



How can voluntary sector organisations use human rights law to advance policy?

Wednesday 26th October 2016

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- **Why** is human rights law important?
- **What** human rights law is important?
- **How** can we use human rights to advance policy?

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Why is human rights law important to children?

- Recognition of children as rights holders
- A conduit for culture change
- Important basis for budget allocation and spending to deliver services

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What human rights law is important to children?

Domestic

- Human Rights Act 1998
- Scotland Act 1998

International human rights treaties

- UN Convention on the Rights of the Child
- ...and six other treaties and conventions ratified by the UK (ICCPR, ICESCR, CEDAW, CERD, CAT, UNCRPD)

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How can voluntary sector organisations use law to influence policy?

- Respond to **government consultations** to inform the development of legislation
- Use the **public, media and parliamentary advocacy** to put pressure on government to legislate on particular issues
- Use **strategic litigation** to address gaps in legislation, to change laws or to further interpret a legal provision.

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1. Responding to Government consultations

Can promote real change...

- Children and Young People (Scotland) Act 2014 included new duties to provide aftercare and continuing care for looked after children after powerful advocacy by looked after children and voluntary organisations.

And yet...

- Agenda set by government, can offer limited possibilities, reactive.

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2. Using the public, media and parliament

Can promote real change...

- Example of the Human Trafficking (Scotland) Act being brought in after powerful advocacy by civil society organisations and MSPs.

And yet...

- Can be difficult to mobilise media and court public opinion.
- Controversial issues can be particularly difficult to raise.

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3. A role for strategic litigation

An alternative way of using human rights law to advance policy

- Can address gaps in legislation, change laws or further interpret a legal provision.

And yet...

- Until recently, rarely used by children's organisations in Scotland.

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Making changes across the world...

- UK:** Just for Kids Law argued against a “legal anomaly” which allowed 17-year-olds to be treated as adults in police custody.
- Columbia:** Made changes to secure free education for children and young people.
- Paraguay:** Changed recruitment practices to the armed forces.
- Bulgaria:** Highlighted the right to education for children with learning disabilities.

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And making waves in Scotland...

The right of children to withdraw from ‘religious observance’ in schools...

The UN Committee recommends that the State party repeal legal provisions for compulsory attendance at collective worship in publicly funded schools and ensure that children can independently exercise the right to withdraw from religious worship at school.

An application for judicial review of the existing policy by Humanist Society Scotland was made in September 2016 and has subsequently been approved.

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So how can voluntary sector organisations use human rights law to advance policy?

- Embed strategic litigation into our toolbox of advocacy strategies.
- Work in partnership with children, legal professionals, NHRIs.
- Learn from wider international and UK examples

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