



Let's Talk About..Podcast Transcript

Episode 2:

Children's Rights in Scotland, with Children and Young People's Commissioner, Bruce Adamson

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00:00:08:02 - 00:00:36:24

Rhona Matheson

Welcome to this episode of Let's Talk About. I'm delighted that joining me today is Bruce Adamson, the Children and Young People's Commissioner for Scotland. This is a brilliant opportunity to talk to Bruce as he prepares to leave this important role after six years in post. Today, we're talking about lots of things, including what's been achieved in terms of children's rights over the last six years, about babies' rights and about the importance of arts and culture for children. I hope you enjoy listening.

00:00:37:08 - 00:00:51:12

Rhona Matheson

Welcome to this episode of Let's Talk About. And I'm delighted this afternoon to be joined by Bruce Adamson, who's Scotland's commissioner for Children and Young People. Welcome, Bruce.

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Bruce Adamson

It's lovely to be here.

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Rhona Matheson

Fantastic. We're going to have a very open conversation. A real kind of focus will be around early years and babies and children's rights. I suppose just to kick things off, I think it would be really helpful if you could give us a bit of an introduction about you and your role as Children's Commissioner and what it entails and what you've been doing kind of over the last six years of your tenure.

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Bruce Adamson

Brilliant. I've got the best job in the world as children. Young People's Commissioner, Scotland. It's my job to promote and safeguard all of the rights of all of the over 1 million children across Scotland. That's everyone from zero up to 18. And then my mandate also includes 18 to 21 year olds who are care experienced. And so I get to spend my day working directly with children and young people, including babies and early years, but also right through to older children as well.

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Bruce Adamson

And also work very closely with the people that work with them. So to make sure that that children's rights are properly included in law policy and practice, but really just making sure that rights are at the heart of everything we do across Scotland, recognizing that that children don't have the same political power as adults and don't have the same economic power and don't have the same ability to access, access justice.

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Bruce Adamson

So the idea of a children's commissioner is to really be a champion for children's rights, working alongside children from from the earliest ages to make sure that their rights are respected and protected and fulfilled by those in power.

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Rhona Matheson

Brilliant. And what are children's rights? We talk about it all the time, particularly at the moment. And, you know, there's an increased focus on children's rights. But actually, what are they?

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Bruce Adamson

I had the huge privilege of working for the first children's commissioner, Professor Kathleen Marshall, back when the office was set up in 2004. And she always described children's rights as the promises that those in power have made to children and young people. And so the idea that these are these are promises, these are our obligations. And the modern human rights framework goes back to the the the horrors of the early part of the 20th century with with two massive global wars and, and a holocaust, and then the world coming together to create the United Nations with these strong obligations that we needed to change the way that things worked.

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Bruce Adamson

And so the world came together and made a series of commitments to the people of the world that we would do things differently. And right from the start, there, right right back when the Universal Declaration of Human Rights was was adopted, childhood was recognised as a time of special care and protection. And so over the over the later part of the of the 20th century and and into this century, the governments of the world have come together to make lots of new commitments and promises to all of us.

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Bruce Adamson

But particular to children and the United Nations Convention on the Rights of the Child, which is just over 30 years old, was a really beautiful document that that brought together all of the different rights that children have from kind of economic, social and cultural rights and civil and political rights and elements of humanitarian law, and brought it all into into one comprehensive legal document, which was signed up to by every country in the world, apart from one.

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Bruce Adamson

And maybe some of the listeners will know which one, which one that is. And we can come back to it. Come back to it later. There's only one country in the world that hasn't signed up to the set of promises. So this is a universal commitment to children all over the world that that governments and those in power at every level will do all the things that are necessary to ensure that children can grow up in a family environment of happiness and love and understanding, and really set out the things that we need to do to ensure that children are protected and kept safe, but also that that we look to the provision of services

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Bruce Adamson

and children's survival and development and really strongly linked to that is the right to participation, which is really key right from when children are born. That right to participation exists alongside those those other rights as well. So it's a legal framework which sets out the things that those in power need to do to ensure that that children can really thrive.

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Bruce Adamson

And we can develop this a lot more in terms of some of the specific rights that are set out and how they relate relate to each other. But the key thing to think about is that it's a it's a framework and that rights are interdependent and interrelated, that that are universal, that they apply everywhere, and that we need to to focus all available resource to this to ensuring that they're fully fulfilled.

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Rhona Matheson

Yeah. And I suppose what's interesting is, the kind of, looking at a lot of the policy and practice that already exists in Scotland, that actually the language of rights is already embedded in things like GIRFEC and Realising Ambition and the Promise. And you know, a lot of the things that practitioners and professionals working with children and young people are referencing on a on a daily basis.

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Rhona Matheson

And I suppose in my mind over the last 20 years in particular, there's been a kind of a growing emphasis on on children's rights within policy, in practice, across the board. And what's been really interesting in Scotland, I suppose, since over the last eight years or so has been this idea of incorporation of the UNCRC into, into law.

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Rhona Matheson

And, and I suppose it would be, it would be really interesting to maybe unpack that and what, what that means for, for children's rights in Scotland, because obviously we've ratified the convention already at Westminster. So those rights already exist for all of our children and young people, but actually incorporation does something more.

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Bruce Adamson

Yeah, absolutely. And I totally agree that I think there's been some fantastic developments and I think some real world leading practice in Scotland, particularly when we talk about babies and very, very young children and early years where I think that Scotland really led the way. In terms of the rights framework and in children's rights generally. None of these come as any surprise to anyone.

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Bruce Adamson

So so I agree with you that that not only are they built into our policy and legal frameworks, but but these rights speak to the common values that have existed in Scotland for hundreds of years, many of them. These are basic principles that won't surprise anyone in terms of when the world was coming together to develop this set of rights, that this wasn't imposed on us by by someone else.

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Bruce Adamson

This was developed by all of us. This was developed as a common framework. So when we think about things like having an adequate standard of living, a safe, warm house, good nutritious food, it shouldn't be a surprise to anyone that that was seen as seen as an absolute common value, that we needed to make sure it was lived up to the highest attainable standard of health, and an education which develops you to your fullest potential.

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Bruce Adamson

But also some things like rest, play, development and access to cultural rights. Because we know through through evidence, and this is maybe a little bit of a more modern concept, about the importance to very young children's brain development of access to some of some of those things. So some, some of the rights are more kind of modern manifestations based on our growing understanding of child psychology. Participation is a right again probably isn't a traditional value if we go back yeah we don't have to go back to far.

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Rhona Matheson

Children should be seen and not heard.

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Bruce Adamson

Exactly that, exactly that. So so so there's some things some things that probably are a bit newer in terms of our understanding of of the importance of recognising children, not just passive objects of charity or vulnerable little human beings that need to be protected, rather, recognising from birth children are full rights holders and are an essential part of our our families and our societies and our communities.

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Bruce Adamson

And so so some of that some of the things that are probably a little bit a little bit more more modern, but the framework won't surprise anyone. And then, as you say, it's been really carefully built into our justice system and education system. And and things like Getting It Right For Every Child and and the promise in relation to care experienced young people and children.

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Bruce Adamson

And so we've got, we've got these really strong, strong policy frameworks, but the value of incorporation is that this is about accountability. So so the bill that was passed in the Scottish Parliament, the United Nations Convention on the Rights of the Child Incorporation Scotland bill, which was passed two years ago, just over two years ago by the Scottish Parliament, unanimously passed by by the whole Parliament, cross-party support, but which isn't yet in force because the Supreme Court said that that four sections needed to be needed to be amended.

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Bruce Adamson

We're still waiting on the Scottish Government to do that, maybe come back to that. But the point of it and the reason they got universal support is this doesn't this doesn't create a new framework of rights. These are rights that already exist in Scotland. We've already ratified the convention and these are things that we already we already know.

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Bruce Adamson

But what it changes is the accountability mechanisms. So what it says is that is that public bodies, people in power, have to act compatibly with the with the convention. And if they don't do that, then there can be mechanisms of accountability, including through using the courts to challenge those those decisions or failures to act. And also what it does is provide a really useful additional framework of planning and evaluating and supporting decision makers to ensure that they're complying with the Convention on the Rights of the Child.

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Bruce Adamson

So it's a really useful tool, both in terms of building the capacity of decision makers, but also providing additional mechanisms of accountability. And that's what's really been missing for children, is that accountability. We're very good in Scotland at making making promises to children. We're very, very good at at the talk. But the outcomes for children aren't changing because often though, those decisions aren't followed up by action, by decision makers.

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Bruce Adamson

And so this, what we know from countries that have already incorporated the Convention on the Rights of the Child and other human rights laws. Is that what it means is that you get a change in the way in which decision makers undertake those decisions. You get much more focus on participatory decision making, on on rights based budgeting, on the use of of impact assessments, impact evaluation, because you can be held to account for your decision.

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Bruce Adamson

So you have to be able to justify them a lot better. So what we see is is children being much more involved in decision making and then also some of the things like the fact that in the Convention on the Rights of the Child, it says that that Governments, local authorities, other decision makers, have to use all available resources to ensure that that.

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Bruce Adamson

Right, all available resources to the maximum extent possible to ensure that that rights are realised. And so that means making sure all the laws, policies and practices are right. But it also means budgeting in a way that ensures that that rights are fulfilled. And I think that there's there's some big changes needed in Scotland to look at the way in which we allocate resources.

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Bruce Adamson

One of my biggest concerns at the moment, when we look at poverty, when we look at mental health and when we look at where the cuts are falling at the moment, when budgets are tight, where we're making some really poor decisions in terms of not funding the supports and scaffolding around families and particularly around babies and in the early years and ensuring that that that support is there.

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Bruce Adamson

And we know that the impact of the failure to take a rights based approach to budgeting can be catastrophic for children.

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Rhona Matheson

Yeah, I've been doing reading an awful lot of, the kind of, papers and and books over the last ,the last while around rights and also thinking about early years and thinking about kind of economic impacts. And, you know, the evidence is there, the Heckman curve has been talked about for many, many years, that if we invest from early childhood, that actually the return on that investment is is tangible, but yet it doesn't happen.

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Rhona Matheson

in reality, it's almost like people acknowledge that that evidence is there, but actually they're not quite willing to put their money where their mouth is. And, you know, my my wish, I suppose, would be that we would have some some decision makers who are brave enough and bold enough thinking through a children's rights lens that they they might actually make some of those shifts that are necessary. That could actually transform the lives of children and families in Scotland.

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Rhona Matheson

And then in the bigger picture, it would change our society in the longer term.

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Bruce Adamson

Absolutely agree with you and so does the UN Committee on the Rights of the Child, the UN Committee on the Rights of the Child has commented on this repeatedly and very shortly when the UN committee considers the the UK's compliance with with the Convention on the Rights of the Child, which is which settling as we speak really but we will have the latest concluding observations before too long and it's fully expected that this is going to be one of the big the big themes that they'll be developing on and particularly when it when it comes to to babies and very young children.

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Bruce Adamson

The Committee on the Rights of the Child way back and in 2005. So nearly, nearly 20 years ago now. And the seventh general comment was about implementing children's rights in early childhood and and budgetary stuff, was, was one of the big things they, they, they picked up on saying that despite very early childhood being a critical period for realizing children's rights, very young children don't get that recognition as right rights holders.

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Bruce Adamson

And therefore, the policy and budgetary decisions to support their rights are often failed. And I think that that's really important in terms of the real value in good quality, sustainable investments into babies and very young children and their families and the supports around them and the scaffolding around them because that that's actually going to have the biggest impact of any investment that you can make in the failure to do that has catastrophic impacts on those children, but also on, on, on wider society and in terms of the knock on impacts of that.

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Bruce Adamson

And so I think I think that's really key that we focus on on getting the supports in place because we know that the benefit of that and as a political decision maker who who perhaps works to an electoral cycle and maybe isn't as motivated to look at longer term impacts because maybe they're not realisable as quickly. I say there's immediate impacts as well.

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Bruce Adamson

You can see the immediate impacts as well as the generational as well as the generational ones. And particularly when you when you look at very young children where every minute of every day matters, you can see a really direct correlation between providing those supports and positive outcomes. And you can realize those, those very, very quickly, as well as over the lifetime of, of of the child.

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Bruce Adamson

And so and so politicians shouldn't be afraid at all of properly taking a rights based approach to budgeting, using tools like impact assessments, to really map out what the consequences of of decisions, both in terms of positive investment, but also knowing that if you make cuts, there's going to be really, really desperate impacts.

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Rhona Matheson

Just going to say, we see that, you know, week in, week out, in the work that we are doing and particularly in communities across Scotland and and the the tension when, you know, when because that work is project funded, you know, we if we are, if we're lucky, we might be able to build something that we have three years of resourcing.

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Rhona Matheson

Otherwise it's a, you know, it's a constant annual process of trying to put together a jigsaw. And, you know, we see the benefits of the work and the impact it's having on the babies, on their parents and carers who are coming along week in and week out and when we then know that we might not have them, you know we had to end a program that we were running down in South Ayrshire at the end of the financial year because we just simply didn't have the resource to continue it.

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Rhona Matheson

But you know, the the impact on the families who'd built those relationships with our team, but also built peer support both for the children and the parents, you know, then it becomes and there's another it's reliant on those adults having the confidence to kind of sustain that without this idea of here is this group that's happening every week, and I can go to that.

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Rhona Matheson

And there are these people who will provide me with the support that I need. And my you know, my baby gets to have this this amazing experience. So it's so challenging at the moment with the short termism in terms of approaches to funding. And that doesn't seem to fit with a vision for kind of fairer funding that government talks about.

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Rhona Matheson

So if you kind of pulled fairer funding and rights budgeting together, you know, we could we could really do something quite, quite special.

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Bruce Adamson

Yeah, I fully agree, and again the UN committee on the rights of the child places really strong emphasis on on relationships again relationships between between babies and very young children with each other but also the relationships with those trusted adults and for and for parents and carers, really important relationships. And I think that the, the the adults, the very skilled professionals that that we have that work with babies and early years have been have been real heroes and human rights heroes in some of the development of fantastic practice and it is heartbreaking to see us in Scotland devalue those really skilled professionals by by not recognising them properly, by cutting funding by by not not

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Bruce Adamson

building in a really positive kind of professional pay progression, the impact that the professionals that work with, with babies and very young children have is, is incredibly profound. And we need to recognize the professional skill sets that that that they bring and the experience and, and we need, we need to make sure that that can be funded as a lifelong career, in, in a way that is properly valued because by by defunding it, we've we've been making it unattractive for for people to to work with with babies and very young children.

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Bruce Adamson

We're creating a real a real crisis. And that's a huge concern to me.

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Rhona Matheson

And it's such a contradiction to the rhetoric that's coming and, you know, the expansion of of childcare that's been going on over the last years and this sort of investment in, in that in order to support parents to be getting back into the workforce and all sorts of things. But actually you've got a whole a whole workforce who I believe should be absolutely protected and supported and and some of the best paid people in our in our society, to be honest.

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Rhona Matheson

Um, but they're actually they're on their knees at the moment. And, you know, we're having, we have lots of really brilliant conversations with practitioners on a, on a regular basis. And, you know, for some of them, the idea of talking about children's rights makes absolute sense. I think because there's been all of this talk about incorporation over the last few years, that there's this idea that you have to do children's rights.

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Rhona Matheson

And that's one of the things that we've been trying to to kind of really channel, is that actually those practitioners are doing children's rights every day, you know, in all the work that they're doing with children, families, they are enabling children to access their rights and supporting them in that. And you don't have to be a children's rights specialist in order to do that.

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Rhona Matheson

You don't have to be sitting with your copy of the convention kind of going, well that's that, you know, that articles being met and that articles being met. But it's it's absolutely rooted in in their approach because the child is at the heart of their practice. And we have to figure out how we can sustain that, particularly because we're talking about expanding childcare for eligible one and two year olds.

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Rhona Matheson

So we've got even more children, very young children going into childcare for 30 hours a week. And, you know, then environment has to be right, the support for the staff has to be right, the ratios have to be right if we're going to make that work. We've we've talked quite a lot. We've started to kind of get into kind of rights and early years.

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Rhona Matheson

And you've touched on the general comment about implementation of rights and early years, and I find that document to be really fascinating. So these are support documents, essentially the general comments to enable people to kind of unpack how the convention relates to particular areas and the general comment for implementation in early years is actually brilliant in terms of really thinking about how this works for young children.

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Rhona Matheson

We'll come on to rights and babies in a in a minute because I think there's a distinction between rights and early years and rights and babies. And I'm not convinced that the general comment really addresses rights and babies, but how do you think implementation in terms of rights and early years differs from rights for children, children, young people who are older?

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Rhona Matheson

I suppose that we're talking about, we're talking about people who can talk, essentially.

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Bruce Adamson

Yeah, yeah, yeah, I'd say so. I think the general comments as you say. So this is the the UN Committee on the Rights of the Child. So there's this, this group of global experts who are elected to ensure that the convention is followed across the world. They do reviews of states. So every few years each country has to go to them and provide evidence of what they've done to fulfill the convention.

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Bruce Adamson

But they also issue these thematic guidelines. So these these these general comments where they pick a theme and then they provide support to two states to to interpret the convention in relation to those those themes. And in general comment number seven that we mentioned earlier, it's worth recognising that it's about 20 years olds. I mean, I mean it was 2005.

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Bruce Adamson

So it's the best part of 20 years old. And there's been a lot of development since then. So it's important that that we consider that as well. And again, that's drafted by committee and said that they're powerful tool for interpretation but that the committee also builds on them through the the ongoing work that they do in relation to each country.

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Bruce Adamson

So when they're giving their concluding observations on each country, they kind of build up on that. So it's not fixed in time. It's, it's an interpretive document, but it's also should be a living document as well. So so I think the committee would would would recognize that that they can develop and change. But some some really key points that I think that are drawing out of of general comment number seven was the recognition that that young children experience the most rapid period of growth and development and change during the human lifespan because that very, very early part of childhood that you're growing and developing at a faster rate, that slows down as you get older so

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Bruce Adamson

that that's a really big difference between between that the first days of life and through being a baby and through through early years, you're developing quicker than you ever will throughout your life. And that needs, and that needs to be kind of recognised. And and that actually, in terms of the maturing bodies, nervous systems and mobility and communication and intellectual capacity and all of that is developing at a phenomenal rate.

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Bruce Adamson

And so we need to to think about that differently. Time affects you differently in terms of your development throughout childhood and also the really important relationship focus which which is true for all children, but particularly given the level of development and the level of reliance that you have when you when you're a baby or early years on those around you to provide material support and emotional support means that those relationships actually take on additional significance.

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Bruce Adamson

So so that really strong relationship and and also just just the the the very strong evidence that we have around the fact that this period of life provides the foundations for what's going to happen afterwards as well. So if we get if we get it right for babies and and and early years and into primary, we've got the best chance possible of laying that foundation around physical, mental health, emotional security, culture and personal identity, developing capacities.

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Bruce Adamson

And so so those points, I think, are all really important in terms of the reason why the committee has has required states to focus particularly on on babies and early years. And I and I agree. I think there is a distinction between the first , kind of, days, months of life and when you're a bit older because because of that development and I think you're right, babies probably have had the least attention.

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Bruce Adamson

And in terms of the work that's been done. So I think there is a call for more focus on on babies and particularly around how we interpret some of the things around participation rights because and I think I would I would would share I would be critical of myself and my own practice, and as Children's Commissioner, in terms of of of course, it's easier to engage with older children and kind of verbal and children who are verbal and understand that the skills that are necessary to engage with with babies and very young children are different.

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Bruce Adamson

And most of us who are adults, I'm a lawyer. I'm very used to using that. The spoken language or the written language. But but those skills are not usually useful in terms of engaging with with babies and early is kind of I'm kind of defaulting to Latin probably isn't isn't the smartest approach when you when you when you're trying to engage.

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Rhona Matheson

They might like the sound of it!

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Bruce Adamson

The baby? Yeah yeah, maybe you're right! Maybe in fact it might be my limited ability of Latin. It's probably makes more sense to a baby than to then to anyone with with a decent ability. But I think I think I think that that provides a real challenge to those of us who who are still learning in this field.

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Bruce Adamson

And and so it's easier to kind of lapse into the things that we know. And so lots of the participation that I think that we that we do particularly from policymakers and decision makers, tends to focus on on older children. And then there's a real need to to ensure that we're including younger children at primary level. But then when you get below that and into early years and babies, it's a very different skill set that you need.

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Bruce Adamson

And and generally I've been totally absent from from a lot of decision making, which is why I think one of the one of the things I'm really proud of in our office is that, well, it wasn't focused specifically on on babies and young children. Our first first legal investigation was into restraint and seclusion in educational settings. And many of the children families we were working with there, where were non-verbal, non-verbal, had communication needs, support needs and with disabled or had additional support needs.

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Bruce Adamson

And I think that was that was a really useful piece of work and really challenged me to think about this in another way and that we have to go past this idea that we can get children sitting around a table or even necessarily kind of doing, doing kind of drawing and kind of play stuff that that's based on on them being able to speak and communicate in a way that way that fits for adults.

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Bruce Adamson

So, so I totally agree.

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Rhona Matheson

I suppose it links to that point about the fact that the general comment is 20 years old. Actually, the perceptions of babies and young children have changed certainly in the 16 and a half years that I've been Starcatchers, you know, perceptions have changed. People, you know, would say to me at the beginning why on earth would you be doing theatre for babies?

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Rhona Matheson

You just put them in front of the telly or give them some toys to play with. They don't need anything else. But actually now we have a culture where there's an understanding that actually they need to

be fulfilled through different types of experiences that they can have and actually that they have an ability to connect and communicate and they'll find their own way of doing it.

00:28:18:09 - 00:28:58:02

Rhona Matheson

And actually, you know, we we discovered very quickly that if we were presenting something that babies weren't interested in, then we knew very we knew immediately because they just completely disengaged. So, you know, that's been the test bed for us has been about having those relationship with babies and their parents and carers. If we're making those theatre productions that we're coming to the development so that we could test that out and actually ensure that the work is rooted in their needs and interests and ages and stages and we get rid of the stuff that we know that they're not interested in.

00:28:58:08 - 00:29:24:24

Rhona Matheson

So, you know, my perceptions of, of, of babies and young children have has been challenged over the years as well. And I'm always amazed at the capacity that they do have to connect and communicate. I still have conversations with people who question why children have rights. So when I then start talking about babies, having rights, the look of confusion over their faces is even more intense.

00:29:25:10 - 00:29:44:01

Rhona Matheson

So in my my notes to you before, I sort of said, you know, do babies have rights? And, I mean, I knew that the convention says that they do, but do they? And what does that mean? You know, and can babies know that they've got rights? And and how are we ensuring that their their rights are being fulfilled?

00:29:44:13 - 00:30:11:01

Bruce Adamson

Yeah, I think this is a really powerful point for discussion. And very, very recently we submitted a submission to the the Committee on the Rights of the Child. The latest general comment, which is about the environment and we did that primarily with toddlers at nursery age. And I was speaking to one of the members of the committee yesterday, and she and she was saying that it did it did raise some eyebrows on the committee because it's the first time they've ever had a submission that was that was entirely focused on work with that age group.

00:30:11:19 - 00:30:45:12

Bruce Adamson

And again, that was toddlers. And and It still really, kind of, raised some eyebrows that that that was the approach that we had taken. And so you come and come down to two babies, even even more so you start to confront that skepticism. I think you're totally right, though that the evidence for, for anyone who's worked with babies and the growing kind of global kind of academic evidence that's coming out in terms of the ability of of of babies to understand their environment, to communicate, I think is understood and reflected in terms of the growing understanding of that.

00:30:45:21 - 00:31:14:16

Bruce Adamson

And I think the Covid has really been important here because because I think I think all of us all very quickly that once you started to take away some of the supports that were available in terms of in terms of children having, babies having the opportunity to to engage and be supported and kind of getting kind of lots of lots of the kind of spaces where where parents and carers and babies were kind of supported to come together and to learn and to be and to be supported.

00:31:14:16 - 00:31:36:00

Bruce Adamson

When a lot of those were taken away, the really profound and very quick impacts that we saw, the challenges to parental health, that the challenges for for babies who weren't seeing other babies and and that confusion when they're starting to go out and relate to the world. And it was, I'm sure, take a long time to properly kind of study that and and have the evidence from it.

00:31:36:00 - 00:31:55:18

Bruce Adamson

But anyone who was around babies during that period could see immediately the impacts that that that was, was, was happening by them not having that kind of socialisation that that play and that development. I mean, I'm obviously concerned about the impacts of COVID and the restrictions that we put in place to to protect us against COVID on all children. But I think I think babies in particular, we need we need to give serious consideration to the impact.

00:31:55:21 - 00:32:20:13

Bruce Adamson

But but anyone, as I say, anyone who was around babies during that period, you could see it. You could you could see the impact of of the the lack of ability to be able to have those really important relationship based support and and the impact that that had on on babies. So in terms of do babies have rights.

00:32:20:13 - 00:32:44:05

Bruce Adamson

The answer to that's really easy. Yes! I mean the convention's very, very clear that that rights exist from birth and actually there's obligations in relation to ensuring maternal health and prior to birth as well and ensuring ensuring that that babies are given the best possible start in life. And so that the legal obligations on government are absolutely clear.

00:32:44:05 - 00:33:07:02

Bruce Adamson

So I don't think anyone could could argue that that babies don't have rights. Do babies understand their rights? So that's a more difficult one. And I think I'm probably kind of see that of, kind of, to child psychologists in terms of in terms of the way in which kind of understands whether you have with you have rights. There's an obligation on the state as part of education to ensure that you learn about your rights and that kicks in from birth.

00:33:07:02 - 00:33:24:17

Bruce Adamson

And so I think it's important that we're framing things and using that rights framework. You don't have to sit down with with a copy of my red book of the convention and kind of read it from cover to cover. A lot of the stuff that we use in kind of primary school or in early years is kind of using illustrations and things like that.

00:33:24:24 - 00:33:50:17

Bruce Adamson

Again, we know that babies react to their environment in kind of different ways. So is there any way that you could you could evidence or test, kind of babies they are understanding of their rights in terms of how they're fulfilled and how they're able to to express themselves? Yeah, I think I think I think we do have a really strong growing understanding of babies being able to to engage with their environment and make their make their views known.

00:33:51:04 - 00:34:10:19

Bruce Adamson

And are we going to have conversations with babies about whether the state's fulfilled its obligation to use maximum available resources to the fullest extent possible? Probably not, but we have that trouble having those conversations with adults. So yeah, so but the point the point being is that you don't children about the right to know about their rights and that's important obligation on the state to make sure that children are educated about their rights.

00:34:11:05 - 00:34:16:14

Bruce Adamson

But actually your your right to have your rights fulfilled isn't contingent on you knowing what they are.

00:34:16:18 - 00:34:57:12

Rhona Matheson

Yeah. And my I suppose what we talk at Starcatchers is that idea that, you know, children gain the understanding about the rights through the experiences that they're having. So the fact that we are the kinds of opportunities that we present for them, offer them, that they are able to engage with and participate in whatever way they want and with a parent, a carer enables them to begin to experience life in a different way, understand the world in a different way, and that becomes a vehicle for, for, for, for understanding kind of what rights might, might look like as they as they get older.

00:34:57:21 - 00:35:32:16

Rhona Matheson

One of the things I'm I'm conscious of and actually I have been guilty of in the past, as you know, sort of talking about the idea that every adult needs to be taking sort of responsibility rights around this. And I'm very we are the you know it's actually there are duty bearers who, who have the legal responsibilities around it.

00:35:32:24 - 00:36:16:05

Rhona Matheson

But I believe that there's a role that every adult can play in ensuring that children, young people across the country know and understand about their rights. And actually, that, again, starts from my perspective with babies and the youngest children. And there is obviously Article five of the CRC, which which which pertains to the and it's and it's about the role of parents and primary carers. But actually it goes beyond that. I think it's actually any adult who's having a kind of contact with, with children, young people and how they can support children to access and understand their, their rights as they grow.

00:36:16:05 - 00:36:40:02

Rhona Matheson

And that the idea about evolving capacities, which I find a quite such a fascinating term, I suppose it's to me the role of the adults and is so important because of that perception of vulnerability of

babies and very young children and that they are so reliant on people providing the nurturing care and support that they need and that we need. There's a job of work that we need to do to bring those adults on the journey with us, because there are lots of people who are absolutely on, you know, behind the incorporation, behind the understanding of children's rights. But there are lots of people who still think it's nonsense, I guess, and that actually rights only come into effect when you're an adult.

00:36:40:16 - 00:37:09:03

Bruce Adamson

I hear this a lot from children in terms of one of the one of the recommendations children always make is more rights education for adults. They want the adults around them to understand understand their rights because they feel that they're often, that they are learning about their rights but but that the adults often don't understand them.

00:37:09:03 - 00:37:32:22

Bruce Adamson

And so and so I think a really important obligation on the state is to make sure that adults are supported, to be educated about rights, and that adults are able to become human rights champions. Human rights defenders, I think I think there's a really important role that all adults can play. So I would want to draw the distinction between between those adults who have legal obligations as as duty bearers and other adults who can play a really important role in championing human rights and ensuring ensuring that children's rights are fulfilled but perhaps don't have a legal obligation to do so in the same way that the duty bearers do.

00:37:32:22 - 00:38:08:13

Bruce Adamson

And so the the really important thing is that if you're in a position of power, then you should be working to ensure that the families and communities around children are supported, to ensure that the rights, the rights are fulfilled, that obligation sits with you as a person of power. So this is where I think it's really important that we're putting funding and support in to families and communities to learn about rights and things, but also that that those that those that are around children are educated about rights so that they can challenge and then that they can really hold those in power to account.

00:38:09:13 - 00:38:25:20

Bruce Adamson

And I think this has been one of the things that I've enjoyed the most over the last six years is working with with children to be human rights defenders. And the whole idea of children as human

rights defenders, those children that choose to learn more about their rights and choose to stand up for the rights of others is hugely exciting.

00:38:26:04 - 00:38:54:19

Bruce Adamson

And then the ability to work with adults who are choosing to do that as well as human rights defenders, I think that's really, really powerful. And again, we've had a focus in Scotland's Children's Parliament on fealties and this idea of kind of challenging and kind of being brave, but but I would I think it is important we stick to that distinction, though, between those those fantastic people who are human rights champions within government and an end to who who want to do the best, but who are duty bearers and have a legal responsibility and can be held to account against that legal responsibility and those that that are doing it from from

00:38:54:19 - 00:39:21:24

Bruce Adamson

outside of a position of power aren't duty bearers directly, but a bit of championing championing rights and being human rights defenders. So and I and I do worry sometimes when we we sometimes get into this narrative in terms of it's everybody's job and all adults, because actually some adults have additional responsibilities. And so that accountability is really important, particularly with my job as children.

00:39:21:24 - 00:39:48:00

Bruce Adamson

Young People's Commissioner is my focus is the accountability of duty bearers and and making sure that the supporting other adults to ensure that children's rights are fulfilled, but never losing sight of the fact that the obligation sits on sits on sits on duty bearers. And and the fact the fact that other adults and communities around children are doing such an amazing job to support children's is brilliant.

00:39:48:21 - 00:39:53:03

Bruce Adamson

But but it's not an equal responsibility, that responsibility sits on those in power.

00:39:53:18 - 00:40:15:24

Rhona Matheson

Yeah. And I suppose that, you know, as, as we move forward with, with incorporation and that kind of that awareness of the distinction becomes kind of much more present. You know, I think that will,

you know, hopefully become easier for people to kind of get their heads around in terms of where the roles and responsibilities kind of begin and end.

00:40:17:02 - 00:40:52:08

Rhona Matheson

But it's, you know, it's it's fascinating. And, you know, I guess it's the frustration that we are still waiting for that bill to finally get over the line. And, you know, I suppose it's it's testament to the conviction that the government have had that they are moving forward with implementation. But, you know, the frustration is there. And I can imagine for you and you know, pushing for it over the the your tenure, the, you know, the fact that we're we are here particularly two years after that that bill was unanimously passed

00:40:52:09 - 00:40:53:20

Rhona Matheson

It's it must be frustrating.

00:40:55:09 - 00:41:26:05

Bruce Adamson

Ah that's an understatement. Although, again, I was talking to some of the members of the, the UN committee very recently about this obviously as they consider what what concluding observations to make about Scotland and and they were reminding me that that yeah. So six years ago the government was was opposed to, to incorporation. They did not very many years ago the Scottish Government said incorporation wouldn't even be legally possible and then they said it wasn't desirable and then the campaigning that we've been doing for decades now only found success very, very recently.

00:41:26:05 - 00:42:00:06

Bruce Adamson

And so so within the last few years, we had a government that was that was opposed to it. And then through through the incredible leadership of children and young people and civil society. And I think the membership of Together have been incredible. The Youth parliament, the Children's Parliament just I think that the huge kind of coalition of people that have really provided incredible leadership here, really forcing the government to come to the table on this the the expert advisory group that we set up when the government said that it was open to bringing forward legislation will be drafted, our own legislation and and we really challenged government every step of the way.

00:42:00:06 - 00:42:21:11

Bruce Adamson

That success actually came quite quick. And we made incredible progress over the period just before the, the bill went through. And so if you'd offered me six years ago the fact that we would have a bill through and we would just be waiting for for the last few final kind of pieces to be pulled together within a six year period, I would have bitten your hand off, it would have been absolutely amazing and I wouldn't I wouldn't have believed it was even possible.

00:42:21:11 - 00:43:00:06

Bruce Adamson

And so the fact that we made such incredible progress over quite a short period of time does now lend to the frustration that we've had kind of two years after the bill was passed, over 18 months since the Supreme Court judgment for what was actually a really minor fix that's needed. I mean, I spoke to two Scottish ministers within within hours of the the Supreme Court judgment with my views on on a solution for this and and also the most frustrating thing, I think for me is that the Scottish Government still refusing to commit to immediate commencement.

00:43:00:06 - 00:43:27:12

Bruce Adamson

So once the bill's through, the bill allows for for a maximum of a six-month delay before it comes in. And that's totally at the discretion of government about whether it's the full six months delay or whether it comes in immediately. And so the Scottish Government could today, it's totally within their power, commit to immediate commencement, it's totally at discretion of ministers and the fact that they're refusing to commit to an immediate commencement means that a bill that should have been in force over a year ago, I mean, that that we're looking at another delay of six months even after it comes back to Parliament so...

00:43:27:12 - 00:43:50:19

Rhona Matheson

Going on a bit of a tangent, I'm conscious, that one of the things we haven't really talked about is arts and culture. And obviously Starcatchers is an arts organization and you know, for many, many years we we shouted about Article 31 in particular, the right for children to access arts and cultural life along with play and leisure and rest.

00:43:52:04 - 00:44:19:08

Rhona Matheson

And we now have that understanding that actually the arts can be a real opportunity for children, not only to access their rights, through article 31, but actually a whole gamit of of other rights. Yeah,

I suppose it would just be interesting to unpack what you, what you might think about that as a concept because you know, the arts, I suppose we were talking about, you know, funding cuts,

00:44:19:08 - 00:44:33:18

Rhona Matheson

The arts are quite often the first thing to get cut because they're seen as a nice optional extra. But actually they are a fundamental. So yeah, I suppose it would be remiss of me not to be asking you about the role of arts and culture and for children and young people.

00:44:34:15 - 00:45:02:15

Bruce Adamson

Yeah. And so I'm a huge fan of, of the work you do at Starcatchers. And I think that it's important to recognise there's nothing in the convention that's optional, that's there because people thought it would be nice or fun, but rather Article 31 and the way in which it links to other articles is based on a strong evidence base around the importance of opportunities in relation to access and cultural life and the link to rest, recreation and play.

00:45:02:23 - 00:45:29:13

Bruce Adamson

But the importance that everyone has understood now for a very long time about the link to brain development and the importance foundation that being involved in cultural life has from, from birth. And so there's a reason that that's the this is put into the convention. There's a reason that it was put in separately from education, which also includes a right to access cultural life.

00:45:29:13 - 00:46:04:14

Bruce Adamson

And so, the right to education talks about developing to your fullest potential, including things like like music and arts. But the reason that is also the separate right around engagement and cultural life was because it was seen as an important part of development. And I think that's really key. And the really strong links between having active, supportive engagement and cultural activities has really strong, demonstrable links to the right to the highest attainable standard of health because we know that this is going to impact on development of positive mental health and physical health of the kind of the ability to kind of move and understand your body that's so inherent in the

00:46:04:14 - 00:46:27:12

Bruce Adamson

work that you do. This is really strongly linked to the right to health, it's strongly linked to the right to education, because the foundations that you're laying through, kind of the creative arts we know is really conducive to really positive brain development, which which links through to to all forms of learning. We know we know that it links to to understanding of identity.

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Bruce Adamson

We know that it's a really powerful tool to link to who you are. And also socialising, accessing information. Also some of the stuff around around being kept safe and things like that, being able to express sometimes quite difficult concepts and engage families in a way which which allows them to to access supports as well. And so I think one of the things when you're providing kind of arts based programs and food based programs as well, I've got to say, it's really important that you can connect to families that that maybe wouldn't have the same approach to to some other statutory services.

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Bruce Adamson

And and so being able to bring families and communities, babies and young children together in a way that's supportive and fun, allows you to support and access a whole bunch of rights. So particularly those development rights, but also rights around protection and rights around support as well. And I think, again, anyone who's who's who's seen any of this work in practice can see that.

00:47:14:23 - 00:47:43:01

Bruce Adamson

I mean, it's so, so obvious. And, and that's why it is so concerning that, as you say, often the cuts that we see are directly into into arts and creative programmes because they are wrongly seen as as kind of optional. And I think despite all the very significant evidence from Scotland at a global level, that these are actually fundamentals and not proper funding in a sustainable way.

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Bruce Adamson

These support services really is an attack on the scaffolding around around children and families. And the detrimental effects to children and families is is really, really concerning.

00:48:05:19 - 00:48:28:24

Rhona Matheson

Absolutely. I can't disagree with anything that you've said there. Thank you so much for chatting to me for the last hour or so. I've got one final comment, and I suppose we're all very aware that you're

coming to the end of your six years as commissioner, and you'll be handing over the reins shortly to to the new incumbent.

00:48:28:24 - 00:48:37:23

Rhona Matheson

And what do you think the new commissioner could do to ensure the rights of younger children in Scotland can be upheld and protected?

00:48:38:09 - 00:49:03:18

Bruce Adamson

I think the key thing is to to work directly with with children. That's been a big focus with with my with my work is a focus on participation, working directly with children. So babies and very young children right through and the organisations that work with them to understand what their needs are and really continue to do, what I've tried to do, I think, is to challenge those in power to do things differently.

00:49:03:18 - 00:49:28:03

Bruce Adamson

And so a strong part of that is the legal framework. So incorporation of the convention is absolutely essential because it provides the additional tools that we've talked about earlier. I think I think the the conversation around funding is going to be top of all that. Poverty and mental health have been two of my really big strategic issues that I've been working on and and I'm really concerned about, about where we're at with those the impact of COVID, but the broader impact of poverty and the cuts that we're seeing in relation to, to essential services.

00:49:28:03 - 00:49:48:24

Bruce Adamson

So I think getting that legal framework really strongly in place and then using that accountability mechanisms to make sure that that that those in power live up to their their obligations and really addressing the the the funding cuts that we're seeing. Because I think that that the babies and very young children are really seeing the sharp end of those cuts, support services that are being cut.

00:49:48:24 - 00:50:28:08

Bruce Adamson

The worst are the ones that are around children that are at least able to to stand up for themselves and verbalise and and organise. And so so I think that I think that that's got to be a priority for the next commissioner in terms of of getting alongside organisations like Starcatchers and others who've

been doing such, such amazing work, but really challenging some of the decisions to be made using that the legal structures around that.

00:50:28:16 - 00:50:28:21

Bruce Adamson

Yeah.

00:50:28:23 - 00:50:41:13

Rhona Matheson

Brilliant. Thank you so much, Bruce. It's been it's been absolutely fantastic. I could if I could keep chatting to you, but I'm just really conscious that you've got an awful lot of work to do before before you finish up because you do only have a few weeks left.

00:50:42:07 - 00:51:04:14

Bruce Adamson

It is it is the best job in the world and it's going to be very difficult to to hand it on. But I know that the the incoming commissioner bring incredibly expertise and the staff team here is amazing. And civil society in Scotland is absolutely amazing. So it's been a pleasure to work with you and all of the amazing human rights champions across Scotland, both adults and in particular the children, young people that I've got to work with.

00:51:04:14 - 00:51:20:18

Bruce Adamson

So it's going to be an emotional few week as I prepare to to hand over the reins. But I'm I'm hugely confident that the work will continue, and I look forward to watching that and supporting from the sidelines.

00:51:25:14 - 00:51:51:16

Rhona Matheson

Thank you for listening to the Let's Talk About podcast. The music used in this episode is by Marcus Britton, Matt Elliott, Nik Paget Tomlinson and Barney Strachan from Mixed Up by Katy Wilson. You can view the transcript of this episode at www.starcatchers.org.uk.

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