



Scotland Update

Rights of the Child UK
9th February 2016

1. UNCRC reporting

Together submitted a Scotland NGO shadow report to the UN Committee on the Rights of the Child on 1st July 2015 as part of the UK periodic review.¹ In partnership with the Children's Commissioner and the Scottish Youth Parliament, Together coordinated the visit of the UN Committee vice-chair Amal Aldoseri to Scotland on the 2nd and 3rd September 2015. Together organised a series of visits to its member organisations, to offer the opportunity for Amal to speak directly with children and young people about their rights.

Together then took part in the UK pre-session meeting in Geneva as part of the UN reporting process. Together led Scotland's NGO participation in the meeting and assisted in the coordination of the participation of NGOs across the UK nations. Subsequent to the publication of the UN Committee's List of Issues and Scotland's input to the UK Government on this document, Together produced a response which was submitted to the Scottish Government. Together is now looking to prepare to respond to the UK List of Issues submission (which is due by end of March 2016) and to organise Scotland's NGO involvement (in coordination with UK NGOs) in the run-up to the UK examination by the UN Committee in May/June 2016. This will involve informing UN Committee members on supplementary information and suggestions of questions they might ask government officials during the examination.

Together received insight from Scottish Government civil servants during a Scottish Child Rights Implementation Monitoring Group meeting that government officials from Scotland will be involved in the UK delegation at the examination in May/June 2016.

2. Human Rights Act

On 9th December 2015 at a Human Rights Day event which Together attended, Scotland's First Minister Nicola Sturgeon re-stated the Scottish Government's commitment to saving the Human Rights Act:

*"...we will argue strongly against repeal at Westminster, and – since human rights is a devolved issue, and Convention rights are embedded into the devolution settlement - we will also argue strongly that repeal will require a legislative consent motion in the Scottish Parliament. I see no prospect whatsoever of such consent being granted...In other words, we will do absolutely everything we can to oppose the Act's repeal – in Scotland and across the whole of the UK."*²

¹ http://togetherscotland.org.uk/pdfs/UNCRC_Scotland_NGO_Alternative_Report_2015.pdf

² <http://news.scotland.gov.uk/News/Embedding-human-rights-2037.aspx>

Ms. Sturgeon also referred to incorporation of international treaties and taking steps forward rather than back:

“The UK is seriously considering how to repeal the Human Rights Act – the most important Act to incorporate our international obligations into domestic law at a time we should be doing the opposite – looking at how we incorporate some of the other treaties and rights into our domestic law.”³

Together responded to the Scottish Parliament European and External Relations Committee Human Rights Inquiry call for evidence which took place in November 2015.^{4 5} The Committee is currently taking oral evidence as part of their Inquiry, including from the Scottish Human Rights Commission, Amnesty International and the Legal Services Agency.⁶

Joint Committee on Human Rights

On 14th January 2016, Together's Director and Chair met with the JCHR in Edinburgh, to discuss the landscape & culture of children's rights in Scotland & across the UK.

Some of the key messages that Together communicated during the meeting were:

- The detrimental impacts that a HRA repeal would have on the rights of children and young people in Scotland and the UK.
- The importance of holding the UK Government to account in ensuring that the response to the UN Committee's List of Issues accurately reflects any significant differences across the devolved nations.
- Ensure the devolved nations are fully involved and consulted in an ongoing, meaningful and robust way in any forthcoming proposals on a Bill of Rights.
- Raising the recommendations included in the previous JCHR report on UK implementation of the UNCRC and ratification of the Optional Protocol 3 to the UNCRC on a Communications Procedure.⁷ Together highlighted that fulfilment of these recommendations could be a timely demonstration of commitment to children's rights, given the current UK examination by the UN Committee on the Rights of the Child.

Since the meeting on 14th January 2016, the JCHR wrote to the Secretary of State for Justice Michael Gove MP, seeking assurance that the consultation period for the Government's proposals to repeal the Human Rights Act and replace it with a revised Bill of Rights will not overlap with the dissolution

³ <http://news.scotland.gov.uk/News/Embedding-human-rights-2037.aspx>

⁴ Information on the Inquiry here:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/92540.aspx>

⁵ Together Human Rights Inquiry response: http://www.togetherscotland.org.uk/pdfs/BoR_18-11-15_Together.pdf

⁶ Meeting on 4th February 2016 (minutes pending)

http://www.scottish.parliament.uk/S4_EuropeanandExternalRelationsCommittee/Meeting%20Papers/EERC_Public_papers_4_Feb_2016.pdf

⁷ <http://togetherscotland.org.uk/news-and-events/news/detail/?news=873>

of the Scottish Parliament and pre-election purdah period for the Scottish Government.⁸ Together will be continuing to work with the JCHR to take the above key messages forward.

5. Scotland's National Action Plan (SNAP) - Scottish Human Rights Commission

The second anniversary of SNAP took place on 10th December 2015 and a Year Two Report highlights progress against 7 outcomes and plans for its third year.⁹

At the SNAP Innovation Forum on 9th December 2015, Together facilitated a session on incorporation of the UNCRC into Scots Law.

Together continues to input a children's rights perspective to the implementation of SNAP through the Justice and Safety group and the International Obligations group.

3. Scottish Parliament elections 2016 & the Child Rights Manifesto

The Scottish Parliament elections 2016 will take place on 5th May 2016. To ensure a focus on children's rights in the debates in the run-up to the elections, to raise awareness and understanding of children's rights and to celebrate commitments made to implementing the UNCRC and pushing for progress in practice, Together has been involved in the production of a Child Rights Manifesto.¹⁰
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It is a short, values-based manifesto reflecting the voices of over 3,500 children and young people in Scotland and was created by a group of children's organisations who are also members of the Cross Party Group for Children and Young People. It outlines the ways in which children and young people expect decision-makers to act, in order for them to enjoy their rights as set out in the UNCRC.

Together is calling on all MSPs and 2016 candidates to sign the Manifesto and become a #ChildRightsChamp and actions are being taken forward to support signatories in implementing the key values in the Manifesto.¹²

4. Children & Young People (Scotland) Act 2014

Part 1 (Rights of children) Ministerial duties of the CYP Act 2014 commenced in July 2015. To support the Ministerial duty to keep under consideration whether there are steps they could take to further the UNCRC, the Scottish Government has developed a Child Rights and Wellbeing Impact Assessment (CRWIA) model. Together was involved in the CRWIA working group and is currently supporting the Scottish Government on a CRWIA regarding raising the age of criminal responsibility. The model has yet to be publicised externally but has been circulated to all Scottish Government departments. Together has also supported the development of statutory guidance in relation to the indicators for wellbeing assessments developed to underpin implementation of the Act 2014, advocating for a robust set of indicators produced using a child rights-based approach.

⁸ Further information and access to letter here: <http://togetherscotland.org.uk/news-and-events/news/detail/?news=1011>

⁹ http://www.snaprights.info/wp-content/uploads/2016/01/SNAP_Report_Year_Two_2015_Final.pdf

¹⁰ More information here: <http://togetherscotland.org.uk/news-and-events/news/detail/?news=1021>

¹¹ Download the Child Rights Manifesto here: http://www.togetherscotland.org.uk/pdfs/ChildRights_Manifesto_Final.pdf

Together continues to urge the Scottish Government to take a coherent approach to developing guidance for all Part 1 duties of the Act, including Ministerial duties to raise awareness and understanding of children's rights and to take account of children's views as they consider appropriate.