



Maree Todd MSP  
Minister for Children and Young People  
The Scottish Government  
St. Andrew's House  
Regent Road  
Edinburgh EH1 3DG

Tuesday 27<sup>th</sup> August 2019

Dear Ms Todd

### **UNCRC Incorporation**

The Scottish Government has committed to “directly incorporate [children’s] rights as closely as is achievable in the Scottish context”.

As members of Together, the Scottish Alliance for Children’s Rights, we welcome the proposal to incorporate the UN Convention on the Rights of the Child (UNCRC) into Scots law before the end of this session of parliament in 2021.

We are collectively committed to working constructively with the Scottish Government to realise the ambition that UNCRC incorporation gives “practical effect to the UNCRC in a way that demonstrates international leadership and works for every child and young person in Scotland”.

An international ‘gold standard’ model of incorporation of the UNCRC must:

- Fully and directly incorporate the UNCRC and its Optional Protocols into law.
- Include a duty on public authorities to comply with the UNCRC and its Optional Protocols.
- Ensure the UNCRC is accorded high priority in the domestic legal system, in particular when in conflict with domestic legislation.

We appreciate that the intention to deliver such a ‘gold standard’ of incorporation can only be applied insofar as the powers of the Scottish Parliament allow. Incorporation of the UNCRC by the Scottish Parliament can only govern the exercise of functions devolved to Holyrood. However, we do not believe it would be appropriate to seek to amend or redraft the articles of the UNCRC to

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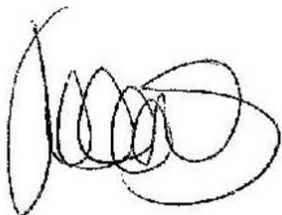
Together – Scottish Alliance for Children’s Rights, Rosebery House, 9 Haymarket Terrace, Edinburgh EH12 5EZ  
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create a Scottish suite of children's rights. This would not meet the international gold standard, and could not be considered direct incorporation.

The Children's Rights (Scotland) Bill, drafted by an expert advisory group convened by the Children and Young People's Commissioner Scotland and Together, addresses these issues in a way we believe is practical and deliverable. The Bill takes a proactive approach to the realisation of children's rights in relation to the exercise of devolved functions. It is a model that will encourage and embed rights-based decision-making across all levels of government and provides children with access to redress if their rights are breached. It also 'future-proofs' children's rights protections in a way that keeps pace with developments in international human rights law and covers any changes in Scotland's powers. We therefore support and recommend this model of incorporation.

Children, young people, their families and wider civil society have been working towards UNCRC incorporation for many years. We know from international experience that incorporation encourages a culture change in which children and young people are better valued and respected. Incorporation will provide a meaningful legacy to the Year of Young People 2018, making sure that future generations benefit from the hard work and commitment of today's children and young people. We look forward to supporting the Scottish Government to make this commitment to UNCRC incorporation a reality for children and young people across Scotland.

With thanks and best wishes.



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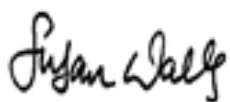


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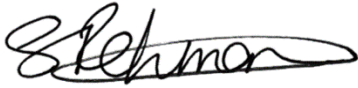
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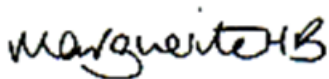
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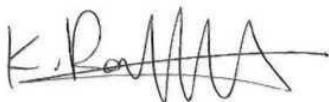
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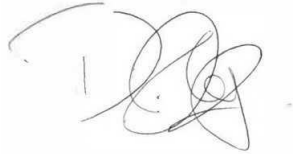
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