

# Understanding children's rights

ENQUIRE

**Everybody has rights, including children.**

**Rights make sure we are all treated fairly and can reach our full potential.**

**Children have additional rights to adults. This is because children need extra protection and don't always have the independence adults do.**



Children's rights are set out in an international human rights treaty called the UN Convention on the Rights of the Child (or the UNCRC for short).

The UNCRC sets out over 40 rights for anyone under the age of 18. These rights are called 'articles' and say things like:

**Scotland signed up to the UNCRC in 1991. The Scottish Government are committed to making the UNCRC part of Scottish law where both government and public authorities have a duty to uphold it.**

- Children should not be discriminated against.
- Children have a right to life.
- Children can have a say in the things that affect them.
- Children have a right to be listened to.
- Children have a right to play and to express themselves.
- The decisions made about children should be in their best interests.



There are some articles that can be useful to know about if your child has additional support needs, as they relate to children's right to:

- an education
- be listened to
- be involved in decisions that affect their lives.

These are listed below, along with examples of situations which might result in a child's rights not being respected:

**Article 3 - Right to have a child's best interests taken as a primary consideration in all matters affecting them.**

If a decision made about your child's education doesn't take account of their individual needs and circumstances, and negatively affects them as a result.

**Article 12 - Right for a child to give their views in all matters affecting them, and for adults to listen and take it seriously.**

If a child is not given the opportunity to have a say about the type of support they receive, or if they say a certain type of support is not working and it continues to be provided in the same way.

**Article 23 - Disabled children have the right to have their individual needs recognised and supported.**

A disabled child is not allowed to go on school trips because they would need additional support to help them attend.

**Article 28 - Every child has the right to an education and should be encouraged to learn to the highest level they can.**

If your child is missing school as a result of the right support not being in place, or because their school placement is not suitable for them.

**Article 29 - Children's education should help them fully develop their personalities, talents, and abilities.**

A highly able child is not provided with additional support to help them learn to their fullest potential.



## Why it is important you know about children's rights

The UNCRC helped to shape the Scottish law that relates to additional support for learning. This means that under Scottish law children already have many of the rights mentioned above. If you are concerned that your child's rights are not being upheld or respected, it can be helpful to be familiar with the UNCRC when talking to the school about their needs.

Your child will also be learning about their rights in school. It can be helpful for you to understand children's rights, so you are able to talk to your child about them.

**If you are worried that your child is not receiving the support they need, or that they aren't being listened to, start by talking to the school about your concerns.**

You can find out more about what the law says about additional support for learning on our website: [www.enquire.org.uk](http://www.enquire.org.uk)

You can find out more information about the UNCRC on Parent Club: [Children's rights | Parent Club](#).

If your child is aged 12-15 and has additional support needs, they can access support from My Rights, My Say to make sure they are listened to and involved in decisions: [www.myrightsmysay.scot](http://www.myrightsmysay.scot)

The '[Your rights](#)' section on Reach - our website for children and young people - can help your child understand more about their rights and what means that for their learning and their support: [www.reach.scot/rights](http://www.reach.scot/rights)

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