

**CHILDREN &
YOUNG PEOPLE'S**
Commissioner
Scotland

*Children and Young
People's human rights
during the Covid-19
pandemic*

Independent Advisory Group:
Police Powers : SPA : 30 July 2020



IAG – Scrutiny- Police Powers

[CYPCS paper for IAG \(June 2019\):](#)

The impact of emergency police powers on the human rights of children and young people in Scotland during the Covid-19 pandemic

UN Committee on the Rights of the Child on 8th April 2020 warned of the

“...grave physical, emotional and psychological effect of the COVID-19 pandemic on children”



Human Rights Analysis

- International **human rights principles**- SHRC & CYPCCS
- Scotland-‘Child-friendly justice’/ ‘PANEL’ principles
- **Police Scotland’s values and ‘policing by consent’ 4 E’s** approaches in community partnerships
- **Youth Justice Strategy/ GIRFEC and PS Standard Operating Procedures: *Offending by Children* (2019)**
- Overall aim of **safeguarding public health**
- **CRIA**- relevant conclusions for policing
- **CYCJ and CYPCCS Young Advisors**-data and lived experiences
- **Scrutiny** - monitoring / participation/ engagement



Scotland

Emergency UK and Scottish legislation:
exacerbation of existing inequalities:

- administration of justice in **adult** and **children's hearings** justice systems
- **Age of 'a child'**- Fixed Penalty Notices
- **Criminalisation** of children:
 - eg 37% children 12-17 prosecuted adult courts
- no consideration impact on **wider children's rights** (eg. ECHR rights: Articles 5, 6 and 8 rights to **liberty, fair hearings/ private and family life**)



SUMMARY: RIGHTS RESPECTING?
SCOTLAND'S APPROACH
TO CHILDREN IN CONFLICT
WITH THE LAW

January 2020
Claire Lightowler, Centre for Youth & Criminal Justice
The Brave for Our Rights' shield by Tammy Henderson, supported by The Children's Parliament



IMPACT on children's human rights

- Biggest children's rights impact assessment **CRIA** in the world!
- **Observatory** of Children's Human Rights Scotland: (App. 9)
- **CYCJ**: *'Spend time with me: Children and young people's experiences of COVID-19 and the justice system'*
= Over 100 responses (70 CYP)
- Disaggregated **Data** requests and ongoing scrutiny



Mixed responses- engagement with Police:

Negative:

'afraid of' / targeted by police

"Nasty... they approach me most times I am out"

"It would be helpful if **Nicola Sturgeon** could reassure care experienced young people that police are still **corporate parents** and they have a responsibility to make sure we are safe and can confide in the police."

"I've made an effort to stay in and keep my head down and the police have still be at my door **blaming me for things**"

"I have seen the police around but have not directly spoken to them but the thought of them approaching me asking why I'm out **gives me so much anxiety** and makes me not want to go anywhere"

Positive: eg. "children in residential care"



Children and Young People's views

- Isolation/ lack of contact with others –
boredom/ lack of activity / 'stuck at home'
- mental health
- Changes in justice system –Whole System Approach/
digital exclusion/poverty/ minorities/ protection
- **Lessons learned**– What next???
levels of offending/ offence types/ compliance
2nd spike/ lockdown



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