowance supplement, bridging payments to those in receipt of school meals, and our five family benefits, one of which is the Scottish Child Payment.

Tackling child poverty is the Scottish Government's national mission and we know it will take all in society to work together to deliver the change needed. In March of this year (2022) the second tackling child poverty delivery plan, 'Best Start, Bright Futures', set out the bold and ambitious actions that will be taken, alongside our partners across Scotland, to provide the support families need both immediately and in the medium to longer term.

We announced up to £113m extra funding for this year through this Tackling Child Poverty Delivery Plan. This includes further increasing Scottish Child Payment to £25 per week by the end of 2022. By that time, the Scottish Government's package of five family benefits for low-income families will be worth up to £10,000 by the time a family's first child turns 6 – and £9,700 for second and subsequent children.

The actions set out in 'Best Start, Bright Futures' are projected to drive child poverty in Scotland to the lowest levels in 30 years, with current projections suggesting 60,000 fewer children could live in relative poverty by 2023 compared to 2017 (to 17%, from 24%).

Through these actions, sustainable progress towards our 2030 child poverty targets can be delivered, but we know that this cannot be done alone. It takes everyone across Scotland working together to deliver the support children and their families need, and to drive progress towards a fairer, more prosperous Scotland.

Key Facts

£113m

Increased funding to the Tackling Child Poverty Plan

60,000

Fewer children living in relative poverty by 2030

£25p/week

Now available in Scottish Child Payment

-7%

Reduction in child living in relative poverty by 2030

Closing by Elaine Downie, Poverty Truth Community

"I am hungry but I don't want to eat too much because my mom needs to eat too."

Children have been developing guilt over wanting to eat or skipping school out of fear of being bullied on non-uniform days for wearing the wrong jeans. All of these are real consequences of unsolved child poverty. The experiences of all those children emphasises the importance of why child poverty needs to be discussed. Children like CJ are a reminder to sit down and listen to what young people have to say and act on their suggestions, especially on a policy-level.

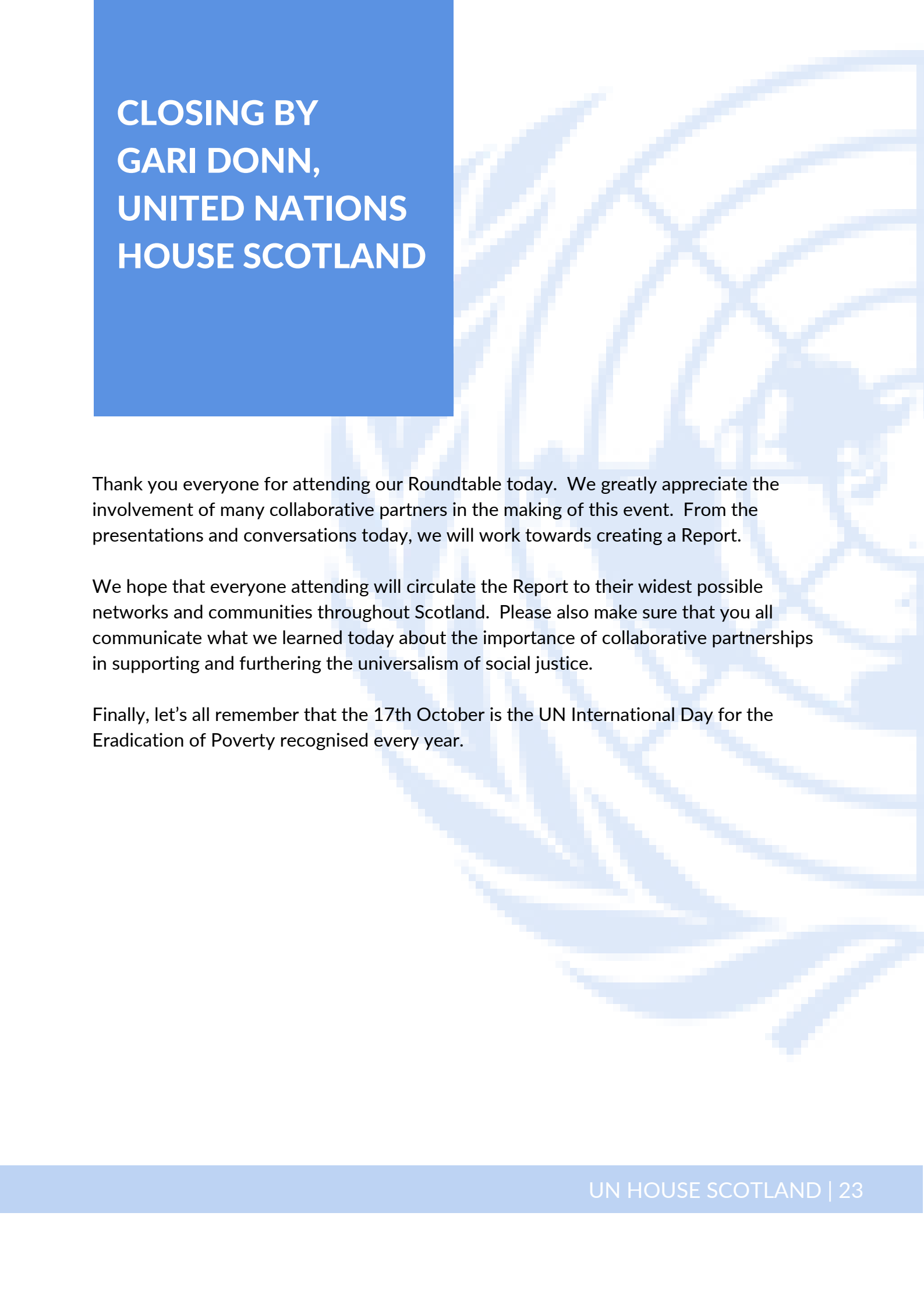
We also need to take the time to sit down and engage in conversations where experiences are shared. Those conversations need to happen with children who experience those consequences and not through politicians and teachers because the problem of child poverty we're trying to fix is not only a problem, but also the reality of thousands of children.

In 2019 to mark the 30th anniversary of the Convention of the Rights of the Child, we organised a project in Glasgow where we asked a group of children affected by poverty, what makes them happy and feel safe. With their answers we created the picture of a hot air balloon.

This air balloon was filled with the answers of the children like "no more food banks", or "making more friends". All the names that created the balloon, should fuel to keep the flame of this conversation and movement going. The flames of each child's name should be the fire and motivation to keep fighting because, as CJ says: "No offence, it's common sense."



Image 6



CLOSING BY GARI DONN, UNITED NATIONS HOUSE SCOTLAND

Thank you everyone for attending our Roundtable today. We greatly appreciate the involvement of many collaborative partners in the making of this event. From the presentations and conversations today, we will work towards creating a Report.

We hope that everyone attending will circulate the Report to their widest possible networks and communities throughout Scotland. Please also make sure that you all communicate what we learned today about the importance of collaborative partnerships in supporting and furthering the universalism of social justice.

Finally, let's all remember that the 17th October is the UN International Day for the Eradication of Poverty recognised every year.

APPENDIX 1: SPEAKER BIOGRAPHIES:

Brian Scott, Poverty Truth Community



Image 7

Brian is no longer working after being involved in an accident at work which resulted in his back being damaged, leading to ongoing conditions and disabilities and is now living on benefits. He was working as a Cardiology Nurse at Glasgow Royal Infirmary at the time of his accident, before that he worked as a Secretary/PA within the Scottish HQ of the British Red Cross. In Glasgow, he is a volunteer/Activist with the Poverty Truth Community, through which he also has interactions with 'On Road Media' and 'The Joseph Rowntree Foundation'.

Brian has campaigned extensively within the Scottish Parliament working with MSPs to bring them the lived experience of what it is like to live in poverty. One of his core beliefs is that every child in the UK should have the same opportunities and development, no matter where they begin on the poverty ladder. He will work continuously to give those trapped in poverty the key to freeing themselves of the struggles and stigma associated with Poverty.

CJ, Poverty Truth Community



Image 7

CJ is from the Poverty Truth Community, is 17 years old and lives in Glasgow.

Clare MacGillivray, Making Rights Real



Image 8

Clare MacGillivray is a founding member and Director of Making Rights Real. She is passionate about embedding human rights into community development practice and is a former member of the Scotland Committee for the Equality and Human Rights Commission, a Trustee with the Children’s Parliament in Scotland and the International Association for Community Development as well as locally in grassroots work for women and children’s rights. Clare chaired the World Community Development Conference in Dundee in 2019.

Clare is also a UNFEARTIE – “someone who stands up for children’s human rights and Trustee with the Children’s Parliament.”

Cameron Wong-McDermott, Office of the Children and Young People’s Commissioner Scotland



Image 9

Cameron is a Policy Officer at the Office of the Children and Young People’s Commissioner Scotland. He is a Human Rights lawyer and has previously worked as a legal advisor at the European Court of Human Rights.

APPENDIX 2: HUMAN RIGHTS AND CHILD POVERTY - OUR BACKGROUND AND APPROACH

1. Historically, it may have been understandable to treat Human Rights (HR) as individual (social, economic, political) rights. However, it is even more important now, given the proposed new HR framework in Scotland, to focus on the collective humanitarian impact of when these rights are denied or abused. We at UNHS believe Scotland must be at the forefront of dealing with rights.

1.1 HR legislation has focused on categories of HRs - environment, political, social, cultural, and economic - with the focus of HR being on individual access to Civil and Political Rights.

2. Therefore, stemming from these considerations, the Human Rights team at UNHS seek to answer the following questions –

- i) What is a Human Rights approach to poverty?
- ii) Can a humanitarian approach be an important driving force for Scotland's HR Framework working to eradicate poverty?

2.1 Humanitarian principles have been accepted at the UN; they were the basis for the ratification of the Treaty on the Prohibition of Nuclear Weapons (TPNW).

3.1 It was noted that humanitarianism (Htsm) could be seen to be centred on NEEDS, the morally correct thing to do; freedom from fear, and freedom to live in a peaceful environment. Human Rights (HR) tend to be entrenched in legal International and Institutionalised Law. So with Htsm, overriding principles might refer to the impact on humans and on the environment; with HR the overriding principles might refer to international HR Law.

3.2. In terms of HR laws, and the incorporation of approaches into such laws, it is important to understand the perspective of those who make the request for Rights. It may be that institutions demanding HR be respected are channelling a NEED into a RIGHT.

3.3. In so doing, individual NEEDS become individualised RIGHTS. This marginalises the possibilities to incorporate into legislation COLLECTIVE RIGHTS and ENVIRONMENTAL RIGHTS.

3.4. Whereas those legislating for HR have institutional and collective understandings of what they are working on and creating (ie a set of HRs into legislation), those who 'benefit' from said legislation are separate, atomised individuals. Is a 'healthy environment' as an HR, an individual or collective right?

4. Legal discourses on HR – collective and/or individual? Can legislation for HR 'go beyond' political and civil conceptions of HR?

4.1 There is a distinction to be made between 'human rights law' and what we tend to call a 'human rights culture'. By the former, we mean the existing HR legislative framework that exists in a particular country. For example, the HR Act 1998, establishes the legal framework that we refer to in the UK and Scotland. It is important to remember that this framework is focused on the relationships between individual citizens and the state. By and large, it does not establish legal obligations between citizens, nor does it protect citizens from the actions of non-state actors such as commercial enterprises. By human rights culture, we are talking about a cultural attitude that people may adopt that encourages respect for human rights in every relationship that we might engage in. The distinction is necessary because people's understanding of human rights is not always derived within the restrictive parameters of HR law but instead emerges in the context of an HR culture. It is for this reason that we sometimes say that HR law recognises rather than creates human rights.

4.2 Separated and Integrated Human Rights - We have also distinguished between 'separated human rights' and 'integrated human rights'. This distinction has arisen as a result of the approach taken by the UK to recognise human rights in law. Governments tend to distinguish between different human rights. The right to housing or health for example is considered separately from the right to vote or the right to life. Indeed, some have argued that there exists a hierarchy of rights in that the right to life is perhaps more important than all other rights. While Governments often recognise some human rights in law, they do not always recognise human rights altogether. Such categories of rights that are commonly referred to are 'civil and political rights', 'economic, social and cultural rights' and more recently, 'environmental rights'. In the UK and Scotland, civil and political rights are recognised in law, separately, and before other rights.

4.3 Universal and Culturally Specific Human Rights - It is also important to mention that our group has made some effort to clarify the difference, if any, between 'universal' and 'culturally specific' human rights. Very broadly speaking, the difference stems from the fact that when we talk of a human rights culture and the idea of extending respect to everyone we come into contact with, this is not reserved for a "preferred" group of people. We have had some difficulties in that it is sometimes understood that culturally specific conceptions of human rights tend to be somewhat exclusive and therefore at odds with a universal understanding of human rights that apply to all. All of this is not to exclude the possibility that culturally specific conceptions of human rights might also be universal. This discussion is important because a human rights law cannot call itself such unless it protects all humans. Otherwise, it is something else entirely.

4.4 The Community and Environmental Dimensions of Human Rights - It is a familiar story that the environment and the human rights of groups can sometimes be threatened by large-scale development. The idea of a 'community right' is often proposed as a solution to power imbalances in the planning system that tend to favour economic interests over human and environmental health. Clearly, even the hardest economic heads recognise that the health of the environment and human beings are linked and are of paramount importance. The aim of a community right might be to provide an alternative to the whole damage first and fix it later approach. One of the problems that this idea raises, is who speaks for the community? When we imagine a community voice, do we hear a chorus or a cacophony? This dilemma can often be taken advantage of by critics of community rights. However, in Scotland at least, the passing of the Community Empowerment Act, which recognises a 'community right to buy' would seem to suggest that these difficulties have been overcome and that a 'community right to a healthy environment' is not only possible but necessary and preferable.

4.5 The Incorporation of Human Rights - Discussions at UNHS have also looked at the meaning of the phrase 'incorporation of human rights'. The UK has long held onto the legal idea that while the signing/ratification of an international treaty does create legal obligations with other states, it does not necessarily establish laws between the UK and people living in the UK. For this to happen, the UK Parliament must pass a further piece of legislation that "incorporates" the treaty and its provisions into domestic law. This approach to international legal relationships is often referred to as a 'dualist' approach. For example, the HR Act 1998, incorporates the European Convention on Human Rights into domestic law. It is important to note that while the UK has left the EU, it remains a member of the Council of Europe which oversees human rights complaints. This is a crucial point because incorporation necessarily involves a third party in the resolution of human rights issues. This fact highlights the difference between human rights solutions that involve third parties and human rights dealt with domestically.

4.6 As is explained above, the HR Act 1998 only incorporates civil and political rights considered separately from other rights. The new HR Act, presently being considered in Scotland could incorporate further rights (e.g. economic, social, cultural and environmental rights) into Scots law.

APPENDIX 3: KEY FACTS: CHILD POVERTY IN SCOTLAND

Taken from: <https://cpag.org.uk/scotland/child-poverty/facts>

- More than one in four (260,000) of Scotland's children are officially recognised as living in poverty.
- In the absence of significant policy change, this figure is likely to increase in the coming years, with Scottish Government forecasts indicating that it will reach 38% by 2030/31.
- Analysis by the Resolution Foundation suggests the Scottish child poverty rate will be 29% by 2023-24 - the highest rate in over twenty years. This would reverse the fall in child poverty observed in the UK since the late 1990s.
- 68% of children in poverty live in working households.

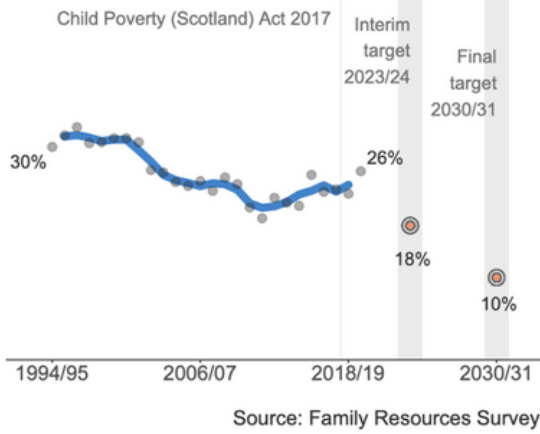
Child Poverty Summary

The Child Poverty Act 2017 contains four income-based targets to reduce child poverty in Scotland by 2030. The charts show the interim and final targets and the latest poverty estimates and trends. Note that the dots and labels show single-year estimates and the lines show the three-year averages. Single-year estimates give the latest best estimates, and three-year averages show trends more accurately.

The charts show that relative and absolute child poverty fell between 1994/95, when data collection began, and 2011/12. Since then, relative child poverty has been gradually increasing while absolute child poverty remained largely stable. Child material deprivation has been measured since 2004 with no obvious long-term trend, and persistent poverty has been measured since 2010. In recent years, child material deprivation has been broadly stable at a level considerably higher than the targets, and persistent poverty has started to gradually increase, moving further away from the targets.

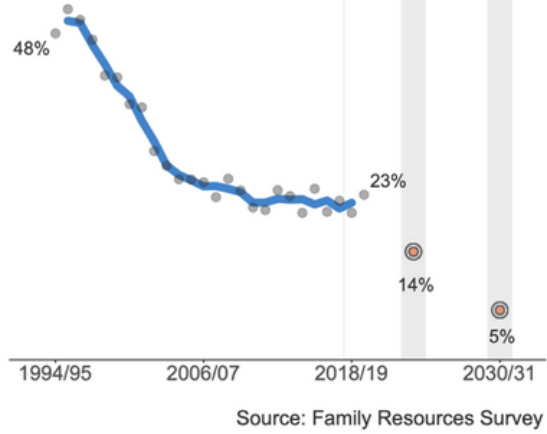
Relative poverty
= low income relative to the rest of society

Proportion of children living in households with equivalised incomes below 60% of the median (middle) UK income in the current year.



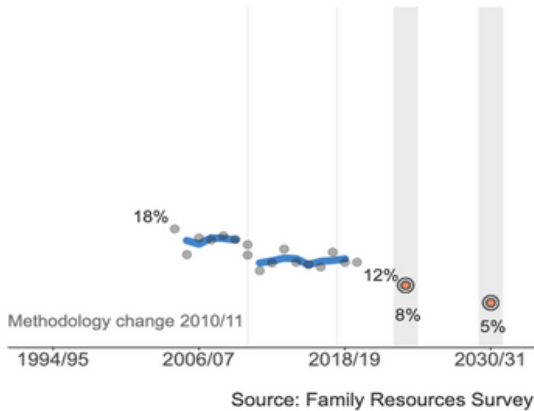
Absolute poverty
= low living standards relative to 2010/11

Proportion of children living in households with equivalised incomes below 60% of the median UK income in 2010/11 adjusted for inflation.



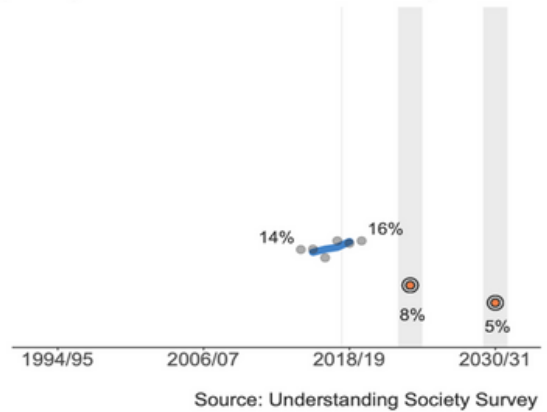
Combined low income and material deprivation
= unable to afford basic necessities

Proportion of children in households with equivalised incomes below 70% of the median UK income and going without certain basic goods and services.



Persistent poverty
= in poverty for several years

Proportion of children who have lived in relative poverty in three or more of the last four years.



Featured graphs courtesy of Family Resources Survey
Via [Scottish Government](#)

Scotland's Child Poverty Strategy

The Child Poverty (Scotland) Act 2017 sets out targets to reduce the proportion of children in poverty by 2030.

Third-year progress report June 2021

Key actions taken this year include:

- Introducing the Scottish Child Payment for eligible children aged under 6 on 15 February 2021, with thousands of families already benefiting from this new support worth £40 every 4 weeks
- Investing over £56 million in the continuation of Free School Meal provision for low-income families during school closures, periods of online learning and school holidays
- Delivering two £100 hardship payments benefitting around 145,000 children and young people from low-income households receiving Free School Meals
- Delivering over 36,000 devices through our Connecting Scotland programme which aims to eradicate digital exclusion in Scotland, with over 17,000 families with children and 4,000 young care leavers supported to date
- Providing over £100 million of additional investment in the third sector and community organisations to enable them to respond to local and community needs – including tackling food insecurity and promoting wellbeing
- Committing over £375 million in education recovery funding over the course of 2020/21 and 2021/22, supporting a range of work to accelerate learning recovery, support children and young people's health and wellbeing, targeted youth services and digital devices and connectivity for those who need it
- Allocating considerable resources to local authorities to tackle food and financial insecurity through a cash-first approach, including an additional £22 million for the Scottish Welfare Fund, £8 million for Discretionary Housing Payments, £30 million to tackle food insecurity and £40 million to tackle financial insecurity
- Introducing the Job Start Payment on 17 August, and awarding over £277,000 by the end of March 2021
- Opening our Access to Child Care Fund which is now supporting 15 projects to deliver a range of childcare models

Key actions [to be taken] include:

- Making additional payments for children and young people in receipt of Free School Meals, paying £520 in 2021 and 2022 until the Scottish Child Payment is rolled out in full
- Doubling the value of the Scottish Child Payment to £80 every four weeks by the end of this Parliamentary term

- Commencing the expansion of universal Free School Meal provision in primary schools and delivering alternate Free School Meal support for all eligible children in holiday periods starting with P4s this year
- Completing roll-out of 1,140 hours of funded Early Learning and Childcare
- Increasing the School Clothing Grant to at least £120 per primary school child and £150 per secondary school child
- Continuing delivery of our ambitious Connecting Scotland programme, reaching 60,000 households by the end of 2021
- Rolling out our £20 million summer programme for pupils, helping children socialise, play and reconnect
- Increasing the value of Best Start Foods payments to £4.50 per week from 1 August 2021

APPENDIX 4: THE UN, HUMAN RIGHTS AND POVERTY

The UN:

- The United Nations is an international organisation founded in 1945. It currently has 193 member states.
- The UN is guided by the UN charter created by the 51 founding member states in 1945. The UN Charter mandates the UN and its member states to maintain international peace and security, uphold international law, achieve "higher standards of living" for their citizens, address "economic, social, health, and related problems" and promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."
- It is the one place where all the countries in the world can gather together to discuss common issues and find shared solutions that benefit everyone.
- All UN member states are part of the general assembly. This is part of the UN where key policies are made.

The civil society UN Association structure

The World Federation of United Nations Associations (WFUNA) is a global nonprofit organisation representing and coordinating a membership of over 100 national United Nations Associations (UNAs) and their thousands of constituents. Guided by the vision of a United Nations that is a powerful force in meeting common global challenges and opportunities, WFUNA works to strengthen and improve the United Nations. They achieve this through the engagement of people who share a global mindset and support international cooperation – global citizens.

They conduct training workshops, engage with youth and focus on the three pillars of the UN: Human Rights, Peace and Security, and Sustainable Development)

Sustainable Development Goal 1 (SDG): No Poverty

- There are 17 SDGs that are targeted to be met by 2030
- SDG1: "End poverty in all its forms everywhere"
- The global poverty rate is projected to be 7% in 2030. This is exacerbated by the COVID crisis and climate change
- As of April 2021, 118 countries reported national and/or local disaster risk reduction strategies up from 45 in 2015
- The triple threat of COVID-19, conflict and climate change makes the global goal of ending poverty by 2030 unachievable unless immediate and substantial policy actions are taken

- The share of workers around the world living in extreme poverty fell from 14 per cent in 2010 to 7.8 per cent in 2015 and 6.6 per cent in 2019, although progress for young workers was less encouraging.
 - The crisis also has had a disproportionate impact on the livelihoods of young and female workers, who are already much more likely to be living in poverty. In 2019, young people were twice as likely as adults to be among the working poor.

Targets (by 2030):

1.1 By 2030, eradicate extreme poverty for all people everywhere, currently measured as people living on less than \$1.25 a day.

1.2 By 2030, reduce at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions.

1.3 Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable.

1.4 By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance.

1.5 By 2030, build the resilience of the poor and those in vulnerable situations and reduce their exposure and vulnerability to climate-related extreme events and other economic, social and environmental shocks and disasters.

1.6 Ensure significant mobilisation of resources from a variety of sources, including through enhanced development cooperation, in order to provide adequate and predictable means for developing countries, in particular least developed countries, to implement programmes and policies to end poverty in all its dimensions.

1.7 Create sound policy frameworks at the national, regional and international levels, based on pro-poor and gender-sensitive development strategies, to support accelerated investment in poverty eradication actions.

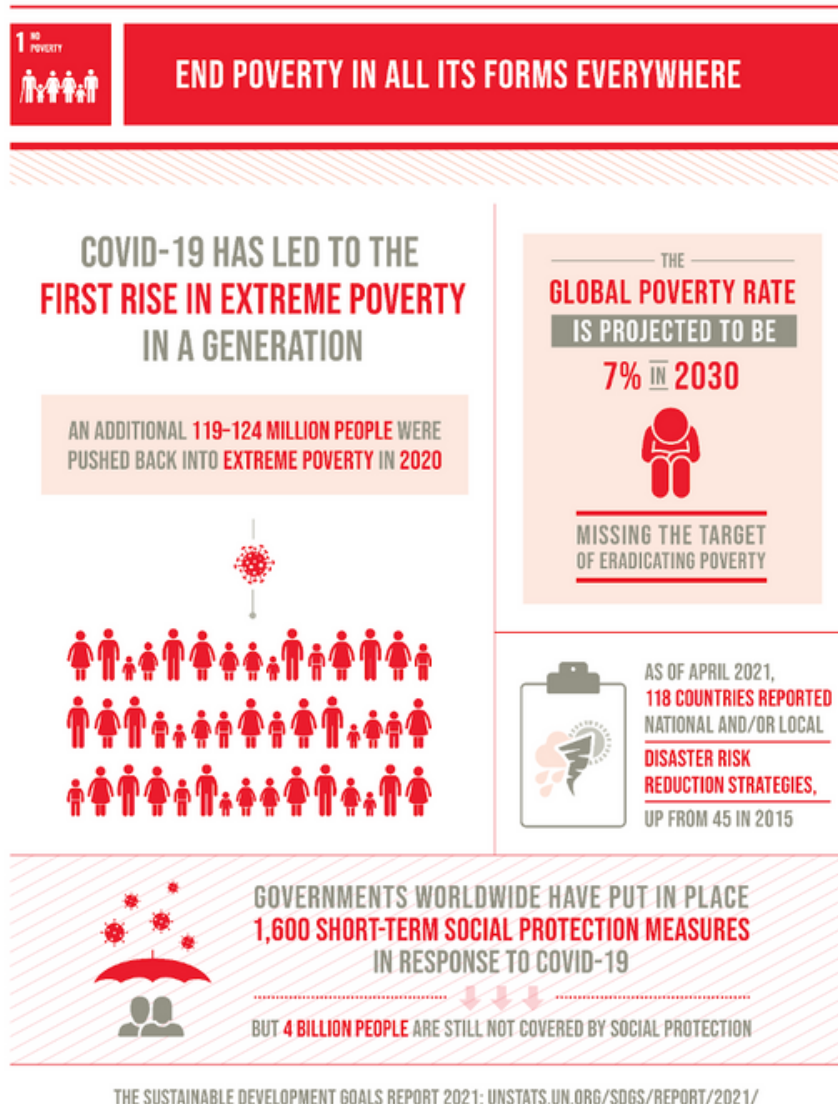


Image 10

The Human Rights pillar at the UN (the others being Sustainable Development and Peace and Security).

- Universal Declaration of Human Rights 1948→ first legal document protecting universal human rights (the foundation of international human rights law).
 - Together with the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights, the three make up the International Bill of Human Rights.

- OHCHR (Office of the High Commissioner for Human Rights)
 - Lead responsibility in the UN system for the promotion and protection of human rights.
 - They promote and protect all human rights; help empower people; assist governments; inject a human rights perspective into all UN programmes.
 - OHCHR is the Secretariat of the Human Rights Council.
- Human Rights Council → key independent UN intergovernmental body responsible for human rights (47 states)
 - It is responsible for strengthening human rights globally and addressing human rights violations.
- Human Rights Treaty Bodies
 - The human rights treaty bodies are committees of independent experts that monitor the implementation of the core international human rights treaties.
- Special Procedures
 - The special procedures of the Human Rights Council are prominent, independent experts working on a voluntary basis, who examine, monitor, publicly report and advise on human rights from a thematic or country-specific perspective.
- UNDG Human Rights Working Group.
 - Advances human rights mainstreaming efforts within the UN development system.
- Special Advisors on the Prevention of Genocide and the Responsibility to Protect.

The importance of a Humanitarian Perspective to address “no poverty as a human right”.

What is a Humanitarian Perspective?

- Humanitarianism is centred on needs. It is also based on morals: the morally correct thing to do → freedom from fear, freedom to live in a peaceful environment
- Considering the impact on humans and on the environment
- A humanitarian perspective thus brings a more ‘human’ approach to human rights and allows you to consider the impact that poverty has on children’s health and their well-being for example. You can therefore argue that children have a right to a certain standard of living.

When has it been used at the UN (TPNW)?

- A humanitarian approach to disarmament means that a “people-centred” approach is used for governing weapons, and it prioritises the protection of security and well-being of people, rather than states.
- In this context, the voices of ordinary people are central to policymaking. E.g. survivors giving testimony to their first-hand suffering from nuclear weapons.
- The TPNW spotlighted both the human and environmental suffering caused by nuclear weapons. This was very effective because it moved the conversation away from one of national security to an actual humanitarian threat, motivating countries to look beyond their own interests.

How would it be relevant to addressing “no poverty as a human right - based on humanitarian principles”?

“No social phenomenon is as comprehensive in its assault on human rights as poverty” (OHCHR). As such, poverty makes the fulfilment of economic and social rights, such as access to safe water, food, and adequate housing, extremely difficult. Rights, like that of health and education, are seriously infringed by poverty. Moreover, poverty also impacts civil and political rights like political participation and security of the person. A human rights view of poverty is fundamental to ensuring that policies intended to alleviate poverty, economic growth plans for example, do not infringe upon human rights in the pursuit of development. A human rights view of poverty understands that poverty is not just a lack of access to materials, but a lack of access to a myriad of resources such as choices, security, and power. With this view, a more comprehensive approach to addressing poverty can be pursued by the public and third sector; an approach that centres on the dignity of individuals living in poverty.

Poverty is a widespread problem in Scotland. “Its persistence in countries that can afford to eliminate it amounts to a clear violation of fundamental human rights” (OHCHR). Poverty reflects a violation of human rights, especially when poverty “is the direct consequence of government policy or is caused by the failure of governments to act” (Center for Economic and Social Rights).

Poverty is often disassociated from human rights as it is viewed as the inevitable consequence of the endless pursuit of economic growth. Worse still, many narratives seek to pin the blame of poverty on those living in it. These ideas remove governments from a position of responsibility as either the cause of poverty through policy failure or negligent states who prefer inaction. Poverty is not inevitable. A human rights approach to poverty seeks to address why poverty exists. It is critical to this view that accountability for poverty is demanded, actions which lead to, increase, or perpetuate poverty.

- 2015 presentation of joint statement Towards the End of Child Poverty by global partners and introduce the new Global Coalition Against Child Poverty
 - Despite the urgency, children have generally received relatively little attention in poverty reduction efforts. However, in the new Sustainable Development Goals, world leaders have now recognized the central importance of child poverty, with Goal 1 aiming to eradicate extreme poverty and halve the proportion of men, women and children living in poverty in all its dimensions.
 - ‘Poverty is a violation of a child’s rights. Most fundamentally, as enshrined in the Convention on the Rights of the Child, children have a right to an adequate standard of living, and to be free from deprivations across crucial aspects of their lives including their health, education, nutrition, care and protection. Growing up in poverty is in direct violation of these rights.

This commitment to children living in poverty and the importance of multidimensional approaches have been recognized by global and regional frameworks, including the Convention on the Rights of the Child, the Guiding Principles on Extreme Poverty and Human Rights, as well as the EU 2020 Strategy and the Agenda 2063 for Africa. In 2007, the UN General Assembly stated that *'children living in poverty are deprived of nutrition, water and sanitation facilities, access to basic health-care services, shelter, education, participation and protection, and that while a severe lack of goods and services hurts every human being, it is most threatening and harmful to children, leaving them unable to enjoy their rights, to reach their full potential and to participate as full members of society'*.

APPENDIX 5: PARLIAMENTARY ONE PAGER



PARLIAMENTARY ONE PAGER

CHILD POVERTY IN SCOTLAND



WHAT IS THE CURRENT STATUS OF CHILD POVERTY IN SCOTLAND?	PERSPECTIVES: CHILDREN AND PARENTS
<p>More than one in four (260,000) of Scotland's children are officially recognised as living in poverty.¹</p>	<p>"What would make me happy would be if my mum didn't have to go to a foodbank because then I wouldn't be bullied at school."</p>
<p>This figure is likely to increase in the coming years, with Scottish Government forecasts indicating that it will reach 38% by 2030/31.²</p>	<p>"What would make me happy would be having a safe place to stay."</p>
<p>Child Poverty Summary ³</p> <p>Child poverty has been gradually increasing. Without any significant changes in policy, figures for child poverty will continue to increase. Analysis suggests that the Scottish child poverty rate will be 29% by 2023-24 – the highest rate in over twenty years.⁴</p> <p>The COVID-19 pandemic has only worsened the situation. Families living in poverty have been placed under further financial strain as a result of job loss, reducing working hours and furlough, and are more likely to suffer from poor health issues, negatively affecting children's health, education and outcomes.⁵ According to a Scottish Government report on the impact of COVID-19 on Scotland's Wellbeing, 1 in 5 households with dependent children have reported being in serious financial difficulty.⁶</p> <p>It is crucial that we recognise child poverty as a rights-based issue and that we take action now to prevent a further increase in child poverty.</p>	<p>"I worry about how my mum and I are going to make our money last just a little bit longer. About how if I have some sweets now we can't afford milk later. I have such terrible guilty feelings. I'm hungry, but I don't want to eat too much cause she's hungry too."</p> <p>"All children should have safe places to play and someone to listen to them"</p>

Number of food parcels distributed to children.
1st April 2021 - 30th September 2021.



The darker the colour, the higher the number of food parcels.

THE UN CONVENTION ON THE RIGHTS OF THE CHILD ⁷

There are 4 principles of the UN Convention on the Rights of the Child that encompass the general needs and rights of children. They are:

- that all children should not be subjected to discrimination at any level and be provided with equal opportunities
- that the best interests of the child should be a primary consideration
- that all children not only have the right to life but a right to survival and development
- that the views of the child are to be heard and respected

The UN Convention on the Rights of the Child affirm that all children have the right to a healthy childhood, that all children are of equal value and that their protection must be guaranteed.⁸ The principles must be applied with consideration to one another and are the foundations of fulfilling all other rights outlined in the Convention.

It is important to realise that behind these figures and statements is a **child without opportunity**. We urge you to take effective action against child poverty and observe this year's International Day for the Eradication of Poverty on the 17th of October.

¹ Scottish Government, Cabinet Secretary for Social Justice, Housing and Local Government, *Poverty and Social Justice*.
² Scottish Government, *Tackling child poverty delivery plan: Addressing child poverty in Scotland*, 29 March 2018.
³ Scottish Government, *Child Poverty Summary*, 26 March 2021.
⁴ Adam Carter, *Writing Director, Can Scotland fix its child poverty target?*, 22 March 2019.
⁵ Scottish Government, *Scotland's Wellbeing: The Impact of COVID-19*, December 2020.
⁶ Ibid.
⁷ United Nations Human Rights Office of the High Commissioner, *Convention on the Rights of the Child*, 20 November 1989.
⁸ UNICEF, *Four Principles on the Convention on the Rights of the Child*, 24 June 2019.

POVERTY IS A VIOLATION OF A CHILD'S RIGHTS

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Parliamentary One Pager produced by UN House Scotland and The Poverty Truth Community on Child Poverty In Scotland

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Image 7 - The Poverty Truth Community logo can be found [here](#).

Image 8 - The Making Rights Real logo can be found [here](#).

Image 9 - The Children & Young People's Commissioner Scotland logo can be found [here](#).

Image 10 - Infographic poster by United Nations Statistics found in [The Sustainable Development Goals Report 2021](#)

Special thanks to all speakers, attendees and interns in the UN House Scotland Human Rights Team who volunteered to produce this report.



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