

Incorporating the UN Convention on the Rights of the Child into Scots Law: consultation

Shelter Scotland
submission

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Summary

Shelter Scotland welcomes the opportunity to respond to the Scottish Government's consultation on the incorporation of the UN Convention on the Rights of the Child into Scots Law.

Shelter Scotland helps over half a million people every year struggling with bad housing or homelessness through our advice, support and legal services. And we campaign so that, one day, no one will have to turn to us for help.

We're here so no one has to fight bad housing or homelessness on their own.

Shelter Scotland recognises that when incorporating a rights treaty into law it is crucial that it is done fully and without the state party picking and choosing which rights to adopt. The importance of international conventions is that they set a standard around the globe. Nations like Scotland should not provide cover for other nations who wish only to adopt those rights that it perceives easiest and reject those that pose political or cultural challenges.

Shelter Scotland therefore supports **the call of Together, an alliance of Scottish children's charities and 35 of its members, on the Scottish Government to meet the international 'gold standard' for incorporating the UNCRC into Scots law.**¹ We urge the Scottish Government to take heed of advice from agencies working with people who have lived experience of children's rights being denied to embed these rights into Scotland culture and practice.

In our short response, we have focused on providing evidence on why such a move is critical right now.

Scotland has some of the most progressive housing legislation in the world, and over time people should be finding it easier to secure the safe home that is so vital to a fulfilling life. Housing is a human right and is defined as such within the International Convention of Economic, Social and Cultural Rights.² In addition, the UNCRC includes the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development, including housing.³ But whilst housing is a human right and recognised as such for children too, there is a gap between this technical right and what is protected under domestic law. And too often the existing laws and housing rights remain beyond the reach of too many. People don't know what their rights are and public bodies, struggling under the weight of cuts in services and increases in demand, are unable to enforce them. For thousands of children, a safe, secure and affordable home is still out of reach. We believe that citizens need better protection to

¹ Together (2019), [Together members call for 'gold standard' model of UNCRC incorporation](#)

² Shelter Scotland (2019), [Housing is a human right](#)

³ UNICEF, [UN Convention on the Rights of the Child](#)

secure their right to a home and full incorporation of the UNCRC into Scots law is one way to provide additional protection of this right.

Until there's a home for everyone.

shelterscotland.org

Housing rights denials in Scotland

Everyone needs good quality housing to live and thrive in: having a home is central to every aspect of our wellbeing, from health to educational attainment to happiness. Yet for many in Scotland today, the human right to housing and an adequate standard of living for children is not realised.

Homelessness

- Last year, **14,000 children were in households assessed as homeless**.⁴
- At the last count **6,795 children were in temporary homeless accommodation** throughout Scotland. This is the highest number of children in temporary homeless accommodation in over 10 years.
- On average, families with children spend 219 days, or **more than 6 months**, in this so-called 'temporary' homeless accommodation.

For children in particular, we know that homelessness and other substandard housing experiences can have a major impact.

- Children who have been homeless are three to four times more likely to experience **mental health problems** than children who have never been homeless, even a year after they've secured a permanent home.⁵
- According to teachers, children who are homeless or in bad housing are often **late, exhausted and struggle to maintain relationships** with other children.⁶
- Bad housing can increase the risk of **severe ill-health or disability** by up to 25% during childhood and early adulthood.⁷
- Children who have been homeless are more likely to experience **repeat homelessness** throughout their lives. The earlier a person becomes homeless, the more likely they are to have five or more homeless experiences.⁸

Through our services, we work with many families in precarious housing situations, and we have seen the numbers of families losing their home in certain localities increase significantly. Social security policies such as the benefit cap have been a contributing factor in many of these cases. Because of this and the growing demand on the system, children are increasingly being housed with their families in poor quality temporary accommodation for prolonged periods of time, while they wait for a suitable affordable home.

⁴ Scottish Government (June 2019), [Homelessness in Scotland: 2018-19](#)

⁵ Shelter (2006), [The chance of a lifetime](#)

⁶ Digby A and Fu E for Shelter (2017), [Impacts of homelessness on children – research with teachers](#), Kantar Public

⁷ Shelter (2006), [The chance of a lifetime](#)

⁸ Mackie P and Thomas I for Crisis (2014), [Nations apart? Experiences of single homeless people across Great Britain](#)

Emma*⁹ is single mum with children who became homeless. She is staying in temporary accommodation with her children, but she can't afford the rent due to the benefit cap. She has asked the council if the temporary accommodation can be made permanent, in order to reduce the rent, but this is unlikely to happen. Her depression is getting worse as she worries about being evicted. When she approached the council for help again, the homeless officer said she should give two of her children to her former partner or her mum so that she would no longer be subject to the benefit cap and could afford her housing.

Fiona* made a homeless application with her young children after experiencing domestic abuse. They were offered temporary accommodation but it was far from her home and her support network, and would have meant multiple expensive bus trips to her child's nursery. Instead, she moved in with her young children to her mum's house. She slept on a sofa bed in overcrowded conditions for three months until a suitable home became available for her and her children.

Linked to this is the issue of existing domestic legislation around homelessness not being upheld in terms of standards of temporary accommodation provided to homeless households which frequently contain children. The Unsuitable Accommodation Order which is meant to protect families from poor quality temporary accommodation was breached 620 times across Scotland last year,¹⁰ with families being allocated inappropriate and sometimes dangerous homeless B&Bs for much longer periods than the law allows.¹¹

Amanda* and her children were stuck in a Premier Inn with no cooking facilities for over two weeks, when they became homeless. Amanda had to borrow money to feed her family.

In effect, these issues mean that many of the children's rights as set out by the UNCRC are consistently not being upheld by the homelessness and social security systems and this must be urgently addressed.¹² One way to do this is for full incorporation of the UNCRC into Scots law to enable better protection of children's rights.

⁹ All names denoted with a * have been changed throughout this document to protect the identity of Shelter Scotland clients.

¹⁰ Scottish Government (June 2019), [Homelessness in Scotland: 2018-19](#)

¹¹ Homeless B&Bs" refer to privately-owned B&Bs which are commissioned by a number of Scottish local authorities to meet demand for temporary accommodation and are then allocated by the local authority to households who have applied as homeless. These B&Bs often do operate as normal tourist accommodation as well, which can lead to homeless households having to leave in high season. In our experience, many of these B&Bs provide extremely poor quality accommodation and service to homeless households.

¹² Shelter Scotland (September 2018), [Shelter Scotland Response to Scottish Government Consultation on Progressing Children's Rights in Scotland - An Action Plan 2018-21](#)

Poverty, disrepair and harassment

Homelessness is not the only issue facing families. Hundreds of thousands of families struggle with high housing costs and housing-related poverty: in 2015-18, **24% of children** (240,000 children each year) **were living in relative poverty after housing costs**.¹³ In addition, from our case work we know that many children are **exposed to dangerous levels of disrepair** in their homes, despite laws which should protect them.

Annabelle was living in a four bedroom, private rented property with her four children. The property was in extremely poor condition: the living room wall was subsiding, there was dampness partly due to internal doors being used as external doors, and dampness was leading to problems with the electrics as well as ruining the children's bedding. One builder undertaking repairs at the property was so taken aback by the conditions that he personally went out and bought the children new mattresses. The second floor, where the children sleep, was estimated to be a week and a half away from collapse.

Holly and her young sons live in a ground floor, privately rented flat. When Holly was referred to Shelter Scotland, the floor under her sink was rotten, there was condensation between panes in the windows because they hadn't been sealed properly, there was dampness in all the bedrooms, and the mattresses were covered in mould mites. There were also no locks on the windows which was a safety issue for Holly's sons. Holly's sons have been impacted by the state of the property and they've been in and out of hospital with asthma and breathing problems.

For others, it is the area that housing is in and **harassment from neighbours** that has a negative effect on children and their feeling of safety in their own home.

Nicole's daughter didn't feel safe where their old house was, which affected her sleep and made her anxious about leaving the house.

"[my youngest daughter] wouldn't sleep in her own room, she wouldn't sleep at all. She was then going through to speak to people, she was terrible, and that's when she didn't want to leave the house to go to school even though it was seconds down the road. It was as if inside the house became safe, but outside the house she didn't feel safe."

¹³ Scottish Government (2019) [Poverty and income inequality in Scotland: 2015-2018](#)

R's family were experiencing harassment from their neighbours which had a real effect on the children in the family.

"After what happened [incident of harassment from a neighbour], my son they don't like to go to the backyard – they prefer [the front garden]...we don't use [the back garden], I tell my kids in summer and when it's sunny, 'go and sit' – I tell my daughter 'just put a blanket and sit on it'. But no. I don't know maybe the problem in the beginning, and so it give them you know, this feeling that they hate this side. Even my daughter she keep closing the curtain all the time, day and night."

Angela's son moved in with extended family because he couldn't cope because of harassment in the local area.

"It got to the stage [my son] was scared to stay in his own house so he had been living outwith the family home for about a year and a half."

Solutions

That is why Shelter Scotland have this month launched a campaign for a Scotland where:¹⁴

- New laws enhance and protect the right to a safe, secure and affordable homes for all. Specifically, this should include the incorporation of human rights law into Scottish law.
- Everyone knows and can defend their housing rights.
- Rights are upheld and laws cannot be routinely broken.

Full incorporation of the UNCRC provides an opportunity to strengthen the rights of the child, providing further avenues for enforcement, for ensuring accountability of duty bearers, and for taking another big step towards protecting children's rights in general, and children's right to adequate housing specifically.

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¹⁴ Shelter Scotland (August 2019) [Are you with us? Campaign webpages](#) and [Are you with us? Campaign briefing](#)

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Please support us at shelterscotland.org

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