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### RNIB Scotland: Response to the Scottish Parliament’s Equalities and Human Rights Committee Call for Views on the UNCRC (Incorporation) (Scotland) Bill

#### RNIB Scotland

The Royal National Institute of Blind People (RNIB) Scotland is the country’s leading charity working with blind and partially sighted people. We support children and adults with sight loss and help them to live independent lives.

#### UNCRC (Incorporation) (Scotland) Bill

The Scottish Government wants to legislate to make the United Nations Convention on the Rights of the Child (UNCRC) law in Scotland.

There are 54 Rights in the UNCRC, and we highlight Article 23 on “Children with disabilities”:

“Every child with a disability should enjoy the best possible life in society. Governments should remove all obstacles for children with disabilities to become independent and to participate actively in the community.” [[1]](#footnote-1)

The main purpose of the Bill is to “incorporate” the UNCRC, which would make it part of Scottish law. Children’s rights would then be legally protected.

If the UNCRC becomes part of the law in Scotland:

* The Scottish Government and public authorities must protect the rights of children and young people
* Children and young people can complain if they think their rights aren’t being protected
* A court could tell an organisation to change what they are doing, if the court agrees that they are not protecting children’s rights properly

The UNCRC Bill also means:

* The Scottish Government and public authorities will need to write a report showing that they are following the UNCRC
* Courts will decide if laws follow the UNCRC
* The Children and Young People’s Commissioner will be able to help if someone wants to complain their rights are not being protected

The Bill will mean that Scotland is the only part of the UK where the UNCRC requirements (as defined in section 1(2) of the Bill) are directly enforceable in the courts, representing a significant step forward for the protection of children’s rights in Scotland, and we welcome this move.

#### Scottish Parliament’s Equalities and Human Rights committee call for views on the UNCRC (Incorporation) (Scotland) Bill

The committee’s call for views has asked eight questions. Our response focuses on the questions below:

**“Can you think of any groups of children and young people who might need more help to make sure their rights are respected?**

**“What help might they need?”**

#### Groups of children and young people who might need more help to make sure their rights are respected

The Scottish Government consulted on UNCRC incorporation in 2019. The Analysis Report on submissions reported that “particular groups of children tend to face additional barriers in exercising their rights. Respondents provided examples of the types of groups which need particular consideration within the incorporation framework (including disabled children, looked after children and deaf or blind children) as well as national issues which need particular consideration (such as gender inequality).” [[2]](#footnote-2)

We strongly agree that any framework for incorporation must ensure the rights of target groups are protected, such as disabled children, including those with sight loss.

#### Help needed

In terms of the help they need, pointing to UNCRC Article 28 on “Access to Education”, we highlight the needs of blind and partially sighted children and young people in education.

The Scottish Government’s Pupil Census 2019 revealed that there were 4,735 school-pupils with a visual impairment in Scotland. [[3]](#footnote-3)

Sight loss does not limit a child’s capacity to learn. But inaccessible learning materials, limited habilitation support, and exclusion from non-academic subjects and extra-curricular activities can.

The attainment gap between pupils with a visual impairment and pupils with no additional support needs begins at the most basic level of qualification that can be obtained in high school and widens as the Scottish Credit and Qualification Framework (SCQF) levels progress.

Scottish Government figures from 2017/18 highlight a stark attainment gap at all qualification levels. [[4]](#footnote-4)

* Only one in 50 pupils with no additional support needs left school without a qualification at National 4 level or higher, compared to one in five with sight loss.
* 92 per cent of pupils with no additional needs achieved at least one qualification at National 5, compared to 64 per cent of those with a visual impairment.
* 71 per cent of pupils with no additional needs achieved at least one Higher, compared to only 40 per cent of those with sight loss.

Pupils with sight loss need additional support to develop habilitation, mobility and independent living skills from Qualified Teachers of Children and Young People with a Vision Impairment (QTVIs). This will allow them to transition confidently to further or higher education, or employment.

RNIB Scotland’s manifesto for the 2021 Scottish Parliament Elections summarises policy asks on the early intervention and access to the right support that children and young people with vision impairment need to achieve their full potential, contribute to society and lead fully independent lives:

* “That the Scottish Government report annually on the attainment figures for blind and partially sighted school pupils.
* “Maintain a Scottish Government database of active Qualified Teachers of Children and Young People with a Visual Impairment (QTVIs) by the local authority they are based in and the number of hours they work.
* “Invest in training more QTVIs as a matter of urgency to improve the ratio of QTVIs to pupils with a vision impairment and provide incentives to complete QTVI training.
* “Support students with a visual impairment to take part in the mandatory two hours of physical education a week and extracurricular activities, and monitor participation rates, and if lower, investigate why.” [[5]](#footnote-5)

#### Contacts

Rosaleen Dempsey - Assistant Lead, Children, Young People, Families & Education, Devolved Nations, RNIB - [rosaleen.dempsey@rnib.org.uk](mailto:rosaleen.dempsey@rnib.org.uk)

Dr Catriona Burness - Parliamentary and Policy Manager, RNIB Scotland - [catriona.burness@rnib.org.uk](mailto:catriona.burness@rnib.org.uk)

1. Retrieved at <https://www.unicef.org/child-rights-convention/convention-text-childrens-version> [↑](#footnote-ref-1)
2. Consultation on incorporating the United Nations Convention on the Rights of the Child into our domestic law in Scotland; Analysis Report, November 2019. Retrieved at https://www.gov.scot/binaries/content/documents/govscot/publications/consultation-analysis/2019/11/uncrc-consultation-analysis-report/documents/consultation-incorporating-united-nations-convention-rights-child-domestic-law-scotland-analysis-report/consultation-incorporating-united-nations-convention-rights-child-domestic-law-scotland-analysis-report/govscot%3Adocument/consultation-incorporating-united-nations-convention-rights-child-domestic-law-scotland-analysis-report.pdf [↑](#footnote-ref-2)
3. https://www.gov.scot/publications/pupil-census-supplementary-statistics/ [↑](#footnote-ref-3)
4. https://www.gov.scot/publications/summary-statistics-attainment-initial-leaver-destinations-1-2019-edition/ [↑](#footnote-ref-4)
5. See RNIB Scotland’s manifesto for the 2021 Scottish Parliament elections at <https://www.rnib.org.uk/scotland/reports-and-publications-rnib-scotland> [↑](#footnote-ref-5)