

PE1603/MM

Petitioners' submission of 23 August 2019

Thank you for the opportunity to respond to the submission of the Deputy First Minister and Cabinet Secretary for Education and Skills of 2 July 2019 in relation to the recommendations made in your report *PE1603: Ensuring greater scrutiny, guidance and consultation on armed forces visits to schools in Scotland*.

In addition to the points below on the Scottish Government and human rights leadership, we would like to refer to our submission of 13 June which raises the following concerns:

- Parental consultation has not been considered in the DFM's responses, although the Committee recommended that it needed to be addressed and Connect (formerly Scottish Parent Teacher Council) have strongly expressed that parents concerns are being ignored.
- The balance of material presented in careers information neither reflects the Scottish Government's previously stated concerns that the armed forces are seeking to recruit more from the under 18 age group, or recent research that shows that this age group are particularly vulnerable to the risks involved in military training and service relating to health, wellbeing and short and long-term career progression.
- Key stakeholders and experts in children's rights have not been consulted and their views are not reflected in the decision-making, including Connect (formerly the Scottish Parent Teacher Council), Together (the Scottish child rights coalition) and the Scottish Commissioner for Children and Young People.

Implementation of UNCRC articles and recommendations

Given the Scottish Government's commitment to human rights we find it surprising that armed forces engagement with young people, which has attracted significant debate in light of the UNCRC, is not considered to be an issue for the Government to take a lead on. While the military is a reserved issue, the wellbeing of children and young people is not. We note that often when the tension between reserved and devolved matters has come into play in policy areas, the Scottish Government has always demonstrated a flare for creativity in how it resolves them, and we would be happy to work with the Government on any thinking in this area.

We are also concerned that the Scottish Government are not fully acknowledging the weight given to this issue by the UN Committee on the Rights of the Child and their recommendations about armed forces recruitment practices, including in schools.

The Scottish Government's guide for young people on the UNCRC does not fully represent Article 38 of the Convention which states that 'In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.'

Nor does it mention the further strengthening of children's rights in the Optional Protocol on the Involvement of Children in Armed Conflict. This states that state parties have a number of obligations if they continue to recruit under-18s into the armed forces, including ensuring that young people are fully informed of the duties involved in military service. We do not believe that the Scottish Government is currently fulfilling its responsibilities, and are afraid that there has been no concrete proof of this offered for us to view.

How are such obligations to be ensured if no guidance and oversight by states are offered to civil society organisations? It is obviously not adequate to leave oversight of this area to the armed forces themselves as the UN Committee on the Rights of the Child, among others, contest a number of their practices. Given the demands on resources, schools are unlikely to have the time and expertise to undertake their own implementation of UNCRC articles and recommendations without external guidance. It seems entirely reasonable that such guidance is provided by the Scottish Government as is provided on other issues, such as sex and relationship education.

It is safe to say that the Convention seeks to work towards the eradication of under-18s in armed forces worldwide. Although the Government does not have legislative responsibility for the age of military recruitment, to provide guidance and oversight to schools would help ensure that inappropriate recruitment-related activities are not taking place in Scottish schools.

We hope that the report from the consultation on the implementation of the Convention into Scot's law will explore in detail how all articles and protocols can be enacted, with detailed recommendations made by the Committee on the Rights of the Child being implemented in the true spirit of the Convention.

Children Rights and Welfare Impact Assessment

We note that the Scottish Government does not believe that a Children's Rights and Welfare Impact Assessment is appropriate. We continue to hold our position that by not having a policy on this area of children's right, the Scottish Government has a defacto laissez-faire policy, which is still a policy. We believe that the position the Government sets out in its letter in regards to children's rights is not compatible with a laissez-faire policy on any area of the UNCRC.

We also note comments from Together Scotland in their submission to the Committee which says "Together supports the...calls for increased regulation of these visits through the monitoring of armed forces school visits and the provision of guidance. Together would like to emphasise the need for a children's rights approach to address the issues"

If the Child Rights and Welfare Impact Assessment is not an appropriate mechanism, are there other assessment processes and forms of oversight and guidance that are? Certainly the discussion around UNCRC implementation needs to make these

limitations of the CRWIA process clear and how its aims, such as listening to young people's and parental views, can be furthered if it is not used.

Finally, regarding the issue of a wider balance within a school highlighted by the PPC, we feel there is significant scope for the Scottish Government to promote education for and about peace within a rights-respecting agenda. This is something on which we have submitted evidence to the Scottish Parliament recently. This will also further other stated aims of the UN Convention on the Rights of the Child and the UN Sustainable Development Goals around education, peace and security.

While we thank the Cabinet Secretary and his staff for their time in considering this issue, we do not believe the response fully acknowledges the points raised in the Committee's report, or the responsibility the Government has in implementing the UNCRC.