
May 2018 Update

Scotland

Part 1 of the **Children & Young People (Scotland) Act 2014** contains specific provisions relating to the **UNCRC**:

- A duty on Scottish Ministers to “keep under consideration” steps to further children’s rights and “if they consider it appropriate to do so, take any of the steps identified” and to consider the views of children of which they are “aware”.
- A duty on Scottish Ministers to promote and raise awareness of children’s rights and report on progress.
- A duty on Ministers and public bodies to report on actions that are being taken to further the UN Convention on the Rights of the Child.

Although these duties are progress in terms of UNCRC implementation, they stop **considerably short of full incorporation**.

To accompany the 2014 Act, a number of processes have been put in place to support UNCRC implementation at a national level:

- [Child Rights & Wellbeing Impact Assessments](#)
- [Common Core of Skills, Knowledge and Understanding for the Children’s Workforce](#)
- [Part 1 guidance to support Public Bodies reporting duty](#)
- [Online training for civil servants](#)

Since the Children and Young People (Scotland) Act 2014 was passed by the Scottish Parliament in February 2014, steps have been taken to implement the duties included in the Act:

- **2015** - Child Rights and Wellbeing Impact Assessments were in use by Scottish Government officials.
- **2016** – UN Committee on the Rights of the Child Concluding Observations were published.
- **2017** – Duty on public bodies to report every 3 years on steps taken to further UNCRC begins.

- **2018** – Minister for Childcare and Early Years to report to Scottish Parliament on steps taken to further UNCRC and set out future actions.
- **2020** – Public bodies will publish first children’s rights reports.

Ministers also have an ongoing duty to raise awareness and understanding of the UNCRC.

In terms of listening to the views of children, a number of steps have been taken:

- Children and young people directly influenced the UN Committee on the Rights of the Child’s 2016 Concluding Observations. In particular, Amal Aldoseri, Vice-Chairperson of the Committee, [visited Scotland in 2015](#) to speak to children and young people about issues that were important to them in order to inform the Committee’s recommendations.
- Scottish Government has committed to holding an [annual Cabinet Meeting](#) with children and young people from Children’s Parliament and Scottish Youth Parliament.
- A [Year of Young People](#) is being held during 2018 with the aim of giving young people a platform to have their voices heard.
- Scottish Government has committed to involve children & young people in the production of the Minister’s 2018 report to Parliament.

Despite this progress Scotland still needs to do more to incorporate the UNCRC into Scots law. Failings of the current framework include:

- It’s up to the discretion of Ministers whether or not to further the UNCRC.
- Public bodies don’t have to comply with the UNCRC.
- Children and young people have no access to redress if their UNCRC rights are violated.
- Children and young people’s rights are seen as guiding rather than binding.

This has been recognised in the [Programme for Government 2017](#). A commitment has been made to “undertake a comprehensive audit on the most practical and effective way to further embed the principles of the UN Convention on the Rights of the Child into policy and legislation, including the option of full incorporation into domestic law.” Furthermore, the Programme for Government also includes a commitment to establish an independent expert advisory group to make recommendations on “how Scotland can continue to lead by example in human rights, including economic, social and cultural rights”.

Both of these commitments are being taken forward throughout 2018 and Together (Scottish Alliance for Children’s Rights) will be playing an active role in informing and influencing developments.

For more information contact Together (Scottish Alliance for Children’s Rights)

Email: info@togetherscotland.org.uk Tel: 0131 337 9015

Website: www.togetherscotland.org.uk Twitter: @together_sacr