

UNCRC (Incorporation) (Scotland) Bill

- bringing rights within reach!

Thursday 27th May 2021
Juliet Harris, Director, Together

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Together (Scottish Alliance for Children's Rights)

An NGO alliance with nearly 450 members working to improve the awareness, understanding and implementation of children's human rights in Scotland.

Vision:

All children and young people growing up in Scotland have their human rights respected, protected and fulfilled.

Mission:

We work to inspire and enable everyone in Scotland to put children and young people's human rights at the heart of everything they do.

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UN Convention on the Rights of the Child (UNCRC)

“...the family, as the fundamental group of society and the natural environment for the growth and wellbeing of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community...

..recognising that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding”.

UNCRC Preamble



Scotland's incremental approach to UNCRC incorporation

CYP Act passed
by the Scottish
Parliament on
19th February
2014

CRWIA in use
by Scottish
Government
officials from
15th June
2015

UN
Committee's
Concluding
Observations
to the UK
published

Public bodies
under duty to
report every 3
years on steps
taken to
further UNCRC

Ministers
publish
UNCRC
progress
report &
Action Plan

Public bodies
to public first
children's
rights reports

Public bodies
to public first
children's
rights reports

Bill passed
unanimously by
the Scottish
Parliament to
incorporate
UNCRC

2014

2015

2016

2017

2018

2019

2020

March 2021

Ongoing duty on Ministers to raise awareness and understanding of UNCRC



UNCRC (Incorporation) (Scotland) Bill: *a pro-active culture to children's human rights*

- Protects the UNCRC rights of all children under 18 years old (s.1).
- Scottish Government and public authorities must protect the rights of children and young people (s.6).
- Children's Scheme: participation, awareness, budgeting and CRWIA (s.11-13).
- Duty on Ministers to conduct Child Rights & Wellbeing Impact Assessment (s.14).
- Compliance reports by Ministers and public authorities (s.15-16).
- Scrutiny by children, young people, Children and Young People's Commissioner, Scottish Parliament, civil society.





UNCRC (Incorporation) (Scotland) Bill: *challenging breaches of children's human rights*

- Children and young people can complain if they think their rights aren't being protected (s.7).
- Courts can decide if laws follow the UNCRC (s. 18-21).
- The Children and Young People's Commissioner will be able to help if someone wants to complain their rights are not being protected (s.10).
- 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 (s. 18-21).
- No time limits on proceedings until children reach the age of 18 years old (s.7).



UNCRC (Incorporation) (Scotland) Bill

Duty not to act incompatibly with the UNCRC (s6) – placed on all those delivering ‘functions of a public nature’ include functions carried out ‘under a contract or other arrangement with a public authority’. This will include non-governmental providers delivering services under a government funding contract.

Children’s Rights Scheme (s11-13) – Scottish Ministers to publish an annual plan and report on steps taken to further the UNCRC, including **children’s participation, raising awareness, child rights budgeting, complaints mechanisms, child rights impact assessment** and more.

Public body reporting (s15-16) – Listed public bodies – including **local authorities, health boards, Police Scotland, Children’s Hearings Scotland and the Scottish Children’s Reporter Administration** to report on steps taken and steps planned to further UNCRC – **cross cutting across all services.**

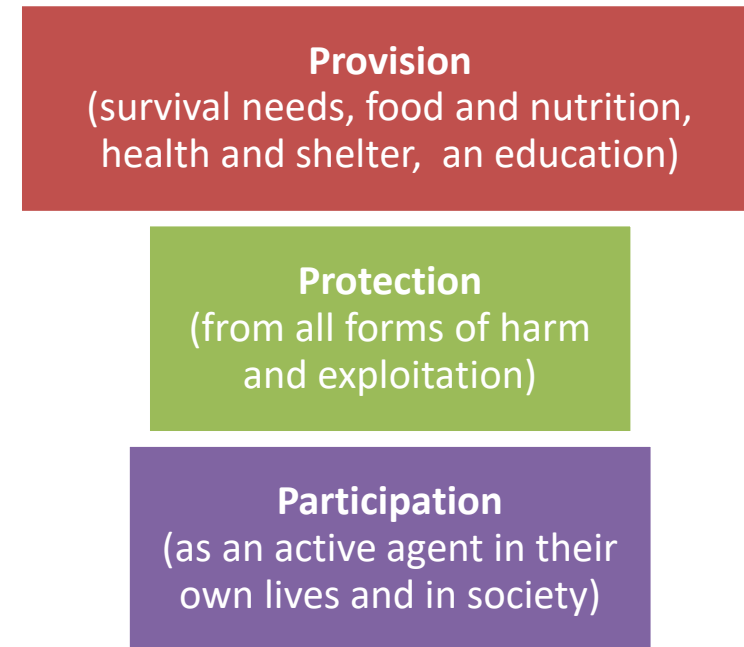
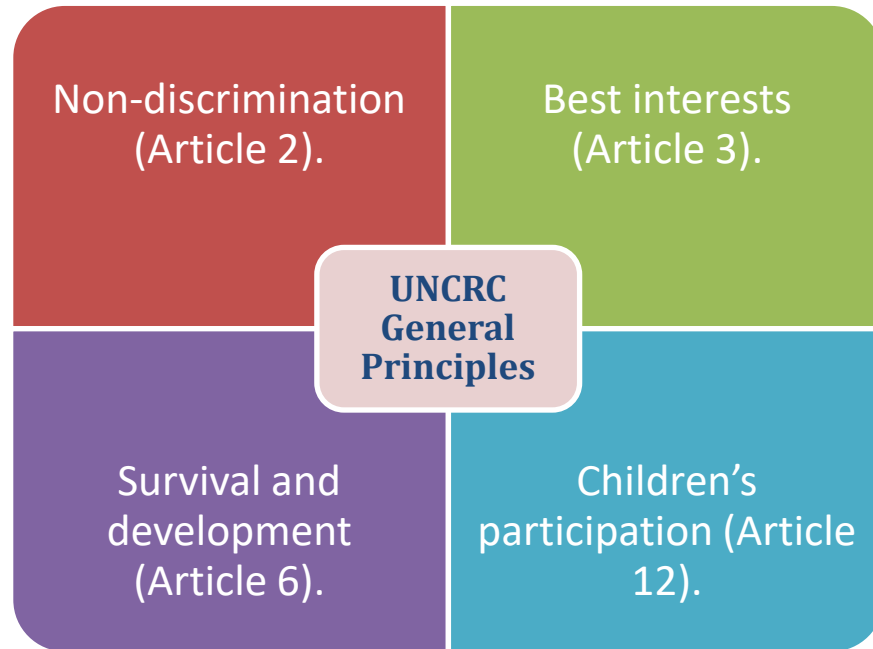


The UN Convention on the Rights of the Child (UNCRC) 1989

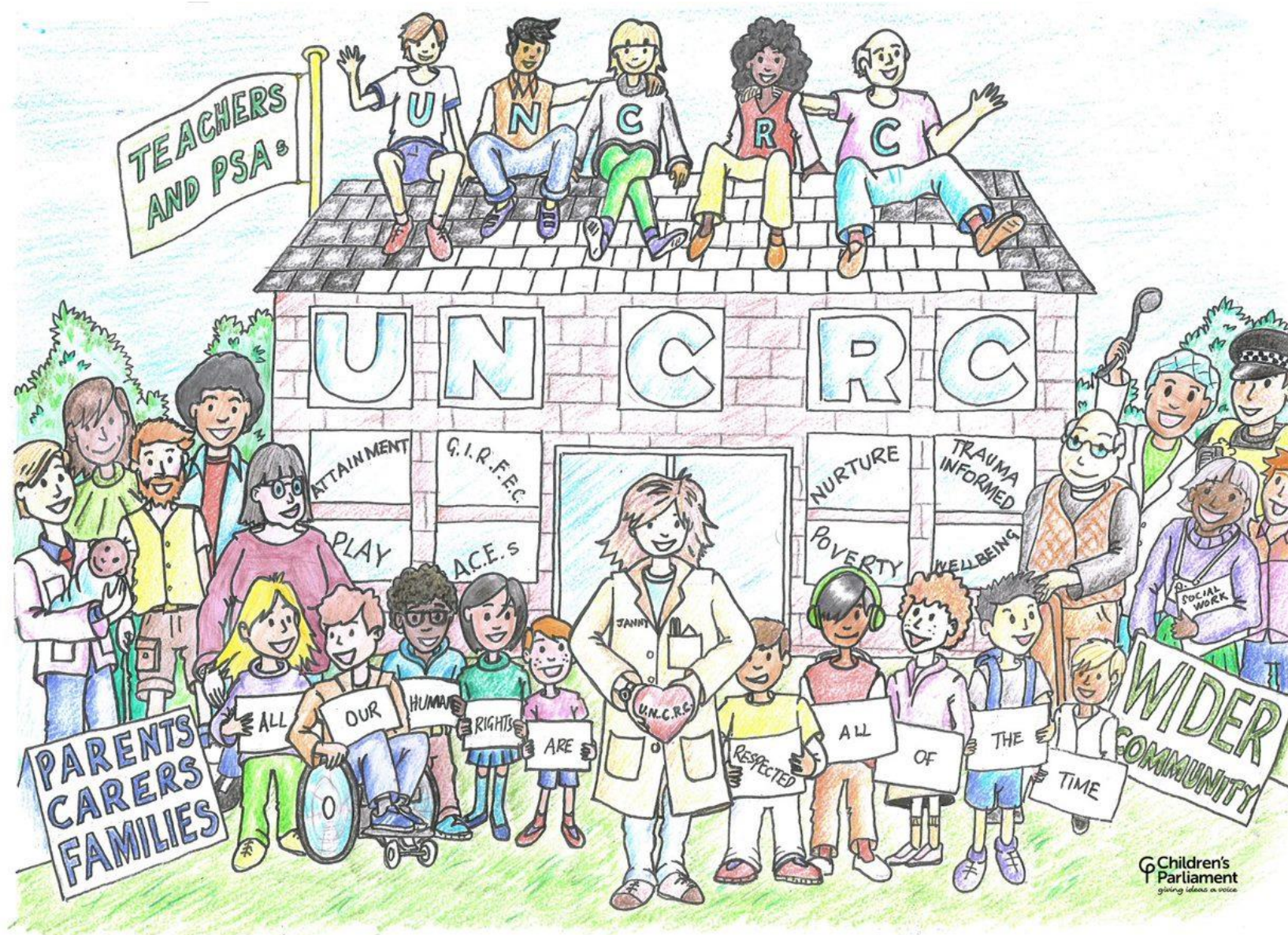


..recognising that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding”.

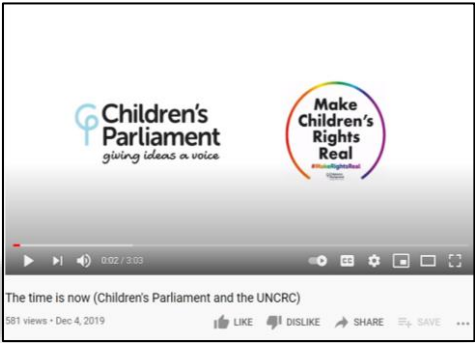
UNCRC Preamble



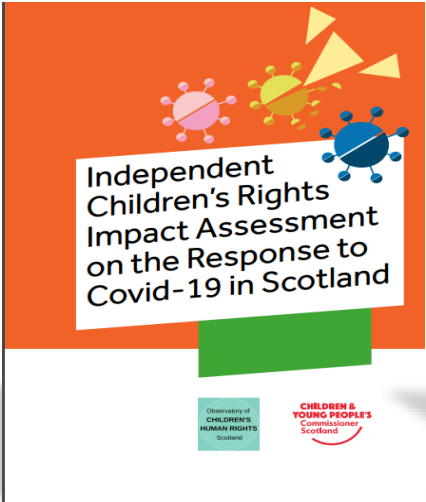
The UNCRC - covering every aspect of children's lives



Useful resources:



Common Core of skills, knowledge and understanding and values				
Essential Characteristics of those who work with children, young people and families in Scotland				
	UNCRC guiding principles			
	Non-discrimination	Best interests of the child	Right to life, survival & development	Respect the views of the child
Context A: Relationships with children, young people and families	A1. Recognise that the needs and strengths of children, young people and families are unique and will be influenced by their environment, backgrounds and circumstances.	A3. Help identify and work with the needs and strengths in parents, carers and their networks in the interests of children and young people for whom they care.	A5. Be aware of how children and young people develop, seek to understand vulnerability and promote resilience.	A8. Include children, young people and families as active participants, listening to them, offering choices.
	A2. Understand your impact on children, young people and families and how they might perceive you. Adapt your tone, language and behaviour to suit the circumstances.	A4. Ensure children, young people and families understand what information will be kept in confidence, and why some information from or about them may be shared.	A6. Understand appropriate child protection procedures and act accordingly.	A9. Explain decisions and ensure children, young people and families fully understand them and their implications, especially if the final decision isn't what they hoped for.
Context B: Relationships between workers	B1. Be aware of who can help when provision for the needs or promotion of the strengths of children, young people or families is affected by their environment, backgrounds and circumstances.	B3. Understand the extent of your own role and be aware of the roles of other workers.	B7. Know who to contact if you have a concern or wish to make a positive recommendation about a child, young person or family.	B9. Seek to support children, young people and families in partnership with them, their networks and other workers.
	B2. Be aware of who can help when you cannot communicate effectively with children, young people or families for any reason.	B4. Respect and value the contribution of other workers.	B8. Contribute to assessing, planning for and managing risks in partnership with others.	B10. Recognise that timely, appropriate and proportionate action is appreciated by children, young people and families as well as other workers.
	B5. Know what information to share, when to share it and with whom.	B6. Be aware of who can help parents or carers identify their own needs or strengths.		



Thank you!

