



Rights of the Child UK

Working together to bring children's rights into UK law

Kindly supported by



Rights of the Child UK (ROCK) Annual Conference 2019 3rd December, Belfast

Post-conference Report



Wales UNCRC Monitoring Group



Grŵp Monitro CCUHP Cymru

About ROCK

The 'Rights of the Child UK' (ROCK) is a coalition of voluntary organisations and individuals from across the UK pushing for the full incorporation of the United Nations Convention on the Rights of the Child (UNCRC) into law.

Successive governments at a UK and devolved level have asserted their desire to make the UK the best place in the world for children to grow up. The ROCK coalition believes this can only be achieved by making the UNCRC part of UK law, bringing the rights enshrined in the Convention within the reach of all children and young people living across the UK, regardless of their background or circumstances. Our aims are:

1. To achieve the active recognition and realisation of children's human rights in the UK through the incorporation of the UNCRC into law (UK and devolved).
2. To identify and act upon opportunities for the incorporation of the UNCRC into UK, Scots and Welsh law. To develop a detailed position as to how incorporation may be achieved and a strategy to achieve it, taking into account international developments
3. To work together to maximise the opportunities to strengthen children and young people's human rights in any proposals from the UK and devolved governments, whilst also guarding against any threats to children and young people's rights that are posed

About the ROCK Steering Group

The ROCK coalition's work programme is governed by a Steering Group made up of representative child rights alliances from each of country as set out below. The role of the Steering Group is to identify UK-wide priorities which reflect the aims of the ROCK coalition and to agree an annual work programme. Membership of the ROCK Steering Group is:

- [Together \(Scottish Alliance for Children's Rights\)](#) is an alliance of 400 members - including national and local charities and other professionals - that which works towards the vision of all children and young people in Scotland having their human rights respected, protected and fulfilled.
- [Children's Rights Alliance for England \(CRAE\)](#), part of Just for Kids Law, works with over 100 members to promote children's rights and monitor UK Government implementation of the United Nations Convention on the Rights of the Child in England. We believe that human rights are a powerful tool in making life better for children.
- The [Wales UNCRC Monitoring Group](#) is a national alliance of nongovernmental and academic agencies, tasked with monitoring the UNCRC in Wales. The alliance is chaired and facilitated by [Children in Wales](#).
- [UNICEF UK](#), the United Nations Children's Fund, is mandated by the UN General Assembly to uphold the Convention on the Rights of the Child and promote the rights and well-being of every child.

Working in partnership with the [Children's Law Centre](#) in Northern Ireland and [Centre for Children's Rights](#) at Queens University Belfast.

Welcome to the report of the **Rights of the Child (ROCK) Annual Conference 2019** which took place in Belfast on 3rd December 2019. The conference brought together over 80 delegates and speakers from Northern Ireland, Scotland, England, Wales, Jersey, Iceland and across Europe to explore developments taking place in each country to embed the United Nations Convention on the Rights of the Child (UNCRC) into law and policy.

The event was hosted by the Centre for Children's Rights, Queens University Belfast in partnership with the ROCK Steering Group - Together (Scottish Alliance for Children's Rights), the Children's Rights Alliance for England, UNICEF UK, and Children in Wales - and with kind support and sponsorship from the Children's Commissioner for Jersey and UNICEF UK.

The programme provided a timely opportunity for a range of children's rights experts and commentators, including notable academics, third sector organisations and representatives from human rights institutions (NHRIs), to highlight progress and future opportunities for further legal protections for children. Delegates from across a range of sectors with a keen interest in furthering children's rights, were informed of developments currently taking place in the UK and abroad, including threats to existing legal protections.

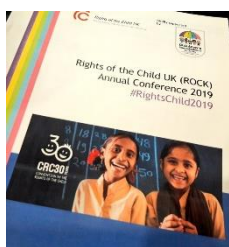
The ROCK coalition was delighted to welcome Professor Ursula Kilkelly, University College Cork School of Law, to deliver the morning keynote address. Professor Kilkelly outlined the benefits and challenges of incorporating the UNCRC into domestic law, drawing on international perspectives to highlight different approaches to incorporation. She concluded that legal incorporation appears to be gathering momentum across Europe, although challenges remain including the gap between the UNCRC and children's lived experiences.

The Head of Children and Young People's Unit in the Northern Ireland Department of Education provided an address, alongside updates from lead officials in both the Scottish, Welsh and Jersey governments. These were followed by civil society updates from representatives of the ROCK steering group across the UK.

The afternoon session included an opening keynote address from Guðríður Bolladóttir, Senior Legal Advisor for the Iceland Ombudsman for Children drawing on the experience of incorporation in Iceland. This was followed by input from Ilaria Paolazzi of Child Rights Connect and Professor Laura Lundy of the Centre for Children's Rights, Queens University Belfast, who considered the practical implications of incorporation for children as human rights defenders.

The conference concluded with reflections and discussion from the Children's Commissioner for Northern Ireland, accompanied by her counterparts in Scotland and Jersey with representation from the Children's and Young People's Commissioner Wales.

The ROCK Steering Group would wish to thank all of the speakers who contributed to the success of the conference, and to Koulla Yiasouma, Northern Ireland Commissioner for Children and Young People, who guided us through the programme as our Chair. We would also like to thank our sponsors - Children and Young People's Commissioner Jersey - for its generous contribution, and to UNICEF UK for its additional support. Final thanks go to the students at Queens University Belfast who helped organise the event and ensure it was a huge success.



Incorporation

That the UK, Scottish, Northern Ireland and Welsh Governments fully incorporate the UNCRC and its protocols into domestic law at the earliest opportunity, and ensure that measures are taken to bring existing legislation in line with the Convention.

National Implementation

That the UK, Northern Ireland and Welsh Governments each conduct a mid-term review and publish national Children's Rights Action Plans that take account of the progress being made to implement the UN Committee's Concluding Observations, and which outlines the steps being taken towards further compliance with the Convention. The Scottish Government has already achieved this. Action plans should be subject to robust monitoring, reporting and evaluation arrangements, with the maximum extent of available resources allocated to support their effective delivery.

Local Implementation

That local authorities, public bodies and civil society organisations prioritise and integrate children's rights into their day-to-day functions, forward planning and decision-making processes, including by providing information and meaningful opportunities for the participation of children and young people

Cooperation

That the UK, Scottish, Northern Ireland and Welsh Governments have adequately resourced mechanisms in place to engage NGO child rights alliances and civil society organisations to enable effective working with governments to monitor the implementation of the Convention

Participation

That the UK, Scottish, Northern Ireland and Welsh Governments develop a comprehensive, strategic and systematic approach to children's participation, and fully resource and support the further development of existing national participation structures for the effective and inclusive engagement of children and young people, including those who are less likely to have their voices heard. Governments should demonstrate how children's participation has influenced its decision making and actively take steps to enhance knowledge and understanding of the UNCRC amongst all children and young people.



NI Youth Forum @NIYF · 4 Dec 2019

Participation works!!

Policy makers must recognise; support; provide space and invest in young people.

[#rightsChild2019](#)



Michelle Moffat @MichelleCMoffat · 4 Dec 2019

Replying to [@together_sacr](#), [@OCCJersey](#) and 4 others

What a fantastic day! So good to meet the wider children's rights family 🌟
Thanks again to all who put the [#rightschild2019](#) programme together 🌟



MORNING KEYNOTE ADDRESS

Legal incorporation of the UNCRC - International Perspectives

Professor Ursula Kilkelly, University College Cork

Professor Kilkelly considered international experience of using national law to give effect to the UNCRC. Article 4 UNCRC places a duty on governments to implement the Convention but is open on the method for achieving this. As a result, countries have taken a variety of approaches to implementing the Convention. Approaches include a mixture of legal, judicial and non-legal (administrative) methods, as set out in General Comment 5 on the general measures of implementation.

Legal measures

Legal measures include incorporating the UNCRC into national law. Professor Kilkelly outlined that incorporation may be:

- *Direct* - taking the provisions of the UNCRC and making them part of national law.
- *Indirect* - using mechanisms to draw down parts of the convention at certain times. This falls short of direct incorporation.
- *Full* - the entirety of the Convention is brought into national law (rarer, although becoming more popular)
- *Partial* - only certain provisions are brought into national law (more common)

Professor Kilkelly noted that the value of legal incorporation includes increased awareness of children's rights across professions, increased legal effect and enforcement (ability to challenge rights violations in court), and improved awareness and ownership of rights among children and young people.

Professor Kilkelly outlined increased legal incorporation of the UNCRC over time. A 2007 UNICEF Innocenti study of 52 countries found evidence of legal incorporation within two thirds; a 2013 Council of Europe study found that 45 out of the 46 written constitutions studied contained express reference to children (although not all referenced children's rights). She noted legal incorporation appeared to be gathering momentum in Europe, with an increase in the number of countries moving towards indirect and direct models. The Rights of Children and Young Persons (Wales) Measure 2011 and due regard duty were highlighted as an example of "indirect" incorporation. Sweden and Scotland were noted as being on the path to full incorporation, with Swedish legislation due to enter into force on 1st January 2020 and a Scottish Government commitment to incorporate in full and directly "in every case possible" before the current parliamentary term ends in 2021. Professor Kilkelly gave an overview of constitutional incorporation in Ireland, which followed a 2012 referendum.

While there appears to be new interest in legal incorporation, Professor Kilkelly noted that resistance remains, as does a gulf between the UNCRC and children's lived experience.

Non-legal (administrative) measures

These include child impact assessments, child rights-based budgeting, national action plans, training and the establishment and resourcing of National Human Rights Institutions (NHRIs). Professor Kilkelly outlined a number of international examples and their transformative impact, yet noted that gaps remain around data collection, dissemination and child rights-based budgeting.



Diego Quiroz @DQhumanrights · 3 Dec 2019

Rock annual conference #RightsChild2019 key note, Prof. **Kilkelly** and the value of incorporation: ownership, enforcement, awareness and legal effect



Deborah McMillan @ChildComJersey · 3 Dec 2019

@Ukilkelly 'gulf between the UNCRC and children's lived experiences' #rightsChild2019 Incorporation makes children's rights a reality not rhetoric



MINISTERIAL AND GOVERNMENT ADDRESS (UK, JERSEY & DEVOLVED GOVERNMENTS)

June Wilkinson, Head of the Children and Young People's Unit in the Department of Education, Northern Ireland

Ms Wilkinson reflected on the efforts to implement the UNCRC in Northern Ireland. She outlined several key pieces of legislation and policy, including the Children's Services Cooperation Act (Northern Ireland) 2015, Local Government Act (Northern Ireland) 2014, the draft Programme for Government and the Children and Young People's Strategy 2019-29.

The Children's Services Cooperation Act (NI) 2015 introduced a duty on children's services to cooperate to improve children's wellbeing. The Act defines eight characteristics of wellbeing and states that regard is to be given to any relevant provision of the UNCRC in determining wellbeing. The Act contains a requirement to publish an Executive Children and Young People's Strategy. Ms Wilkinson noted that certain improvements could be seen in how government departments were beginning to work together to improve children and young people's wellbeing.

The Local Government Act (NI) 2014 provides councils lead in Community Planning and requires partnership working to jointly deliver better outcomes for everyone, including children and young people.

The draft Programme for Government includes a strategic outcome relating to children and young people - Outcome 12 "We give our children and young people the best start in life".

Ms Wilkinson said that the Children and Young People's Strategy 2019-29 is founded on evidence-informed, child-centred, rights-based and age-appropriate approaches. The key principles of the Strategy include transparency and openness to scrutiny, while the design took into consideration children's perspective embedded in various reports. The Strategy sets out eight outcomes for children and young people, each linked to a relevant UNCRC Article. The Strategy had not yet been adopted at the time of the conference.

Ms Wilkinson outlined other ongoing developments, including the Children and Young People Participation project, the published Draft Action Plan for child and adolescent mental health services, development of an Emotional Wellbeing Framework for Children and Young People, the Play Matters Project, and a draft Online Safety Strategy among others.



CRAE @CRAE_official · 3 Dec 2019

We are hearing from the Northern Irish Govt about their Children's Services Act 2015 which includes a duty to cooperate to improve children's wellbeing. Crucially the duty means services must have regard to the [#UNCRC](#). [#RightsChild2019](#)



Play Scotland @PlayScotland · 3 Dec 2019

June Wilkinson, Head of the CYP Unit Dept of Education, N Ireland speaks about the 8 outcomes for children & young people that their Strategy focuses on ~ includes physical and mental health & play and recreation [#rightsChild2019](#)



Juliet Harris @Ulgrid · 3 Dec 2019

Interesting to see that Northern Ireland's Children's Strategy includes a key principle to have regard to the UN Convention on the Rights of Persons with Disabilities. [#RightsChild2019](#)

Julie Morgan AM, Deputy Minister for Health and Social Services, Welsh Government

The Welsh Government sent a message of support for the conference through a pre-recorded film presented by Julie Morgan AM, Deputy Minister for Health and Social Services.

The Deputy Minister reinforced Welsh Government's longstanding commitment to children's rights and gave a number of examples to support this assertion. The Assembly adopted the UNCRC as a basis for its work in the very first term and was the first UK nation to establish a children's commissioner. More recently, children's rights had been enshrined in law through the Rights of Children and Young Persons (Wales) Measure 2011 ("Welsh Measure") and there were commitments to remove the defence of reasonable punishment through legislation (at Stage 3 before the Welsh Assembly at the time of the conference), and to extend the franchise to 16 and 17 year olds by the 2021 Welsh Assembly elections. The Deputy Minister noted that the commitment to extend the franchise would be accompanied by a new curriculum to support pupils to learn about historical, societal and political issues in response to calls from children and young people.

The Deputy Minister reflected on implementation of the Welsh Measure, focusing on the due regard duty and duty to raise awareness placed on Ministers. She expressed her pride in efforts taken to raise awareness of children's rights across Wales, particularly during the Convention's 30th anniversary year, which included school workshops, tv adverts and online resources, culminating in a 30th anniversary event coordinated and led by children and young people.



Together @together_sacr · 3 Dec 2019

Julie Morgan AM outlines existing + prospective developments in Wales: Welsh Measure, equal protection, raising awareness of child rights, votes for 16-17 year olds in local + Welsh Assembly elections, + a new curriculum w/ increased focus on political education [#RightsChild2019](#)



CRAE @CRAE_official · 3 Dec 2019

"Children's rights are a fundamental part of the Govt framework in Wales, not an optional extra" A clear message from the Welsh Govt! [#RightsChild2019](#)

Helen Fogarty, Scottish Government

Ms Fogarty provided an update on Scottish Government's 2018-21 Action Plan entitled 'Progressing the Human Rights of Children in Scotland'. Planned actions include incorporation of the UNCRC into Scots law, an evaluation of the current Children's Rights and Wellbeing Impact Assessments (CRWIAs), raising awareness and understanding of children's rights across all sectors of society, and developing a strategic approach to children and young people's participation.

Ms Fogarty reiterated Scottish Government's commitment to incorporating the UNCRC into Scots law within the current parliamentary term (i.e. before the May 2021 elections). She reiterated that Scottish Government is committed to incorporating the Convention fully and directly, insofar as is possible within the powers of Scottish Government and Scottish Parliament, and that a Bill to incorporate the UNCRC would be the key legislation in year 5 of the current parliamentary term (i.e. September 2020-March 2021). Ms Fogarty reflected on the public consultation around UNCRC incorporation which received more than 160 responses including ones from children and young people. Responses showed overwhelming support for full and direct incorporation, indicating the risks of other models proposed by Scottish Government such as a bespoke "suite of rights". Ms Fogarty outlined the central role that the children's rights sector had played in driving forward progress in Scotland.

In terms of awareness raising, Ms Fogarty explained that Scottish Government would be undertaking a co-produced approach with third sector organisations and that they were expecting to engage a panel of children and young people. Moreover, Scottish Government would support public bodies in reporting on the steps they have taken to further children and young people's rights (a duty on public bodies under the Children and Young People (Scotland) Act 2014).



Play Scotland @PlayScotland · 3 Dec 2019

Helen Fogarty speaks about @scotgov commitment to incorporating the UNCRC into Scottish law, and that the support and lobbying of children's rights organisations like @together_sacr have been instrumental in bringing this forward #RightsChild2019



Together @together_sacr · 3 Dec 2019

Helen Fogarty updates delegates on @scotgov's commitment to incorporate the UNCRC. This will be in full & direct insofar as the powers of @ScotParl allow. The Bill will be the key legislation before parliament in Sept 2020-March 2021 #RightsChild2019



Gerry McMurtrie @gerrymcmurtrie · 3 Dec 2019

Scottish Government: "A Scotland where Children are recognised as citizens in their own right, and their human rights are embedded in all aspects of society. Policy, law and decision making takes account of #UNCRC & all children empowered & have a voice" #RightsChild2019

Michelle Moffat, Senior Policy Officer, Children's Policy, Government of Jersey

Ms Moffat outlined the policy context in Jersey, beginning with the extension of UNCRC ratification in 2014, through to the Independent Jersey Care Inquiry (2017), the commitment to indirectly incorporate the UNCRC (2018) and Children's Plan and children's rights indicator review which considered the alignment of Jersey's legislation with the UNCRC (2019).

Ms Moffat acknowledged that knowledge and understanding of the Convention could be improved, noting that a key policy ambition was to stimulate culture change within the Government of Jersey, the States Assembly and civil society, to increase knowledge and understanding, develop a vibrant culture of rights-based practice, and protect and promote children's rights. She noted that an incremental approach to incorporation would be taken, with phased implementation of an indirect model taken as the first step which may lead to full and direct incorporation at a later stage. A 12-week consultation was launched on 20th November 2019 (World Children's Day) to test key features of the proposed model, including identifying who the duty bearers should be, when each phase of the law should be introduced, nature of the duty, and how culture change should be achieved.

Ms Moffat concluded by outlining a Children's Rights Scheme which would support compliance with new duties through ongoing training, children's rights impact assessments (CRIA), reporting, awareness-raising, and complaints processes to hold duty-bearers to account.



Together @together_sacr · 3 Dec 2019

@MichelleCMoffat shares work from @GovJersey towards indirect incorporation of the UNCRC, and plans for mandatory #ChildRights impact assessments #RightsChild2019

CIVIL SOCIETY UPDATES FROM THE FOUR NATIONS CHILD RIGHTS ALLIANCES

Paddy Kelly, Centre Director, Children's Law Centre

Ms Kelly reflected on the state of children's rights and lived experiences of children and young people in Northern Ireland. She considered the 2016 Concluding Observations specific to Northern Ireland, concluding with disappointment that she struggled to find any which had been given full effect. The undelivered Concluding Observations included ones relating to the eradication of poverty, ending corporal punishment in the home and banning mosquito devices amongst others.

Ms Kelly identified that the lack of government in Northern Ireland for almost three years was a key challenge for upholding children's rights and giving better effect to the UNCRC. The absence of government made it very hard to hold duty bearers to account for implementing the UNCRC. She acknowledged the best efforts of some civil servants but lamented that they alone could not progress the necessary legislative and policy changes in the absence of ministerial approval.

Ms Kelly noted that the Children's Law Centre free phone advice line had seen a 45.5% increase in calls since 2016. The calls were related to an array of children's rights issues including welfare benefits, homelessness and rights of transgender children and young people.

Ms Kelly outlined some emerging issues, including rising homelessness, access and availability of mental health services, breaches of young people's employment rights, use of tasers, disproportionate use of stop and search and the continued use of rubber bullets by police.

Ms Kelly noted that the 2015 Cooperation Act's incorporation of the best interests principle was a positive development.



Children'sRightsQUB @ChildRightsQUB · 3 Dec 2019



@paddymkelly gives a powerful account of all the ways in which NI has failed to deliver on the 2016 recommendations of the Committee on the Rights of the Child. [#RightsChild2019](#)



NICCY @nichildcom · 3 Dec 2019



Paddy Kelly outlines need for increased co-operation between duty bearers to improve the lived experience of children and young people in enjoying their rights. [#rightschild2019](#)



Children'sRightsQUB @ChildRightsQUB · 3 Dec 2019



Paddy Kelly from @ChildLawCentre highlights the profound challenges for children's rights in NI in the absence of a sitting Assembly and Executive [#RightsChild2019](#)

Sean O'Neill, Policy Director, Children in Wales & Co-ordinator of the Wales UNCRC Monitoring Group

Mr O'Neill set out the scope and remit of the Wales UNCRC Monitoring Group as the national child rights alliance in Wales and the coordinating body for facilitating and submitting the civil society report to the UN Committee on the Rights of the Child ('UN Committee').

Many positive developments have taken place in support of the realisation of children rights in Wales since the indirect incorporation of the UNCRC into Welsh law through the Rights of Children and Young Person's (Wales) Measure in 2011 which requires all ministers to have due regard to the UNCRC when exercising any of their functions. Mr O'Neill reflected on some of the most recent positive policy and legislative advances, notably the introduction of a Bill to remove the defence of reasonable punishment; the extension of the right to vote for 16-17 year olds in all Welsh elections and the establishment of an independent Youth Parliament in the Senedd. He noted that further progress was being made in strengthening existing human rights mechanisms in line with devolved competencies as well as

significant policy changes, including reform of the school curriculum with child rights advocates campaigning for a duty of compliance with the UNCRC to be included on the face of the forthcoming bill. Mr O'Neill noted that remaining challenges included the high level of child poverty, prevalence of mental health issues and uncertainty around existing European regulatory frameworks and structures which protect and enhance the rights of children.

Children in Wales, in partnership with the Observatory on the Human Rights of Children, recently published a review of the impact of legal integration of the UNCRC in Wales. Funded by the EHRC Wales, Mr O'Neill shared some of the key findings around the impact the law had had in relation to policy development and advocacy opportunities, accountability and compliance arrangements alongside awareness raising of the UNCRC. Whilst the new duties promoted greater attention to the UNCRC and enhanced accountability mechanisms for how children's rights are taken into account, including through the Child Rights Impact Assessment process as well as providing more opportunities for children to help shape policy, approaches were not sufficiently universal or comprehensive. The report made a number of recommendations for ways in which current arrangements could be strengthened. A pervasive duty across all public bodies, more training and enhanced redress arrangements were identified as some of the ways in which Welsh law could be enhanced and consistently implemented.

Finally, Mr O'Neill reflected on the recent celebratory events and awareness raising activities to mark the 30th anniversary of the UNCRC, and the collaborative process which successfully brought together the Welsh Government, the Children's Commissioner and members of the Wales UNCRC Monitoring Group, with children and young people from across Wales.



CRAE @CRAE_official · 3 Dec 2019

"Mandatory CRIAs have helped legitimise rights based language across Govt and civil servants" we are hearing from @oneillsean22 @ChildreninWales #RightsChild2019



Michelle Moffat @MichelleCMoffat · 3 Dec 2019

Civil society update on the impact of legal integration of #UNCRC in Wales - this has been positive for policy development but further scope for improvement in CRIA, advocacy & accountability @oneillsean22 @ChildreninWales @Bromebyd @WalesObsHrcyp @EHRCwales #rightschild2019

Juliet Harris, Director, Together (Scottish Alliance for Children's Rights)

Ms Harris reflected on the developments that paved the way for Scottish Government's recent commitment to incorporate the UNCRC into Scots law. These included the adoption of the Children and Young People (Scotland) Act 2014, the introduction and use of Child Rights and Wellbeing Impact Assessments (CRWIA) by Scottish Government officials, and Scottish Government's UNCRC progress report & Action Plan published in 2018. Ms Harris said that children and young people had been advocating at the highest levels of government for their rights to be recognised through incorporation of the UNCRC. This included at the annual Cabinet meeting with children and young people and at a Children's Rights March to mark the 30th anniversary of the UNCRC on 20th November 2019.

Ms Harris gave an overview of the draft Children's Rights (Scotland) Bill which was prepared by an independent group of experts convened by Together and the Children and Young People's Commissioner Scotland. The draft Bill set out a "gold standard" model for incorporation - fully and directly incorporating the UNCRC - which Scottish Government had been encouraged to adopt. Ms Harris said that the draft Bill proposed a holistic model of incorporation, including both a "due regard" and "compatibility" duty. The aim of the former was to prevent violations of children's rights from occurring, while the latter focused on ensuring accountability, remedy and redress. Through the draft Bill, Together and its members called for a Children's Scheme which would require mandatory Child Rights Impact Assessments, progress reports, and involvement of children and young people in decision-making and review.

Ms Harris noted Scottish Government's commitment that its UNCRC Incorporation Bill will enable full and direct incorporation insofar as the powers of the Scottish Parliament and Scottish Government allow. The Bill will be

“future-proofed” in that it will enable areas currently reserved to Westminster to be included should further powers be devolved. It is also expected to include a compatibility duty, enabling rights violations to be challenged in court, and to encourage a proactive culture of everyday accountability for children’s rights across all public services.

Ms Harris outlined several remaining challenges, including how to ensure a role for civil society in influencing Scottish Government’s approach, ensuring that the expectations of children and young people are met, supporting MSPs to effectively scrutinise the Bill, ensuring the Bill passes before the end of the current parliamentary term, and ensuring that Scottish Government and public bodies are supported in preparing for incorporation so that it has maximum impact.

Ms Harris also noted wider work to incorporate economic, social, cultural and environmental rights into Scots law, noting that we need to consider how incorporating the UNCRC will fit into this process.



Gerry McMurtrie @gerrymcmurtrie · 3 Dec 2019

Excellent update from @Ulgrid @together_sacr on Scotland’s journey so far to incorporate #UNCRC fully into domestic law. We have lots to celebrate, but we will keep working, monitoring, pushing forward & ensuring Scottish Government delivers. We are all hopeful #RightsChild2019



Play Scotland @PlayScotland · 3 Dec 2019

Juliet Harris @together_sacr speaks about the campaign for incorporation of UNCRC into Scots law and the commitment of @scotgov as to what incorporation will look like #rightsChild2019 ~ great to see children’s rights being championed in Scotland



Together @together_sacr · 3 Dec 2019

"What do we want? Children’s rights! When do we get them?"...2021!

@Ulgrid, Director @together_sacr, outlines the long journey towards UNCRC incorporation in Scotland, including calls from CYP about what this should look like, gold standard + @scotgov commitment #RightsChild2019

Louise King, Director, Children’s Rights Alliance for England, part of Just for Kids Law

Ms King reflected on the progress and challenges in taking forward the implementation of the UNCRC in England. She highlighted the establishment of the UNCRC Action Group after the last examination of the UK by the UN Committee. The Action Group is made up of representatives from key children’s charities, Unicef UK, the Children’s Commissioner for England and the Equality and Human Rights Commission. It works with officials to monitor implementation of the recommendations in the Concluding Observations. The Action Group developed an online training tool for civil servants on children’s rights and a child rights impact assessment (CRIA) template. Alongside the launch of the training and CRIA template, the Minister for Children laid a Ministerial statement setting out the UK Government’s renewed commitment to the UNCRC. Although these are positive developments and civil servants from across different government departments have completed the training, Ms King flagged that the training isn’t compulsory so only a fraction of UK Government officials have currently done it.

In relation to challenges, Ms King highlighted that UNCRC incorporation was still a long way off at UK Government level and that there had been no progress on introducing a statutory ministerial duty to have due regard to the UNCRC or a statutory requirement to carry out CRIA. Ms King noted that having a junior minister with the responsibility for children indicated that children did not feature highly on the political agenda and resulted in inadequate cross-government implementation of children’s rights. She drew attention to two issues where UK Government proposals had not adequately considered the impact on children: welfare reform, which has disproportionately affected children; and the roll-out of tasers for the police with no specific assessment or guidance on their use on children.

Ms King also raised concern about the impact of Brexit on children, highlighting that the EU Charter of Fundamental rights which specifically included children’s rights was not included in the EU Withdrawal Act, and concern around

the immigration status of children in care and children in conflict with the law who may struggle to achieve 'settled status.'

Lastly, Ms King highlighted potential threats and opportunities for children's rights based on an analysis of party manifestos for the December 2019 General Election.



Together @together_sacr · 3 Dec 2019



Louise King, Director @CRAE_official, gives updates on progress in England + at UK government level. Highlights include training for civil servants + CRIA template, but incorporation "still a long way off" #RightsChild2019



Michelle Moffat @MichelleCMoffat · 3 Dec 2019



Louise King from @CRAE_official sets out some of the challenges to further implementation of the #UNCRC in England and the impact on the lives of children #rightschild2019

AFTERNOON KEYNOTE

Guðriður Bolladóttir, Senior Legal Advisor, Ombudsman for Children in Iceland - UNCRC Incorporation - experience from Iceland

Ms Bolladóttir shared Iceland's experience of incorporating the UNCRC in 2013, providing a valuable account of the developments preceding incorporation and the changes it has resulted in.

The Ombudsman for Children in Iceland had been advocating for incorporation of the UNCRC since its establishment in 1995. Initially, there was a lack of public support based on a belief that legislation was already in line with the UNCRC. Support for incorporation grew over time and a 2008 Supreme Court judgement on corporal punishment played a key role in sparking calls for reform. In 2009, the Icelandic Parliament approved a resolution with the aim of incorporating for the 20th anniversary of the UNCRC yet this attempt proved unsuccessful. Incorporation was finally achieved in 2013, following the proposal of a newly formed cross-party group of MPs with representation from every party.

Several important developments have followed Iceland's incorporation of the UNCRC in 2013: legislation on prison sentences, legislation raising the minimum age of criminal responsibility to 15 years old, a child-friendly cities agreement between the Icelandic Government and UNICEF under which 1/3 of municipalities will have started the process of incorporation by the year 2021, the Ombudsman's ongoing project on participation and impact assessments, and biannual children's forums. Ms Bolladóttir noted that the Parliament had become more aware of the importance of children's participation and was developing a new website for children, after children said they found it hard to access and understand draft laws and policies.

Ms Bolladóttir concluded that incorporating the UNCRC into domestic law was a big step forward giving the Ombudsman's office, civil society and children and young people more power in advocating for change. While she felt some areas could have been more fully assessed in advance of incorporation, she equally felt that waiting for the Icelandic Government to complete this work may have significantly delayed the process to the point where Iceland may still have been waiting for incorporation to this day.

Lastly, Ms Bolladóttir provided an overview of ongoing challenges in Iceland, including the lack of implementation plan or national strategy on implementing the UNCRC, the lack of legislation providing that the UNCRC takes precedence over conflicting national law, and the fact that UNCRC General Comments are not yet available in Icelandic. She identified opportunities to build capacity among professionals, including the judiciary, and the need for improved collection and dissemination of disaggregated data. Ms Bolladóttir identified gaps in children's participation, including that children's voices had not been included in certain reforms, such as educational reforms and a new action plan on child protection.



Children'sRightsQUB @ChildRightsQUB · 3 Dec 2019

Looking forward to hearing about the Icelandic experience of incorporation!
[#RightsChild2019](#)



Together @together_sacr · 3 Dec 2019

"We should've ensured the UNCRC took precedence over domestic law"

Gurri Bolladóttir talks about learning from Iceland's experience of incorporating the UNCRC into law. [#RightsChild2019](#)

AFTERNOON INPUT AND DISCUSSION PANEL

Incorporation: implications for children as human rights defenders.

Ilaria Paolazzi, Child Rights Connect, and Professor Laura Lundy, Queen's University Belfast

Ms Paolazzi provided an overview of the 2018 study *The Views Perspectives and Recommendations of Children Across the World*, developed by Professor Lundy and Dr Michelle Templeton in the frame of the Child Rights Connect's project *Protecting and Empowering Children as Human Rights Defenders*. The study was conducted in the lead up to the 2018 Day of General Discussion on children as human rights defenders.

The study looked at what issues mattered to children across the world, what they were concerned about and the role of children as human rights defenders. It found that child human rights defenders face a range of challenges - including abuse from adults and other children online and offline, and that enabling and protective laws were required to ensure child human rights defenders are supported, safe and thrive. Ms Paolazzi highlighted that the UN Declaration on human rights defenders can be a good tool. It reiterates the main civil and political rights of many human rights treaties and includes a definition of human rights defenders. This definition is important as many children are not recognised as human rights defenders and accordingly not given the protection they need. Ms Paolazzi noted that, unfortunately, the declaration is one of the least known instruments within the children's sector, and that knowledge and implementation among governments and international institutions was limited - for example the European Court of Human Rights had never referred to the declaration in its judgements. The UK has no specific law relating to human rights defenders, but the UK Government has issued a statement in support of them. Ms Paolazzi suggested that incorporating the UNCRC could be an opportunity to 'domesticate' the UN Declaration.

Professor Lundy spoke about the approach some countries take to partially or indirectly incorporating the UNCRC. Her research shows they tend to only draw down Articles 3 (best interests) and 12 (views of the child) - this doesn't go far enough. She said it is key that government's ensure all children's rights are protected - both civil and political, and economic, social and cultural rights. The crucial aspect of incorporation is that children are seen as rights holders and are in a position to claim their own rights.



NICCY @nichildcom · 3 Dec 2019

"When talking about incorporation of the UNCRC we must recognise that children are RIGHTS HOLDERS and must be in a position to claim their civil and political rights." @ProfLauraLundy #RightsChild2019



Child Rights Connect @ChildRightsCnct · 3 Dec 2019

Our Programme Manager @Ilaria_Paolazzi & @ProfLauraLundy raise neglect of civil & political rights of #children in law, issues of abuse facing children #HRDs & how we can use the Declaration on #HRDs to push for empowerment & protection of #CHRDs in law. #RightsChild2019

REFLECTIONS AND DISCUSSION FROM CHILDREN'S COMMISSIONERS

Koulla Yiasouma, Northern Ireland Commissioner for Children and Young People

Ms Yiasouma concluded she would leave the conference even more determined, having heard the challenges highlighted throughout the day. She noted that Northern Ireland was lagging behind developments in other nations. She noted Northern Ireland had the most country-specific recommendations within the UK's Concluding Observations and whilst she felt this was to the credit of the many organisations that had raised them, she regretted the need for so many recommendations specific to Northern Ireland. Ms Yiasouma commended the fantastic work by motivated and engaged children and young people, but also noted that the language of "rights" has sometimes been used as part of the weaponry that drives division.

Rachel Thomas, Head of Policy and Public Affairs, Children's Commissioner Wales

Ms Thomas provided a written statement on behalf of the office of the Children's Commissioner Wales. She commented that duties on government ministers are not always reflected in the lived experiences of children and their families. The Children's Commissioner Wales was pushing for further, direct incorporation of the UNCRC to ensure that public bodies and those actively making decisions that affect children's everyday lives are committed to respecting, protecting and fulfilling children's human rights. Progress had included getting a due regard duty included in social services legislation and for children with additional learning needs. However, she noted that Welsh Government had that morning announced it *wouldn't* include a due regard duty within the new Curriculum and Assessment Bill as, in its view, this wasn't necessary. She said this was short-sighted and disappointing.

Bruce Adamson, Children and Young People's Commissioner Scotland

Mr Adamson praised the strength of the civil society sector in Scotland, the passionate academics, engaged government representatives and child human rights defenders. He observed that the road towards incorporation in Scotland has been a lengthy one, Article 4 of the UNCRC is often overlooked and child rights-based budgeting is insufficiently addressed.

He shared his excitement about Scottish Government's commitment to a 'maximalist' approach to UNCRC incorporation, but also outlined several Concluding Observations from 2016 which Scotland has still not met. These included recommendations on the minimum age of criminal responsibility, where Scotland falls below the internationally acceptable minimum of 14 years old. Mr Adamson emphasised that more needs to be done to address child poverty, improve children's mental health, children's participation in decision making and children's rights in the digital world. He also highlighted the need for increased focus on rights-based education for professionals, additional protection for children as human rights defenders, and further work to realise commitments from the Day of General Discussion 2018.

Deborah McMillan, Children and Young People's Commissioner Jersey

Ms McMillan spoke warmly about seeing the room full of so many friends and supporters of children's human rights. She noted the importance of building relationships between civil society and academics, facilitating the exchange of valuable research and practical experience. Ms McMillan said more effort needed to be put into ensuring children and young people are included in discussions around incorporation. She noted that the Jersey consultation was not accompanied by a child-friendly version.



Michelle Moffat @MichelleCMoffat · 3 Dec 2019

Children's Commissioners and their representatives from Jersey, Scotland, Wales, Northern Ireland and Iceland reflect on the current status of children's rights 🇬🇧🇫🇷🇩🇪🇮🇪🇸🇬🇧🇫🇷🇩🇪🇮🇪🇸🇬🇧 @ChildComJersey @OCCJersey @BruceAdamson @ShriekingGreek @gurrybolla @childcomwales #RightsChild2019



Gerry McMurtrie @gerrymcmurtrie · 3 Dec 2019

Final comments coming from UK's Children's Commissioners. The commitment, passion & emotion in the room brings home how important it is we all work together & truly get it right for all children @nichildcom @ChildComJersey @BruceAdamson @CYPsCS #RightsChild2019 #UNCRC