**Office of the United Nations High Commissioner for Human Rights
"Building back better from the coronavirus disease (COVID-19) while advancing the full implementation of the 2030 Agenda for Sustainable Development"
December 2021**

Established by the Commissioner for Children and Young People (Scotland) Act 2003, the Commissioner is responsible for promoting and safeguarding the rights of all children and young people in Scotland, giving particular attention to the United Nations Convention on the Rights of the Child (UNCRC). The Commissioner has powers to review law, policy and practice and to take action to promote and protect rights. The Commissioner is fully independent of the Scottish Government.

Introduction

We welcome the opportunity to submit information for the child rights inputs to the global review of progress towards the 2030 Agenda for Sustainable Development on "Building back better from the coronavirus disease (COVID-19) while advancing the full implementation of the 2030 Agenda for Sustainable Development." This response is informed by our on-going work, our Independent Child Rights Impact Assessment on the response to the Covid-19 pandemic in Scotland, the views of the Commissioner's Young Advisers, and the "A Place in Childhood Report."[1]

In 2019, children constituted approximately 18% of Scotland's population, numbering approximately 1 million. The pandemic continues to have short, medium- and long-term impacts on children's rights to education, health, survival and development, adequate standard of living, food, play, and protection from violence, abuse, and neglect, among others. Deep and persistent inequalities remain and have increased in some areas, particularly poverty, educational inequalities, mental health, and food insecurity.

Goal 4: Quality Education

Since March 2020, school closures have exacerbated educational inequalities and caused significant stress for children in Scotland, affecting their learning and mental health and well-being. While some children benefited from a move to online learning, many children, particularly from lower socio-economic backgrounds, have limited or no access to information technology, limited devices for concurrent use by multiple family members, low bandwidth internet or no internet access and as a result were largely unable to access learning. As one girl told us in 2020, "I need a computer to do my assignment. Five of us share one computer in my family." The consistency and quality of children's experiences of online and blended learning varied across schools and settings. Funding was made available to local authorities to support distribution of digital devices and ensure families had access to good broadband, but there is limited data to show whether need has been met and the digital divide persists.[2]

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[1] A Place in Childhood was a Virtual Participatory Action Research Project with 25 Young Consultants across Scotland of their experiences of life during the Covid-19 pandemic. The project was supported by the Children and Young People's Commissioner Scotland.

[2] Scottish Government, September 2020, *Help to get online*, https://www.gov.scot/news/help-to-get-online/; *Protecting Scotland, Renewing Scotland: the Government's Programme for Scotland 2020-2021*, https://www.gov.scot/publications/protecting-scotland-renewing-scotland-governments-programme-scotland-2020-2021/pages/7/ , p. 96; June 2020*, Coronavirus (COVID-19): statement by the Deputy First Minister on re-opening of schools*, https://www.gov.scot/publications/re-opening-schools/.

Some children have faced greater barriers to education, including children in poverty, disabled children, those with difficult living situations or whose parents have experienced unemployment, and those who have experienced bereavement, among others. Children at the transition stages of education (starting primary, primary-secondary, and secondary-higher education) have struggled without that normal transition.

Some children also struggled with online or blended learning. As one young person told us, "At home, it was really difficult for them [children] to actually get the work done and like focus on it. Because when you're in your house, it's like no great place to do schoolwork, because there's distractions all around you." Another young person commented on the uncertainty of the pandemic for children and parents alike and its impact on education and home learning, "With everything constantly changing back and forth, there's no way they can even really find a stable situation to build."

Many parents/carers struggled to support home learning due to balancing working from home; caring for self-isolating or shielding family; children's learning stage being beyond their knowledge; and struggling to motivate and remain positive for their children, particularly those facing cancelled exams. Financial pressures, including additional costs from being at home; increased bills, food, and learning resources; and reduced or loss of income, and a lack of access to specialist learning support were additional challenges.

Students faced significant disruption to their secondary exams and assessments as national exams were cancelled in the 2019/2020 and 2020/2021 academic years. In 2019/2020, students were initially awarded grades based on teacher estimates, moderated by computer-generated algorithms. After widespread protests about the unfairness of this system, results were changed to teachers' estimated grades. However, students still experienced challenges with no direct access to appeals where they disagreed with the estimated grade. The following year, students experienced uncertainty around possible exam cancellations and the format of replacement assessments, and then faced regular, on-going assessment throughout the year, which many children described as exhausting. Once again, the appeals system was inadequate, including by failing to take exceptional circumstances into account. When discussing the realisation of Goal 4, one advisor noted, "Exams are still lacking in fairness, because of self-isolation and, because of the fact that we still, despite being talked about […] we're still being left in uncertainty." This echoes what other young people have stated since the onset of the pandemic – that guidance is often unclear and uncertainty causes additional stress. One young person highlighted the impact stating, "It's really stressful for some people" and some have "gotten really upset by the fact that they don't know what's going on."

Throughout the pandemic, children have been largely excluded from decision-making in education. As one young person told us, "It's about nothing about us without us. We're not being told anything and we're not being asked to get involved in the conversation. […] How is that part of our human rights being respected? If we're not being at least brought into the conversation, even if that decision is 'we think we're not going to cancel exams' […] at least involve us with that rather than having it all happen behind the scenes." He added that, despite the government announcement in June 2021 that it will establish a Children and Young People's Education Council, there is no sign of this happening yet.

Children have highlighted how their mental health and the mental health of their peers has suffered due to the impact of the pandemic and pandemic-related measures on education. Mental health is a priority, long-standing issue facing children in Scotland, and this has been exacerbated by the Covid-19 pandemic. In response to a 2021 survey of 1000 young people in Scotland aged 16-24 about mental health, 72% of participants said they have struggled with their mental health.

Young people have told us of the pandemic's toll on their education and mental health with one saying, "I just had my prelims [exams] and I'm already ready to tap out halfway there, but it's just really hard for people to focus and focus on their mental health and on school and extracurricular stuff." Another added, "I [have] never ever been more physically tired. Just mentally exhausted that I was in those 'exams' that we had to sit back in May and June last year [2021]… I was just done. […] I was exhausted […] never experienced anything like that." He noted that this applied to many others across Scotland. One young person commented on the lack of support and its impact, "Everybody's been saying they don't feel like they have any."

While the Scottish Government has committed to address the pandemic's impact on children's mental health, these commitments do not appear to have been implemented in practice. As one young person said, "I've seen a lot of posts online about the government wanting to help with mental health with kids. But I haven't seen a lot of action outside of that." She recommended as a priority, "Trying to just help with protecting the mental health of students and […] with mental health during exams."

Overall, despite government commitments to change, one young person noted that, "This was an opportunity for the education community, a watershed moment […] but it's not really been. A lot of the problems are still there." Our young advisers agreed that looking at different experiences, including those from home schooling, would be beneficial in considering how to ensure education for all in building back better from Covid-19. One adviser underlined the importance of knowledge exchange, "Giving kids the opportunity to hear from people who have had home learning and giving people who have had home learning to hear from people who have good school […] would be a good start." Another suggested providing more guidance and support for students and parents facing online learning, highlighting the importance of signposting where to get help and supporting parents who may not feel able to help with online learning. Other recommendations included increasing the number of teaching staff and support staff, so teachers can focus on teaching, ensuring a dedicated space for children in educational decision-making processes, establishing the Children and Young People's Education Council, and creating a system which works for all children because no one size fits all.

Goal 5: Gender Equality

Gender equality remains lacking in different sectors in Scotland due to gender bias, norms, and stereotypes, resulting in a lack of equal representation in sports and decision-making structures, and inequalities in education, health, and domestic and carer roles.

Young people highlighted inequality in access to health services as a primary concern, noting that "often when they [girls] go to get medical help, they're told they're wrong and they're just being silly […]. They've told the doctors about the symptoms, and they're just told that's not possible." Other areas of concern included unequal participation in decision-making processes and different settings, such as representation in pupil councils or sports teams, and the impact of policies and messaging to encourage girls to

engage with certain areas seen as "typically male" and the impact that had on boys and girls alike. One young person commented, "Far too often girls are still being left out of decision-making. [...] I think there needs to be a chance for girls to be heard in their own way, not in the patriarchal structure we've currently got."

Recommendations included addressing gender stereotypes and inequalities in access to healthcare; allocating a fixed number of places in different representative structures for girls, for example, pupil councils; allowing girls to speak in their own space; and empowering them to gain confidence to put themselves forward for representative roles.

Goal 14: Life Under Water
The oceans play a central role in many children's lives in Scotland, and are an essential source of food, water, and livelihoods, as well as a crucial link to nature. In October 2021, Laura, a young person from Shetland, told a story sharing the experiences of young people from the Shetland Islands in our side event on climate justice for children. She highlighted the importance of the oceans and their fisheries resources saying, "When I talk about the fish, I'm also talking about an entire community of great people, my home, our source of income and something that my dad loves doing. All at risk."

However, there is sometimes a disconnect between the lived experiences and the awareness of life on, by, and under water of coastal and inland communities. One young person emphasised the importance of dialogue, knowledge-sharing, and education in order for the population, including young people, to be informed and empowered about the threats the oceans, wildlife, and coastal communities are facing. He commented that "Unless you are going out of your way to learn about it, you're not going to, you've got to go find it yourself." Coastal communities should also be actively engaged in national discussions relevant to them. In terms of actions on the environment, oceans, and pollution, there is a need for clearer communication with and participation of children now and on an ongoing basis, as well as more honesty and dialogue with perpetrators of acts affecting the climate, climate inaction, and pollution.

Young people agreed that State and corporate responsibility for pollution and other acts that harm the environment should receive greater attention and those responsible held accountable. One young person stated, "If there's a company dropping a lot of plastic into the sea, why are we letting them do that rather than saying 'Oh, you know, make sure not to flush your cotton buds down the toilet.' […] That's important not to do […] but we're probably telling off the wrong people still." While young people emphasised the importance of individual actions and recycling, they highlighted that this alone will not achieve the action needed to protect the planet and achieve the 2030 Agenda.

Children's strong focus on and leadership in protecting the planet was also of primary concern, particularly the impact of worrying about the planet and environmental inaction. One young person commented, "I know a lot of kids feel very, very strongly about this and it damages their mental health." The climate crisis' impact and the increase of eco-anxiety amongst children has been documented with a 2021 study of children in 10 countries, including the United Kingdom, finding that 59% of children were very or extremely worried about climate change and more than half of all respondents said they had felt afraid, sad, anxious, angry, powerless, helpless, and/or guilty.

Goal 15: Life on Land

In 2020 just over 5.46 million people lived in Scotland, with over 1.1 million (21% of the population) living in remote or rural areas. Just over 200,000 children (3.9% of the total population) were living in remote or rural areas. Of the 1.1 million people living in remote or rural areas, 18.8% were children. As with the oceans, life on the land is central to children's lives, including food, livelihoods, and an adequate standard of living.

Young people agreed that farming is important for Scotland and farmers need support to survive and transition, highlighting Brexit, increasing costs, and that farming is not necessarily seen as a career for children today as significant barriers. There is an absence of dialogue with farmers, yet such dialogue is key to understanding the challenges they face and finding solutions. One young person stated, "Maybe if the government supported farmers better, then […] it would help them with all this because […] they're growing stuff and have plants and it's all keeping the land healthy. And they have lots of animals and it benefits us very well." Farming plays a key role in ensuring the right to food, with one adviser commenting, "Without farmers we don't get any food so it would be helpful for everybody and everyone wins." Scotland is currently considering the Good Food Nation (Scotland) Bill but it does not incorporate the right to food.

Outdoor education and connecting with nature are an important part of realising Goal 15 and children's rights, including the right to play. One young person commented, "Making people feel a connection to the outdoors, and […] that there's even in urban spaces a connection through community gardens, for example, and bee gardens." He further emphasised the importance of nurturing a talent and passion for conservation as a crucial way to ensure that children's human rights and Goal 15 are realised.

Goal 17: Partnerships

Despite obligations under Article 12 of the UN Convention on the Rights of the Child (UNCRC), children in Scotland remain excluded from many decision-making processes concerning them or are not involved in such processes in a meaningful way. Young people have consistently told us that they feel that their participation at the national and international levels is tokenistic, often intended to meet diversity requirements, and that they are sometimes heard but do not feel their opinions and lived experiences are considered meaningfully. One commented, "I'm often feeling like a tick box exercise. […] Far too often decisions are made about young people that not a single young person has had a chance to look over."

Young people highlighted concerns about receiving limited or no follow-up or reporting back on processes, their inputs and how they were used, and outcomes. One young person said, "So often we are asked for our opinions and then after that, it's silence. You know we never heard how that's followed up, if it's actually achieved anything. We never see the impact of what we supposedly did to help."

Reliance on the internet for meetings is a barrier for some children who do have not reliable access to the internet, such as children in poverty or rural areas; an appropriate device; or a safe space to do so. For example, in January 2021, nearly 1 in 10 Aberdeenshire homes could not access internet speeds considered "decent" by Ofcom, and 10% of homes in the north-east of Scotland did not have adequate internet quality.

Other barriers raised were existing power imbalances between children and adults, that adults do not always take children seriously, are sometimes patronising, and can fail to

recognise that children are informed about the issue at hand. One advisor noted, "We just want to talk. We don't want to be talked at." Two young people cited examples of having been told incorrect information as fact and questioning this approach. One young person highlighted the concentration of power in Scotland and the resulting lack of consideration of the views of all children, stating "when things are being done in Scotland, I often feel like whatever's best for Glasgow or Edinburgh is what is decided is going to be best for everywhere. So […] geographically sometimes young people are not included because they don't live within the area where most people live." This can make children outside these areas feel that their views and experiences are not valid or do not apply.

In 2019, a group of children human rights defenders (CHRDs) advising the Commissioner made several recommendations on how to better support CHRDs, including by improving children's participation in relevant decision-making processes at the national and international levels. Young people have many solutions to the lack of partnership with children in implementing the 2030 Agenda, including "showing children that they're not being tokenistic, including them from the beginning and […] through the whole process." Another added, "And until the time comes where people are doing or just including young people by default, […] there needs to be reserved space for young people in order they need to be actively considered rather than just passively considered."

Conclusion

In order to achieve the 2030 Agenda and realise children's human rights in building back better from the Covid-19 pandemic, States should adopt a child rights-based approach to all laws, policies, and practice. A comprehensive child rights-based approach should include data collection and monitoring, consideration of children's rights in decision-making, meaningful engagement with children in decision-making processes, child rights budgeting, and transparency in resource allocation. Child Rights Impact Assessments (CRIAs) should be routinely undertaken and published on all legislative and policy decisions affecting children and children should be consulted throughout.

From engaging with young people, several core themes have emerged in how States should integrate children's rights and the 2030 Agenda while building back better from the Covid-19 pandemic. Dialogue and hearing the lived experiences of all children, particularly those from whom we do not always hear and those most at risk of being left behind, are crucial to understanding the barriers faced by children and their proposed solutions. Knowledge-sharing between different communities and actors, partnered by education for all on relevant topics, is also central to understanding the challenges States face in meeting their obligations and identifying solutions that will respect, protect, and fulfil children's human rights and the 2030 Goals. States must listen to and meaningfully involve children in relevant decision-making processes in line with their Article 12 UNCRC obligations. They must also hold violators of human rights accountable. Crucially, States need to take the time to monitor and evaluate the direct and indirect impacts of laws, policies, and practices. As one young advisor said, "There's been no time to reflect on what's actually going on."

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