

Cyrenians

Scottish Centre for
Conflict Resolution

THE HUMAN COST OF CONFLICT

An Insight and Understanding of
Human Rights

Seminar Report
2016



TABLE OF CONTENTS

Cyrenians and The Scottish Centre for Conflict Resolution	2
Introduction	3
Speaker Biographies	4
Speeches	6
Welcome & Introduction Ewan Aitken (Cyrenians' CEO)	
Setting the Scene Jordan Linden (Chair, Scottish Youth Parliament)	
What are Children's Human Rights; Who Decides What They Are and How Do They Relate to Me? Tam Baillie (Children and Young People's Commissioner Scotland)	
How do Human Rights Sit Within the Law, Negotiations and Judicial Process? Ailsa Carmichael QC (Faculty of Advocates) & The Right Honourable Lady Dorrian (Judiciary of Scotland)	
Closing Thoughts Stephen O'Rourke (Faculty of Advocates)	
Thank You Diane Marr (Scottish Centre for Conflict Resolution)	
Group Activities	10
Event Evaluations	11
Conclusion	12

CYRENIANS

For nearly 50 years, Cyrenians has served those on the edge, working with the homeless and vulnerable to transform their lives by beginning with their story, helping them believe that they can change their lives, and walking with them as they lead their own transformation.

Our Vision: An inclusive society in which we all have the opportunities to live valued and fulfilled lives, and we work to make that vision a reality by:

Our Mission is to support people excluded from family, home, work or community on their life journey.

Our way of work is built on our four core values:

COMPASSION: We believe that everyone should have the chance to change, no matter how long that might take.

RESPECT: We believe in tolerance, acceptance, valuing diversity and treating each other as equals.

INTEGRITY: We are committed to the highest quality of work, grounded in honesty, generosity, sincerity and professionalism.

INNOVATION: We are willing to take risks, challenge convention and be very creative in our search for new ways of working, in particular by taking account of the environmental impact of our decisions.

SCOTTISH CENTRE FOR CONFLICT RESOLUTION

"The Faculty values its association with the Scottish Centre for Conflict Resolution - and I am very glad indeed that we are marking Human Rights Day by collaborating with the SCCR on this event.

In a constitutional democracy, it is important that all citizens not only have an appreciation of their rights but understand how they can resolve conflict when it arises."

JAMES WOLFFE

Dean, Faculty of Advocates

In 2007, Cyrenians established the award-winning Amber mediation service, which works with young people and families to help them rebuild communication and restore relationships. However, the fact remains that every year in Scotland 5,000 young people become homeless¹ - and relationship breakdown is still the predominant cause.

Launched in April 2014, with the aim of reducing family conflict and relationship breakdown, the Scottish Centre for Conflict Resolution (SCCR) is a national resource centre promoting and supporting best practice in mediation, family conflict resolution and early intervention work with a particular focus around young people and families. It is currently funded by the Third Sector Early Intervention Fund.

The SCCR recognises that conflict in relationships can have a significant impact on the lives of those involved. Building on the success of our first two years, the Centre continues to raise awareness of the impact of conflict in family relationships. We provide free events including training, conferences, seminars and workshops; and are further developing and designing our website that acts as a platform for our innovative online resources.

The SCCR is committed to breaking down barriers and changing the culture of conflict in Scotland. We continue to nurture, connect and grow a community of specialists that share their knowledge and experience with other professionals, parents and young people, creating a community that is supported and connected across Scotland. A community that empowers people to improve both their relationships and life chances.

¹The Scottish Government Youth Homelessness Tables 2013/14

INTRODUCTION

In 1950, the United Nation's (UN) General Assembly passed resolution 423 (V) inviting all States and interested organizations to observe 10 December of each year as Human Rights Day. It commemorates the day on which in 1948, the UN adopted the Universal Declaration of Human Rights, and promotes the Declaration as "the common standard of achievement for all peoples and all nations."

In recognition that young people "have the right to an opinion and for it to be listened to," (Article 12, UN Convention on the Rights of the Child), the Cyrenians' Scottish Centre for Conflict Resolution (SCCR) in partnership with the Faculty of Advocates, brought together Scotland's young people to reflect on what human rights means to them in twenty-first century Scotland.

PURPOSE OF THE SEMINAR

To create the space for Young People to discuss and learn about Human Rights in relation to the following;
Education, Health, Justice, Housing, Wellbeing, Work & Employment.

The event offered the opportunity to hear what's important to young people, and to discuss how together they can bring about change and what, if anything, could be different.

PURPOSE OF REPORT

This report provides an overview of the different speakers present on the day, and highlights some of the key themes, messages and considerations that emerged in relation to human rights and the damaging effects conflict can have.

SPEAKER BIOGRAPHIES

EWAN AITKEN CYRENIANS

Ewan Aitken was appointed CEO of Cyrenians in May 2014. A former Convenor of Education and then Leader of the City of Edinburgh Council, Ewan has 30 years' experience in the third and public sectors. He has founded several charities and is on the board of the Edinburgh International Science Festival and the Ripple Project, and is an advisor to Circle Scotland. He is chair of the National Prison Visitor Centre Steering Group, BBC Children in Need Scotland grants committee and the Scottish Labour Party's Social Justice Sounding Board. He is also a member of the CoSLA Commission on Strengthening Local Democracy.

TAM BAILLIE CHILDREN AND YOUNG PEOPLE'S COMMISSIONER SCOTLAND

Tam Baillie is the Children and Young People's Commissioner Scotland, taking up this post in 2009 after working as a manager and practitioner with children and young people for over 30 years.

The Commissioner has a duty to promote and safeguard the rights of children and young people in Scotland under the age of 18 (and those under 21 if they have ever been in the care of, or looked after by a local authority).

The Commissioner and his team do this by:

- Raising awareness of rights
- Involving children and young people in our work
- Considering law, policy and practice that concerns rights
- Communicating best practice about rights

Children's rights are set out in the United Nations Convention on the Rights of the Child (UNCRC), which the UK Government signed up to in 1991.

AILS CARMICHAEL QC FACULTY OF ADVOCATES

Ailsa Carmichael QC specialises in public and administrative law, and in recent years she has appeared in a number of leading cases in those areas in the Court of Session, House of Lords and the Supreme Court. Since taking silk in 2008 Ailsa has appeared in significant cases relating to the legislative competence of the Scottish Parliament, Human Rights and Immigration.

She has experience in relation to professional negligence, including clinical negligence. As standing junior counsel to the Home Department between 2000 and 2008, she appeared in numerous judicial reviews and statutory appeals relating to immigration and asylum. She has advised public authorities and others in relation to a wide range of matters including freedom of information under FOISA and the Environmental Information (Scotland) Regulations. She has experience of professional disciplinary proceedings before the General Teaching Council for Scotland and the Police Appeals Tribunal.

THE RIGHT HONOURABLE LADY DORRIAN JUDICIARY OF SCOTLAND

Lady Dorrian was appointed a Judge of the Supreme Courts in 2005, having served as a Temporary Judge since 2002. She was appointed to the Inner House in November 2012.

Lady Dorrian is a graduate of the University of Aberdeen (LLB). She was admitted to the Faculty of Advocates in 1981 and was Standing Junior Counsel to the Health and Safety Executive and Commission between 1987 and 1994.

Lady Dorrian served as Advocate Depute between 1988 and 1991, and as Standing Junior to the Department of Energy between 1991 and 1994. Lady Dorrian was appointed Queen's Counsel in 1994. Between 1997 and 2001 she was a member of the Criminal Injuries Compensation Board.

JORDAN LINDEN SCOTTISH YOUTH PARLIAMENT

Jordan has been the Member of Scottish Youth Parliament (MSYP) for Uddingston and Bellshill since 2011, and was elected as Chair of SYP in June 2015. He is a Community Education student, works in the Scottish Parliament, and is very involved in youth engagement within North Lanarkshire.

Jordan is a committed advocate of young people's rights and agendas, and believes in the power of youth work, saying that it has helped make him the person that he is today.

STEPHEN O'ROURKE FACULTY OF ADVOCATES

Stephen O'Rourke is an Advocate and Qualified Mediator, accredited to conduct mediations through the Faculty of Advocates Dispute Resolution Service.

Stephen is particularly interested in understanding-based Mediation, and in October 2013 he travelled to New York where he completed intensive training at the Center for Understanding in Conflict. Stephen is passionate about both the teaching and practice of good advocacy and mediation.

SPEECHES

WELCOME & INTRODUCTION EWAN AITKEN

Ewan Aitken (CEO Cyrenians) opened the morning, welcoming everyone to the event, the first dedicated young people's event co-hosted by the SCCR and the Faculty of Advocates. He expressed his view on the nature of human rights:

"Human rights are a commentary on the nature of our relationships we have with all those around us: our friends, our family, our neighbours, strangers and even, and perhaps most importantly – our enemies. For if they are to be genuinely human rights, they need to apply to everyone, even those we do not get on with it."

He also gave an introduction to the role of the SCCR:

"The job of the SCCR is not to pronounce about how you solve things, it's about giving folk the tools to solve things themselves. Based on the premise that conflict is part of human relationships. In disagreement is how we learn. By exploring difference, you find out who you are and who your neighbour is. The challenge is how do you manage [conflict]?"

SETTING THE SCENE JORDAN LINDEN

In his address, Jordan Linden (MSYP, Chair of the Scottish Youth Parliament and co-chair of the event) discussed his experiences as a Member of the Scottish Youth Parliament, in particular a recent visit by the Vice Chairperson of the United Nation's Committee on the Rights of the Child, Ms. Amal Aldosseri in September 2015:

"Our final day was kicked off with a Live Glow Meet between myself and the Vice Chairperson to over 30 Schools in Scotland..."

It was the day that the photo of Aylan Kurdi appeared in the national media and touched the hearts of everyone across the nation. I remember this, because of a question that a school pupil asked the Vice-Chairperson and I. The young girl asked, 'Do the refugee children who are coming from other countries like Italy have the same rights as those in Scotland?'

...It struck a chord with me, with Amal and with everyone in that room. How nuanced the knowledge and emotional intelligence is of our Children and Young People – the innocence of the question – that showcases our true humanity."

Mr. Linden concluded by highlighting the important and sometimes overlooked influence of young people, stating:

"You should never underestimate the power of your voices, as so often, young people can be a lighthouse in a world that resembles the storm."

WHAT ARE CHILDREN'S HUMAN RIGHTS; WHO DECIDES WHAT THEY ARE AND HOW DO THEY RELATE TO ME? TAM BAILLIE

Tam Baillie (Children and Young People's Commissioner Scotland) spoke about his role, and some of the issues that face young people in Scotland today, particularly in the areas of education, family life and play.

He stated that the most important issue reported by children and young people today is being safe – feeling safe and secure in their own homes. Unfortunately, there are many children still living in conflict situations, whether that's due to alcohol or drug use, domestic abuse or divorce. The Commissioner stressed that once the problem is identified:

"We do not engage the children and young people in question in the resolution of the issue; they need to feel more confident and able to speak up for themselves."

The Commissioner discussed how things have changed in Scottish schools in relation to human rights - and yet that there is still a long way to go. He stated that back when he first started as the Commissioner and instigated the largest national consultation of children and young people, the advice he was given was 'don't do it – schools do not deal with children's rights.'

Now, six years later, there is much more engagement in schools about children's rights and human rights. Straiton Academy's Six Year pupils teach the First and Second Year pupils about human rights. This is part of their curriculum. At Dean Park in Balerno, the students are engaging with the CYPCS's campaign Flushed with Success? This is a campaign driven by young people and is now used by the World Health Organisation's WASH program as an example of how to achieve improvements in school toilets.

The Commissioner highlighted the need for play and leisure during childhood, stating that:

"We're not nearly as playful as a nation...or as a society... as we should be. It's incredibly important for a child's development. Children learn through doing."

He also stressed the importance of relationships:

'the importance of that positive engagement with other human beings...especially for children and young people. We need to get back to and cherish it.'

When asked what his magic fix would be in one area of children's rights, the Commissioner said that he would eradicate child poverty. He also raised the interesting fact that when children are asked the same question, they are very altruistic in their responses: *"be kind to each other, be safe, have a good education and be healthy"*.

HOW DO HUMAN RIGHTS SIT WITHIN THE LAW, NEGOTIATIONS AND JUDICIAL PROCESS?

AILS A C Q H L L

Ailsa Carmichael QC (Faculty of Advocates) provided an overview of the different ways human rights arguments can arise in the legal system, and some of the very difficult balances the court needs to look at.

Ms. Carmichael observed that human rights can be both a sword and a shield:

“You use your human rights as a sword when you bring a complaint against the state, and when the state brings criminal prosecution against a citizen, then human rights become a shield – a defence.”

She also stressed that human rights are universal:

“Human rights are for the vulnerable, but also for the weakest and worst in society as well. Human dignity is for everyone.”

The Right Honourable Lady Dorrian (Supreme Court Scotland Judge) also spoke about human rights in relation to the law, and in particular Article 6 of the *European Convention on Human Rights*, the right to a fair trial. She stated that:

“The ECHR has shone a brighter light on [legal] proceedings, making us question more deeply the elements of practice and procedure. The focus is not whether a practice is in itself fair as a matter of generality, the focus of Article 6 is whether a given individual in given circumstances has achieved a fair trial.”

Lady Dorrian also spoke about how the courts must adapt their practices when a child or young person is on trial:

“The court has an obligation to ensure that the ritual and formality of normal adult proceedings does not obscure or impede [the young person’s] understanding of these proceedings. The court must ensure that the young person is given the fullest opportunity to participate in the proceedings. This may require the use of language and terms at the level of the young offender.”

When asked what her ‘magic fix’ to help young people and children involved in criminal proceedings would be, Lady Dorrian stated she would immediately shift to the kind of witness and victim services and systems that are in place in Scandinavian countries, particularly Norway:

“...We have serious issues in our country about child abuse, with cases involving very young children who have to give evidence. The way we do that at the moment is not satisfactory, particularly in comparison to Scandinavian countries.

In our system, it can take ages for specially trained professionals to interview the child, and then the child in most cases will also be called into court and cross-examined at a much later stage when it’s no longer as fresh in their mind or even when they’ve been trying to put it behind them. [Instead, we need] the kind of systems in Norway where it’s all done at a very early stage.”

CLOSING THOUGHTS

STEPHEN O'ROURKE

Stephen O'Rourke concluded the morning with a more general discussion about conflict, his own background, and the reasons behind his involvement with the SCCR:

"There are two things you have covered today: what are the rights and responsibility in the context of human rights and children's rights, and also more generally around the whole issue of conflict.

I would like to talk a little bit about conflict. It's something that really interests me and it caused me to first get involved with the Scottish Centre for Conflict Resolution...

I've been an advocate in Scotland for thirteen years. For three years I was a High Courts prosecutor, and saw first-hand many young people dealing with conflict – or not dealing with conflict – in Scotland's criminal courts.

After those three years, I went off to America to train as a mediator at the Centre for Understanding in Conflict in New York City – and that was completely different. It was a new way of thinking about conflict; quite radical and very different to some of the more traditional ways we think about conflict in Scotland. "

Mr. O'Rourke went on to ask the group, 'how many of you have been in an argument?' and all but one attendee raised their hand. This example was used to illustrate his next point on the universality of conflict:

"It's important to observe that conflict is a natural phenomenon, its normal to have conflict. But the way in which we learn to deal with conflict is very important. Poverty can be a factor in how people are able to deal with conflict, and it is therefore important as a society to reflect a better understanding of conflict and how to deal with it."

He acknowledged that the legal system, or the formal dispute resolution system, is one of the more common methods of resolving conflict, but also expressed the hope that the young people present had begun to learn about the other ways of approaching and resolving conflict in society. Ultimately, he said, change comes from within:

"One of the most fundamental concepts of all is that if you want to change, start from within – it's the changes we make within ourselves that ultimately affect and change wider society."

THANK YOU

DIANE MARR

On behalf of the Scottish Centre for Conflict Resolution, Diane Marr, Network Development Manager, thanked everyone for attending the event and their involvement with the SCCR:

"We can't do the work that we do without the support of likeminded individuals. We truly believe resolving conflict is a ripple effect and that it does start within. None of us are perfect and sometimes we all need someone to wrap around us, to support us through difficult times, and this is an intrinsic part of what we do."

Ms. Marr invited anyone interested in getting involved with the SCCR to get in touch (see contact details on back cover).

GROUP ACTIVITIES

Facilitated by listeners at each table, the young people present were given time to discuss the following amongst themselves:

Based on what you have heard today from our speakers and discussions, as well as your own experiences and daily life, what do you feel are the most important issues in relation to human rights for young people today?

They also engaged in a second activity involving different scenarios of possible human rights infringements.

Some of the key themes and messages that emerged after both activities include:

KNOWLEDGE AND UNDERSTANDING OF RIGHTS	EDUCATION
<p>Young people are not fully aware of their rights and responsibilities, under both the UNCRC as well as within the general context of society.</p> <p>Some young people do not understand the UNCRC Act, or find its language difficult.</p> <p>Human rights should be covered in more depth in schools.</p>	<p>Bullying and/or exclusion leads to limited education access, and teachers/schools need to be better listeners and more supportive;</p> <p>There is still a lack of choice in relation to education (not enough choice in class options, or schools);</p> <p>The level of inequality across the UK, particularly in relation to education access (university-level);</p> <p>There are not enough opportunities for school leavers.</p>
POVERTY & INEQUALITY	OTHER
<p>Child poverty and inequality is still too prevalent;</p> <p>Poverty is a barrier to human rights fulfillment;</p> <p>There are barriers to healthcare, services and/or a lack of support for additional support needs.</p>	<p>The issue of children's privacy rights; many young people do not like to share or disclose information;</p> <p>The challenges around child protection rights and laws;</p> <p>Young people feel they are not taken seriously;</p> <p>They do not always have someone to talk to; or feel that they have someone to talk to;</p> <p>Mental health and addiction is a major concern;</p> <p>Not always sure when they can turn to for help/the inability to actually get help.</p>

EVENT EVALUATIONS

'The Human Cost of Conflict' hosted 39 attendees, and 25 post-seminar evaluations were received – 20 of which were completed by young people. Our results² indicate that:

- **96% found the seminar to be useful;**

"Really interesting, learned a lot today."

"Was very good and informative, good statistics and information on substance misuse and mental health and other areas of conflict in families."

"I thought it was very effective."

- **88% thought the speakers as well as the activities were informative and interesting;**

"Informative, gave us a different perspective about legal issues."

"Very informative and interesting activities."

- **65% believed the event was a good opportunity to share their views and opinions and 78% felt comfortable sharing their views and opinions;**

"Good opportunity for young people to learn about children's rights in a real context."

- **80% would recommend the session to others.**

"It was a good opportunity to discuss something not focused in mainstream education."

FEEDBACK

There were suggestions to make the next event more youth-led, or have more young people involved in the development and presentation of the seminar. Some attendees indicated that while they did find the speakers very interesting, they would have preferred a longer period for discussion and reflection.

"It was informative and interesting, the atmosphere was friendly and pleasant, the amount of talks however could have been structured in a way to make it more accessible for the target group and leave more time for interactive sessions."

"Would have been good to have more time for discussion during the group work, to not be in a rush. Thank you for the seminar."

"Too much listening and not enough engagement activities."

Another young person observed the lack of discussion around international topics (Syrian bombings, refugee crisis, etc.)

The SCCR has taken these suggestions on board and will look into having a focus group/young person's planning group for the next event. We will also consider having a full-day event, thereby increasing time and space for more activities and discussion periods.

² Copies of the full evaluation report are available on request.

CONCLUSION

We all have a common responsibilities towards children and young people's rights, though for something so essential to childhood and adolescence, there is a worrying lack of education on the subject.

The SCCR is committed to breaking down barriers and changing the culture of conflict in Scotland, and it is the responsibility of everyone to ensure that we are all getting it right for every child. This event is part of our ongoing effort to nurture and grow a community that is supported and connected across Scotland. Young people have the capacity to make more than just noise – given the opportunity, they can make a real contribution to society.

"Where, after all, do universal human rights begin? In small places, close to home - so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighbourhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere."

Eleanor Roosevelt, 1948

On the adoption of The Universal Declaration of Human Rights

CONQUERING CONFLICT

AN INSIGHT AND UNDERSTANDING OF HUMAN RIGHTS

Acknowledgments

We would like to thank everyone who supports the work of the SCCR, without you we would not be able to do what we do.

We would like to extend our particular thanks to those who contributed to the development of the seminar and participated on the day, including: Stephanie McNulty & Carole Ferguson-Walker (Faculty of Advocates); the students and teachers from St. Kentigern's Academy and Portobello High School; residents of the Cyrenians' Farm and City Communities; the table listeners and other representative from the Faculty of Advocates, and all the speakers: Ewan Aitken (Cyrenians), Jordan Linden (Scottish Youth Parliament), Tam Baillie (Children and Young People's Commissioner Scotland), Ailsa Carmichael QC (Faculty of Advocates), The Right Honourable Lady Dorrian (Judiciary of Scotland), and Stephen O'Rourke (Faculty of Advocates).

Special thanks to Stephen O'Rourke and James Wolffe (Dean, Faculty of Advocates) for their ongoing support of the SCCR.

Cyrenians' Scottish Centre for Conflict Resolution
Norton Park, 57 Albion Road
Edinburgh EH7 5QY
(0131) 475 2493
sccr@cyrenians.scot
www.scottishconflictresolution.org.uk
www.cyrenians.scot

Please do not copy this material without permission.
Report prepared by Meghan McCall-Campbell

© Illustration by Hannah Foley, Owling About

Made possible by funding from the Third Sector Early Intervention Fund.
Edinburgh Cyrenian Trust is a registered charity in Scotland, number SC011052

