



ROCK CONFERENCE 2019

3rd of December 2019

Hilton Hotel, Belfast

#RightsChild2019



Rights of the Child UK

Working together to bring children's rights into UK law



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Opening Welcome

Dr Bronagh Byrne

Co-Chair of the Centre for Children's Rights

Queen's University Belfast



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Introduction from the Chair

Koulla Yiasouma

Northern Ireland Commissioner for Children and Young People

NICCY



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Morning Keynote

Professor Ursula Kilkelly

UNCRC Incorporation - international perspectives



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International Experience of Using National Law to Give Effect to the UNCRC

ROCK 2019

Queen's University Belfast

Professor Ursula Kilkelly

Centre for Children's Rights and Family Law

UCC School of Law

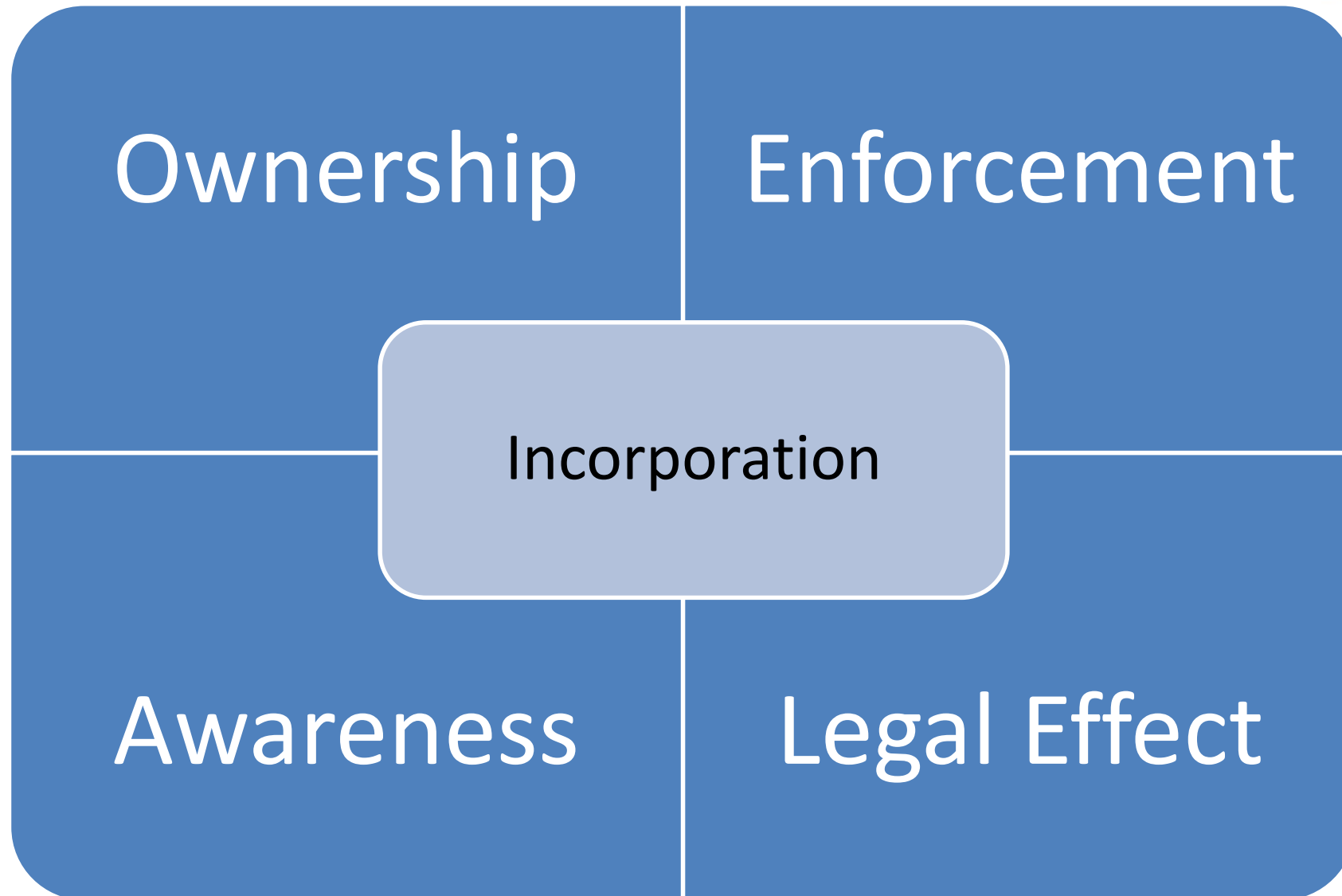
@ukilkelly u.kilkelly@ucc.ie

Article 4 UNCRC

- States parties have a duty to take all appropriate measures to implement the Convention

UN Committee on the Rights of the Child, General Comment No 5 recommends

- Legal measures, including direct and full incorporation, justiciability
- Non-legal measures, including child impact assessment and budgeting, national strategy for the Convention, children's rights training, NHRI.



Evidence of Increased Legal Incorporation of the CRC

- *UNICEF Innocenti study (2007)* - legal incorporation of CRC provisions was evident in two thirds of the 52 studied countries (sectoral)
- *Venice Commission (CoE) Study (2013)* – 45/46 written constitutions contain express references to children
 - BUT, not all reference children’s rights or the UNCRC and few are fully rights compliant (see also O’Mahony, 2019)
- *Lundy, Kilkelly, Byrne and Kang for UNICEF UK (2012)* – 12 country study showing that legal and non legal measures are increasing and can have transformative effects

Non-Legal approaches visible internationally:

- **Children's Commissioners** – a well established national human rights institution – variable in independence, powers and resources
- **National children's strategies/plans of action** – not always rights-based or evaluated – references to well-being, development (SDGs) and young adults
- **Children's rights training** for professionals – mostly ad hoc and profession specific
- Still poor on
 - Data – few mechanisms for collection of disaggregated CR data
 - Dissemination
 - Child budgeting (GC No 19, 2016)

Legal incorporation gathering momentum in Europe

Indirect Incorporation

The Rights of Children and Young Persons (Wales) Measure 2011
Children and Young People Scotland Act 2014

Constitutional incorporation

Ireland - Article 42A Irish Constitution (2012)
Iceland

Full legislative incorporation of the CRC

Sweden
Scotland

Ireland – a case study of constitutional incorporation

- Decades of campaigning and advocacy, involving recommendations of the CRC Committee
- NGO-negotiated, detailed and complex wording put to people by referendum in 2012 – cross-party support
- Turnout (33.5%) and support weak (58/42) – legal challenge to the Government information campaign delayed enactment until 2016
- However:
 - Impact playing out in subtle ways (e.g. court process) with clear impact on legislative agenda in places
 - But, so far little discernible impact on rights agenda or public discourse.

Conclusions

UNCRC at 30 - attention has long since shifted onto implementation

Non-legal measures gathering support with evidence of their transformative impact

Legal incorporation

- creative approaches to indirect incorporation

- new interest in legal incorporation (surprisingly perhaps)

BUT resistance remains as does gulf between UNCRC and children's lived experiences ...

References

Kilkelly, 'The CRC at 21: assessing the legal impact' 62(2) *Northern Ireland Legal Quarterly* 143–152.

Lundy, Kilkelly, Byrne and Kang, (2012), *Legal Implementation of the UNCRC*, UNICEF UK.

Lundy, Kilkelly & Byrne (2013) 'Incorporation of the United Nations Convention on the Rights of the Child in Law: A Comparative Review' 21(3) *International Journal of Children's Rights* 442-463

Venice Commission (Kilkelly, O'Mahony et al) (2014) *Report on the protection of children's rights: international standards and domestic constitutions*, available at www.venice.coe.int

O'Mahony, 'Constitutional Protection of Children's Rights: Visibility, Agency and Enforceability' (2019) 19(3) *Human Rights Law Review*

Conor O'Mahony (2016) 'Falling Short of Expectations: The 2012 Children Amendment, From Drafting to Referendum'. *Irish Political Studies*, 31 (2):252-281

Kilkelly, (2019) 'The UN convention on the rights of the child: incremental and transformative approaches to legal implementation' 23(3) *International Journal of Human Rights* 323-337

(along with other special issue contributions from Hoffman, S; Tara Collins and Kasey McCall Smith)



Government Updates

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

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

Helen Fogarty, Scottish Government

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



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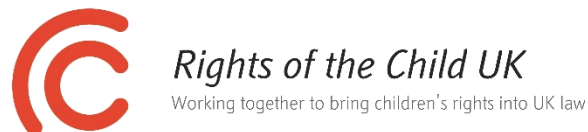
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June Wilkinson

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



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Children's Services Co-operation Act (NI) 2015

Children and Young People's Strategy

June Wilkinson

Children and Young People's Strategy Team

ED1/19/256831



Department of
Education

Strategic Context (1)

- UNCRC Article 4
 - *Governments must do all they can to make sure that every child in their countries can enjoy all the rights in the UNCRC*
- Children's Services Co-operation Act (NI) 2015 (CSCA)
 - *Duty to co-operate to improve children's well-being – "Children's Authorities"*
 - *Defines eight characteristics of well-being for children and young people.*
 - *In determining the meaning of "well-being", regard is to be had to any relevant provision of the UNCRC*
 - *Requires an Executive Children and Young People's Strategy*

Strategic Context (2)

- Draft Programme for Government
 - *Joined up, outcomes based, 12 strategic outcomes*
 - *Outcome 12 “We give our children and young people the best start in life”*
- Local Government Act (NI) 2014
 - *Councils lead in Community Planning*
 - *Partnership working to jointly deliver better outcomes for everyone*



Children and Young People's Strategy

Eight Outcomes

- Physically and mentally healthy
- Learning and achieving
- Play and leisure
- Safety and stability
- Economic and environmental well-being
- Make a positive contribution to society
- Have their rights respected
- Live in a society where equal opportunity and good relations are promoted



CYPS Linkage to UN Conventions

Key principles include but are not limited to:

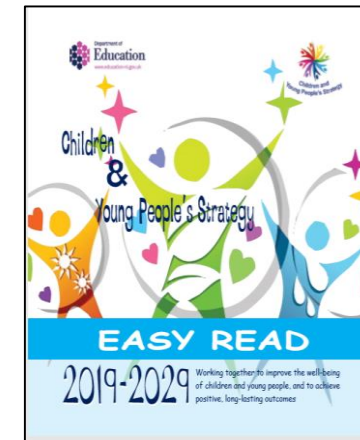
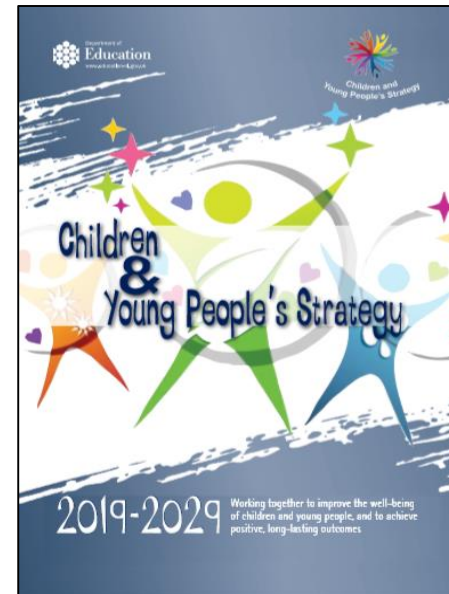
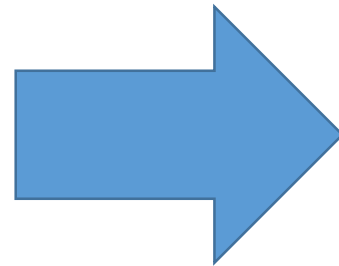
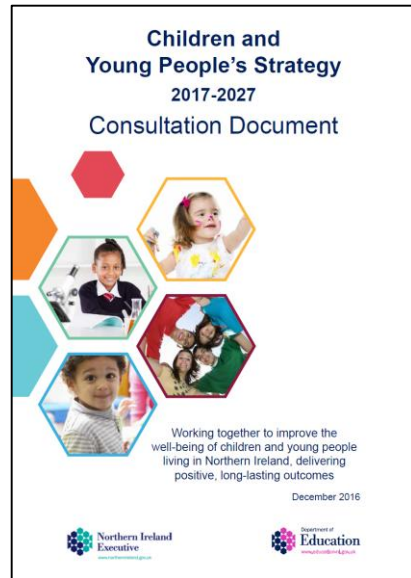
- Rights based
- Regard to UNCRC provisions when considering well-being
- Regard to UN Convention on Rights of Persons with Disabilities

To make sure this happens:

- Depts' aim to take account of UNCRC 2016 Concluding Observations
- Be consistent with Article 3 – best interests of the child
- Work with NICCY to promote greater awareness of UNCRC
- Each outcome is linked to the relevant UNCRC Article

Next steps for the Children and Young People's Strategy (1)

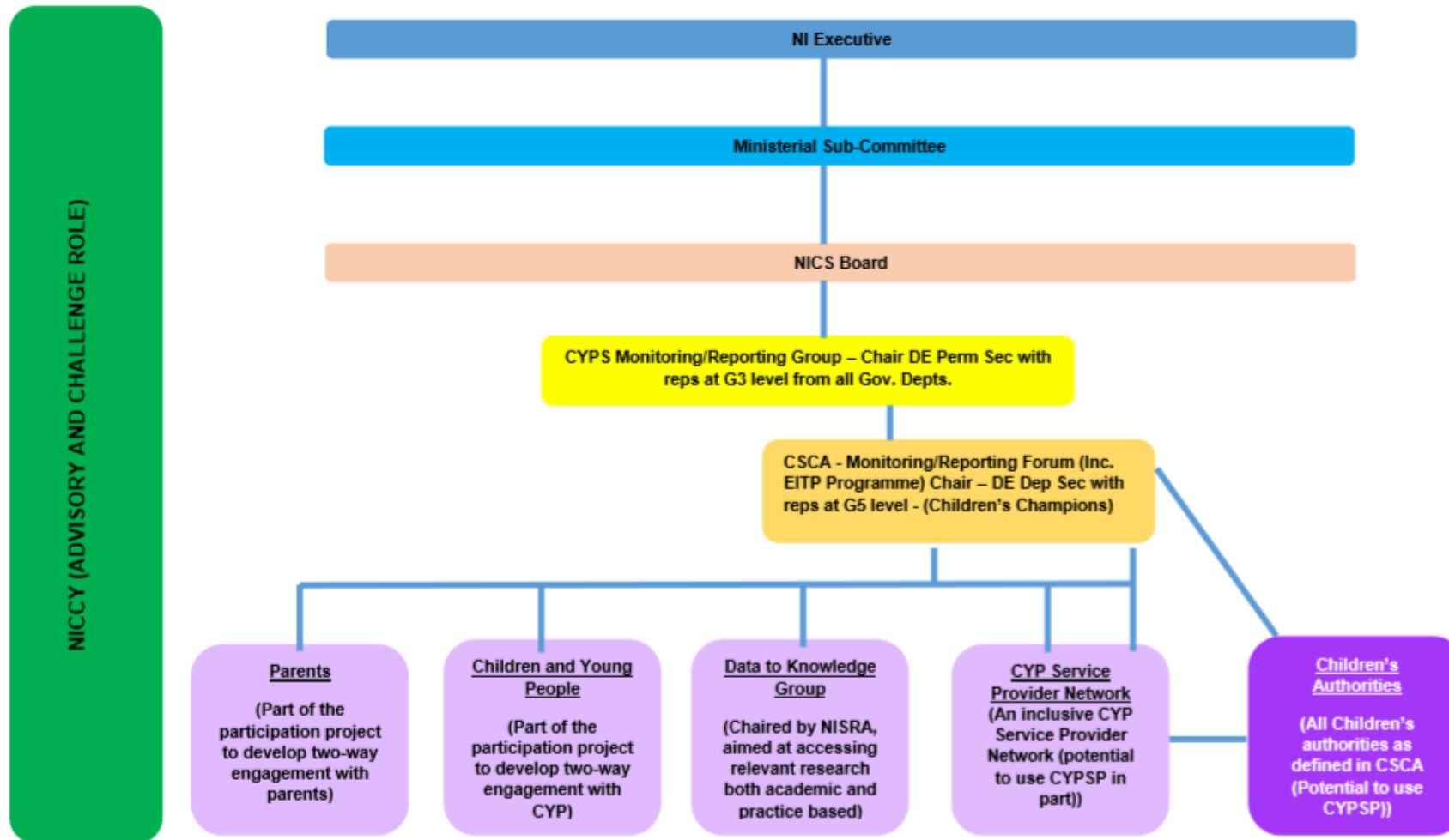
- Seeking approval to publish as a **cross-departmental strategy** - until Executive agreement can be secured.



Next steps for the Children and Young People's Strategy (2)

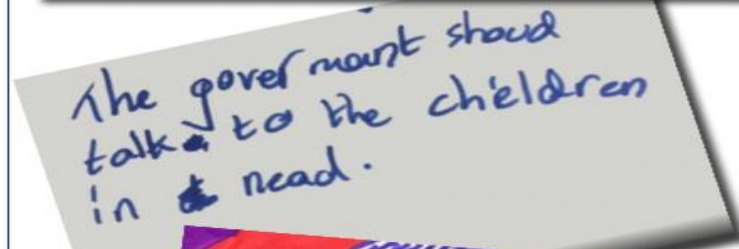
- Publication and consultation on a draft **CYPS Delivery Plan**
- Publication of **Population Indicators**
- **Data Development Agenda**
- Development of the **monitoring structures** (children's authorities, including Councils)

CHILDREN & YOUNG PEOPLE'S STRATEGY – MONITORING AND REPORTING STRUCTURES



The voice of children and young people in the Strategy

Children and Young People's Strategy



What children and young people told us (in 2017)

“They say they’re going to listen to young people – why aren’t they doing it now?”

“They hear us but dismiss it – when you’re 16-23 you’re not listened to.”

“There’s a lot of tokenism – it’s very frustrating – there should be active efforts to speak to young people.”

“If young people are called ‘hard to reach’ it’s because the people in charge are not trying hard enough.”

Some major changes to the Strategy because of what children and young people told us

- **Co-design – identified the main areas which were of greatest concern to children, young people and stakeholders**
- **All of these priorities have stayed in, but some new areas of greatest focus have been added because children and young people said they are important to them:**
 - **Bullying**
 - **Environmental quality and access to the natural environment**
 - **Promoting diversity and mutual understanding**

Progressing the rights of children – ongoing developments

- Children and Young People **Participation** project
- Draft **Action Plan for mental health services** and support for children and young people in Northern Ireland published
- Development of an **Emotional Wellbeing Framework** for Children and Young People
- **Play Matters** Project
- Education Authority co-design and publication of ‘**Support for Transgender Young People**’ Guidance
- Draft **Online Safety Strategy**
- **Mainstreaming EITP** (Early Years) projects
- **Tackling Educational Disadvantage**
- Initiatives under the Tackling Paramilitarism Programme to assist **children and young people under threat**
- New integrated **Regional Care and Justice Campus** project



Participation Project

- **Co-design** with children and young people
- Provide **encompassing participation structures** to seek the views of children and young people on policies, strategies and issues which affect them;
- To assist all departments, other children's authorities and children's service providers in **arranging and supporting effective engagement** with children and young people; and
- To help provide children and young people with the opportunity and support to **participate in decision making** and be **confident in expressing their opinions, knowing they will be listened to.**



Thank you

For further information please contact

cypst@education-ni.gov.uk



Department of
Education



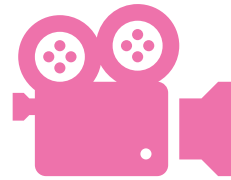
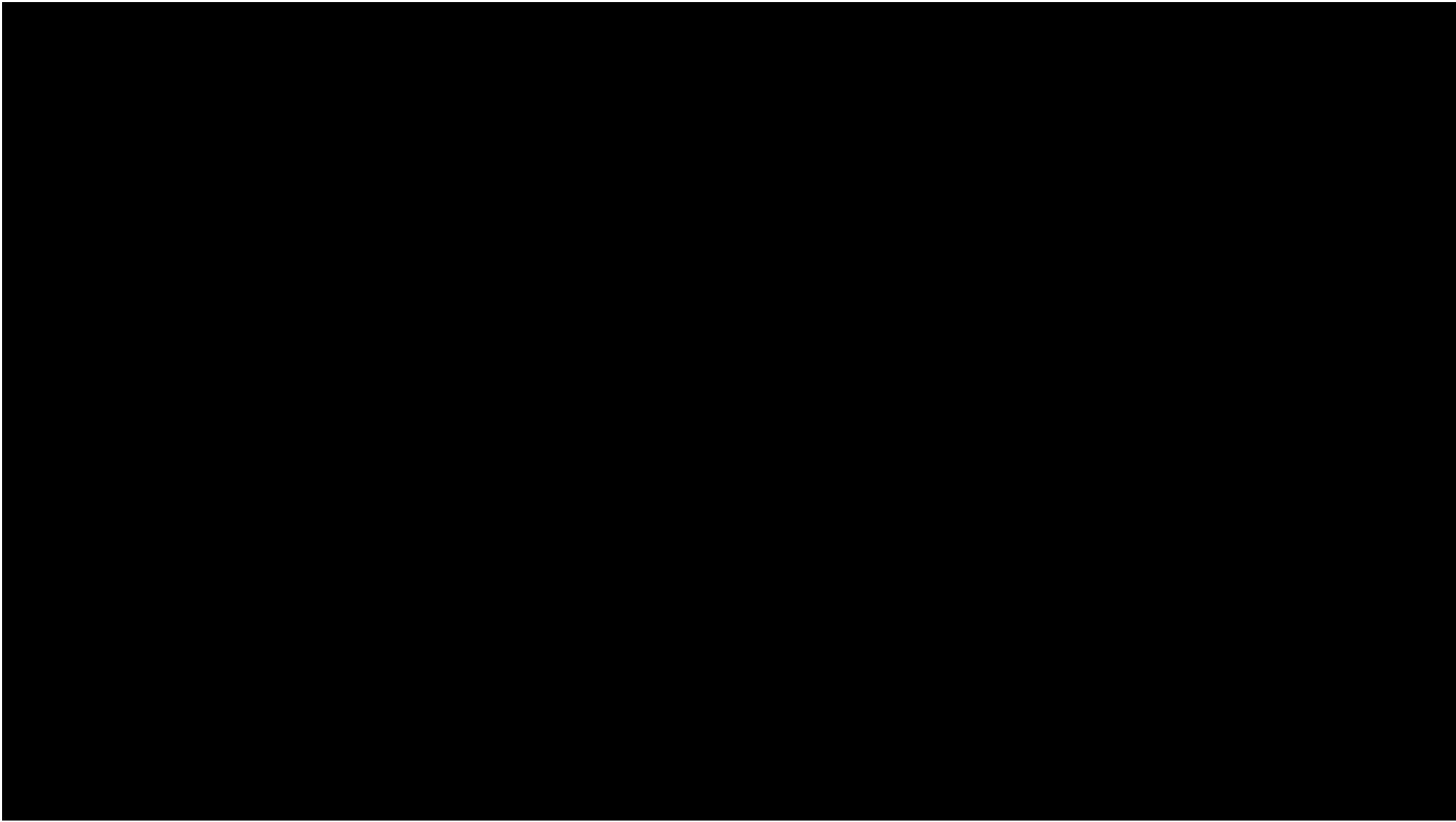
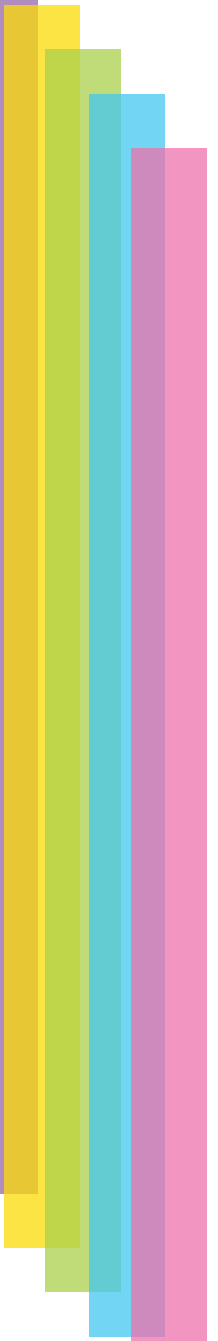
Julie Morgan AM

Deputy Minister for Health and Social Services, Welsh Government (film)



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**Children's
Commissioner**
for Jersey
Promoting and Protecting
Children's Rights



Helen Fogarty

Scottish Government



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**Progressing the
Human Rights of
Children in
Scotland:
Action Plan and
Progress Report
2019**

**Improving Outcomes
for Children and
Young People in Scotland**

Our Vision

A Scotland where children are recognised as citizens in their own right and where their human rights are embedded in all aspects of society is the Vision we aspire to; a Scotland where policy, law and decision making takes account of children's rights and where all children have a voice and are empowered to defend their rights and those of others.

Governance

Improving Outcomes for Children and Young People Strategic Forum

To provide a leadership space to discuss ideas and issues, to make children's rights real in Scotland and oversee the action plan.

INCORPORATION

We will incorporate the United Nations Convention on the Rights of the Child (UNCRC) into Scots law.

Actions:

- We will consult widely including with children, young people and families, local authorities and other public bodies across Scotland, as well as third sector partners on the right model of incorporation.
- We will also consider where it may be possible for Scots law to go further than the Convention requires, where that is demonstrably beneficial for children and young people.
- In the meantime, we will continue to consider ways in which rights under the UNCRC can be given better or further effect across individual policy areas.

IMPACT ASSESSMENT

We will evaluate the Child Rights and Wellbeing Impact Assessment (CRWIA) process and further support and promote its use.

Actions:

- We will update the templates, guidance and training materials for the CRWIA process and making these publicly available on the Scottish Government Website.
- We will encourage the use of the CRWIA materials by Public Authorities and children & young people's organisations
- We will develop an impact evaluation process for the CRWIA

Progressing the Human Rights of Children in Scotland: An Action Plan 2018 – 2021

RAISING AWARENESS

We will develop and deliver through co-production, an ambitious programme to raise awareness and understanding of children's rights across all sectors of society in Scotland.

Actions:

- We will map existing rights-based awareness resources, programmes and training packages
- We will recruit a group of young leaders to organise and co-facilitate 6 unConference Events and local discussion groups in different locations across Scotland. Participants will be invited to attend from across different areas of society. Particular attention will be paid to engaging with those that are seldom heard.
- Where gaps or weaknesses have been identified we will, through co-production, develop resources and training programmes to strengthen rights awareness and understanding across all areas of society.
- We will work alongside Education Scotland to strengthen awareness and understanding of children's rights through a range of activities which supports the development of a rights based culture and ethos in schools and early learning and childcare centres.

STRATEGIC APPROACH TO PARTICIPATION

We will develop a strategic approach to children and young people's participation, as part of the Year of Young People (YoYP) legacy. Our aim is to mainstream the participation of children and young people in decision-making across Scottish society.

Actions:

- We will work in partnership with our stakeholders, and importantly with children and young people, to develop our strategic approach.
- We will make sure that we listen to 'representative' voices of children and young people, in particular ensuring that the voices of the seldom heard, vulnerable and younger children are routinely heard.
- We will consider resourcing and how participation is made sustainable.
- We will consider access, including digital technology, to support wider engagement.
- We will publish an evidence base of existing research, good practice and policy areas that have consulted with children and young people.

How will we know we are making progress?

We will provide an update on progress in taking forward these strategic actions each year.

Incorporation

We will incorporate the UNCRC into Scots law

Raising Awareness

We will develop and deliver through co-production, an ambitious programme to raise awareness and understanding of children's rights across all sectors of society in Scotland

Strategic Approach to Participation

We will deliver a strategic approach to children and young people's participation, as part of the Year of Young People (YOYP) legacy. Our aim is to mainstream the participation of children and young people in decision-making across Scottish society

Impact Assessment

We will evaluate the Child Rights and Wellbeing Impact Assessment (CRWIA) process to further support and promote its use.

Governance Arrangements

To provide a leadership space to discuss ideas and issues, to make children's rights real in Scotland and oversee the action plan

Helen Fogarty
Head of Children's Rights
Children and Families
Scottish Government

Helen.Fogarty@gov.scot



Michelle Moffat

Senior Policy Officer, Children's Policy, Jersey



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Government *of*
JERSEY

Jersey Update: Proposed Legislation to Indirectly Incorporate the UNCRC

Michelle Moffat, Senior Policy Officer
Strategic Policy, Planning and Performance

Tuesday, 3 December 2019



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About Jersey...



- Not part of the UK
- British Crown Dependency
- UK is constitutionally responsible for the defence of Jersey
- Population estimate: 106,800
- Independent Parliament (States Assembly) and Government
- New legislation approved by States Assembly before progressing to Privy Council to receive Royal Assent

The States Assembly



- 49 Members elected every four years
- Chief Minister elected by the Assembly
- Ministers and Assistant Ministers elected by members following Chief Minister's proposals
- Most States Members are independent
- One political party with five elected Members



SENATORS (8)



Island-wide mandate

CONNÉTABLES (12)



Dual role as States Members and Heads of Parishes

DEPUTIES (29)



Represent whole Parishes or Parish districts



Policy context

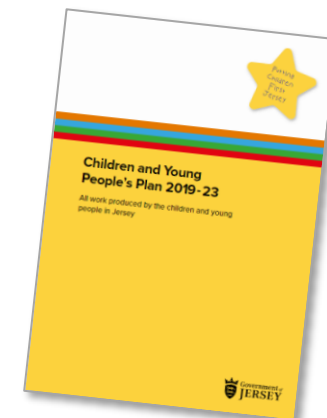
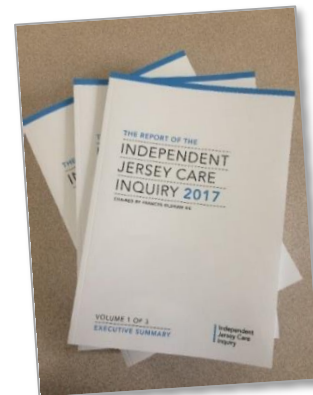
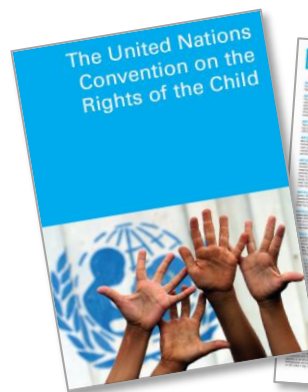


2014: UK's ratification of UNCRC extended to Jersey

2017: Independent Jersey Care Inquiry; P.63/2017

2018: First Children's Commissioner & Children' Minister
Ministers commit to indirectly incorporate the UNCRC

2019: New Children's Plan features children's rights indicator
Review commissioned of alignment of Jersey's
legislation with UNCRC

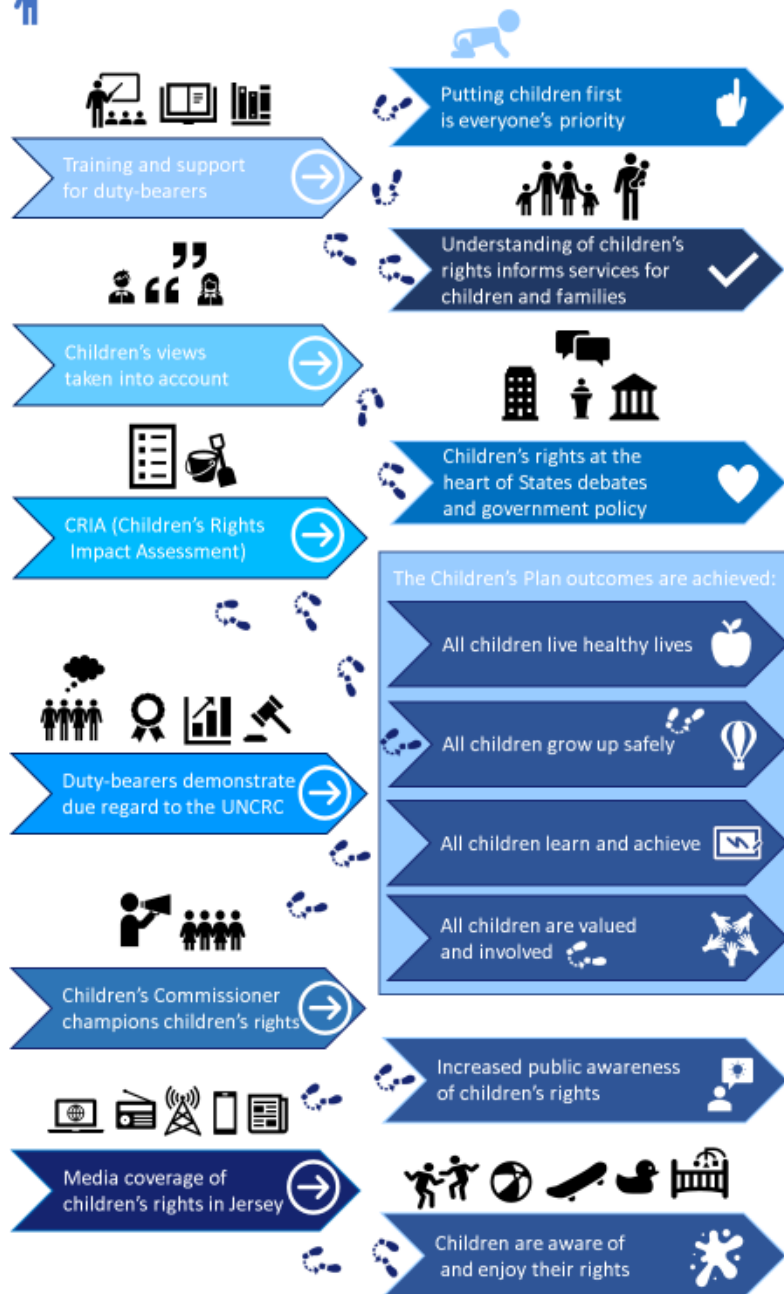


Policy Challenge



“In bringing forward this new primary law, how do we effectively integrate consideration of all children’s rights in the Convention within the development of policy, law and practice in Jersey?”





Policy ambition

- Culture change within Government, the States Assembly and civil society
- Develop a vibrant culture of rights-based practice
- Increase knowledge and understanding of UNCRC
- Protect and promote Children's Rights



Public consultation

12 week consultation launched on World Children's Day to test key features of proposed model:

1. Who will the duty-bearers be?
2. When will each phase of the law be introduced?
3. What will the duty to have due regard apply to?
4. How will culture change be achieved?

www.gov.je/consultations



First core principle



Entitlement to lodge propositions and amendments should equal a duty to have due regard

- Equal right to lodge propositions
- Not all law and policy developed by Ministers / Government
- Laws affecting children amended by successful backbench and Scrutiny propositions
- Right to lodge a proposition = duty to have due regard



Second core principle

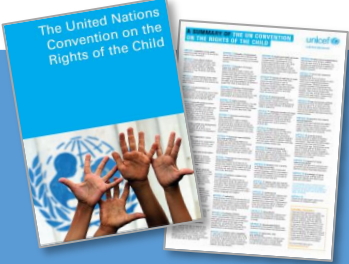


Authentic, sustainable culture change is more likely to be achieved incrementally

- Plan to introduce law in three phases
- Need to train and support duty-bearers
- Making best use of resources
- Grouping similar duty-bearers in Phase 3



Proposed model

	(a) Ministers	(b) All elected Members	(c) Standing Order 19 Bodies	(d) Relevant Public Authorities	CRIA requirement
Phase 1 (2021) Policy, legislation, propo sitions and amendments	✓	✓	✓		Mandatory CRIA for: <ul style="list-style-type: none"> • Policy • Legislation • Propositions* • Amendments * ** *Published CRIA **Screening step only
Phase 2 (2022) Full duties and powers	✓				Optional
Phase 3 (2023...) Relevant functions and services				✓	Optional

Relevant public authorities



Will be defined as duty-bearers if they are:

Engaged in providing relevant functions or services to children and families

AND one or more of the following conditions also apply:

- They are required to exist by law
- One or more of their functions are required by law
- They perform functions of a public nature
- They provide services under a contract with a duty-bearer or another public authority
- They receive public money

Children's rights scheme



The scheme will support compliance with the duty through:

1. Ongoing support and training
(e-learning, resources, targeted training)
2. Children's Rights Impact Assessments (CRIA)
(development of law, policy propositions and amendments)
3. Reporting on compliance with the duty
(within existing cycles / mechanisms)
4. Promoting awareness of the UNCRC
(with Children's Commissioner and other stakeholders)
5. Holding duty-bearers to account
(progressing complaints through existing processes)



Government *of*
JERSEY

Thank you



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COFFEE BREAK

Return at 12:00



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Civil Society Updates from Child Rights Alliances

Paddy Kelly, Children's Law Centre

Sean O'Neill, Policy Director, Children in Wales & Wales UNCRC Monitoring Group

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

Louise King, Director, Children's Rights Alliance for England



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Paddy Kelly

Children's Law Centre



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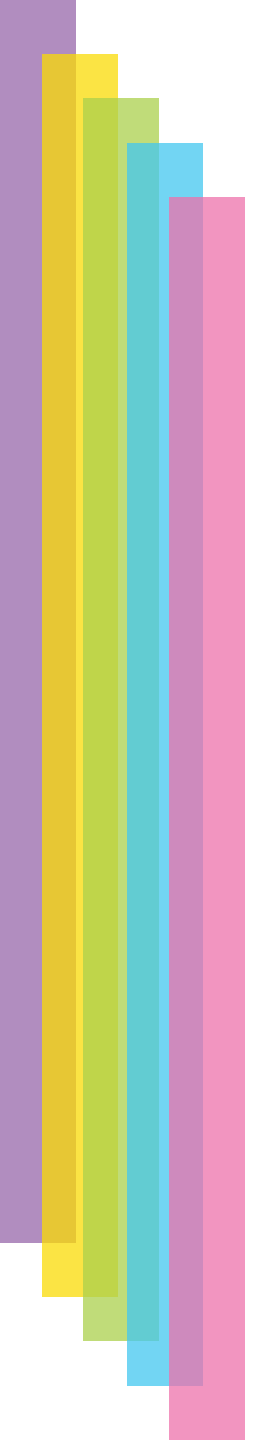
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Sean O'Neill

Policy Director, Children in Wales & Wales UNCRC Monitoring Group



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Civil Society Update: incorporating and implementing the UNCRC in Wales



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Wales UNCRC Monitoring Group



Grŵp Monitro CCUHP Cymru

Sean O'Neill
Policy Director

ROCK conference, Belfast
December 2019

Wales UNCRC Monitoring Group



Grŵp Monitro CCUHP Cymru



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Children's Rights

The Wales UNCRC Monitoring Group is a national alliance of non-governmental and academic agencies, tasked with monitoring and promoting the United Nations Convention on the Rights of the Child in Wales. (est. 2002)

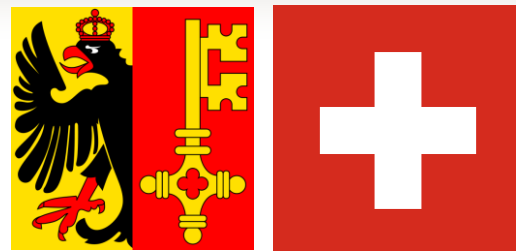
Steering Group members (inc. observers)

Children in Wales, Barnardo's Cymru, Centre for Welsh Legal Affairs – Aberystwyth University, Equality & Human Rights Commission, NSPCC Cymru-Wales, Observatory on Human Rights of Children, Play Wales, Save the Children Wales, UNICEF UK, Children's Society, Welsh Local Government Association and the Children's Commissioner for Wales.





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Children's Rights



HEADLINES - 2016

- ✓ Some positive legislative advances
 - Rights of Children and Young Persons (Wales) Measure 2011
 - Social Services and Wellbeing (Wales) Act 2014

But key concerns for Wales were

- Child Poverty rates remaining high
- Mental Health & Emotional Wellbeing
- Participation structures
- Looked after Children numbers
- Equal Protection

- Devolution challenges



Our Legislative Journey...So far!



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Children's Rights

- **2004** - Welsh Government formally adopted the UNCRC as the basis of all its policy making on children and young people in Wales

- UNCRC translated into 7 Core Aims to aid local delivery

- **2008** - UN Concluding Observations
- **2011 Rights of Children and Young Person's (Wales) Measure**

Section 1 – Duty to have Due Regard

Welsh Ministers must have due regard to the substantive rights and obligations within the UNCRC when exercising their functions

[from 1st May 2014]

- **2015** – Compliance Report (2013-15)
- **2016** – UN Concluding Observations
- **2018** – Compliance Report (2015 – 18)





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Children's Rights

'The Impact of Legal Integration of the UNCRC in Wales'
(Hoffman, S. & O'Neill, S. (2019) EHRC

'Inquiry into Children's Rights'
Children, Young People and Education Committee,
National Assembly for Wales *(August 2019 – ongoing)*



Key findings - Impact & Issues



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Children's Rights

- Policy Development
 - Framework for policy decision making
 - New procedures: CRIA
- Policy Advocacy
 - Rights based language
- Accountability / Compliance
 - Challenge
 - Complaints
- Awareness of the CRC
 - Stakeholders
 - Young People



The Impact of Legal Integration of the UNCRC in Wales

Number of positive impacts

- Measure meets the expectations of the UN Committee
- Due Regard Duty has established a new framework for policy development as intended
- Greater attention and visibility given to children's rights in policy process
- UNCRC as a reference framework for policy decision making
- Increased dialogue with children and young people & expectations
- Some findings consistent with other research (UNICEF-UK 2012, Lundy *et al*)
 - Measure legitimises rights based discourse
 - Measure provides 'leverage' for policy advocacy - more opportunities
 - Measure heightens expectation of compliance

BUT ...

- need for further embedding in practice
- Greater consistency in the development and quality of the CRIA process
- Opportunities for strengthening Ministerial accountability
- Sustainable and universal approaches for 'Raising awareness of the UNCRC' required



CRC Thematic areas



Progress & Opportunities

Equal Protection

Votes @ 16

Youth Parliament & engagement structures

Curriculum Reform

Strengthening Human Rights



CRC Thematic areas



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Challenges

Post-Brexit arrangements

Child Poverty

Mental Health and Emotional Well Being

Looked after Children

Investment in Children: Budgets & Workforce

**International : Roll back on Human Rights /
Climate Change**







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Wales UNCR Monitoring Group



Grŵp Monitro CCUHP Cymru

Diolch am Gwranddo – Thank you for Listening

Sean O'Neill

Sean.oneill@childreninwales.org.uk

Children in Wales

www.childreninwales.org.uk



Juliet Harris

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



**CENTRE FOR
CHILDREN'S
RIGHTS**





Steps towards implementation and incorporation: An update on the UNCRC in Scotland.

Tuesday 3rd December 2019
Juliet Harris, Director, Together

Website: www.togetherscotland.org.uk
Follow us on Twitter! @together_sacr @ulgrid

Together (Scottish Alliance for Children's Rights)

An NGO alliance with nearly 400 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.

Website: www.togetherscotland.org.uk

Follow us on Twitter! @together_sacr @ulgrid



This time last year....

#RightsTakeOver in the Scottish Parliament

“The opportunity ahead of you, First Minister, is to become the Ultimate Human Rights Defender, by incorporating the UNCRC fully into Scots law within this parliamentary term. That would mean the world to me.”

Ryan McShane, member of the Scottish Youth Parliament with Hannah, member of the Children’s Parliament addressing the First Minister on 10th December 2018 in the Scottish Parliament.

Website: www.togetherscotland.org.uk

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This time last year....

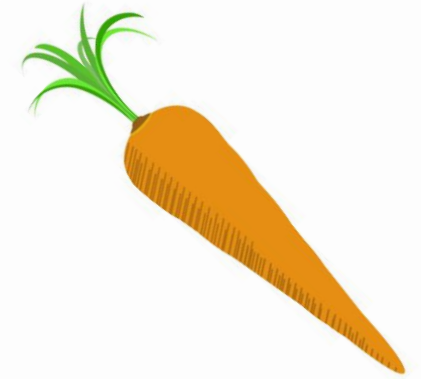
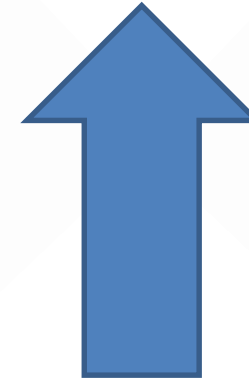
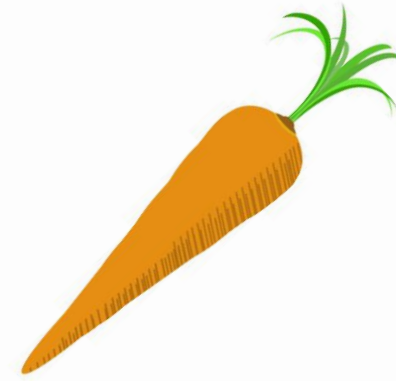
Draft Children's Rights (Scotland) Bill

Due regard duty (the proactive carrot!)

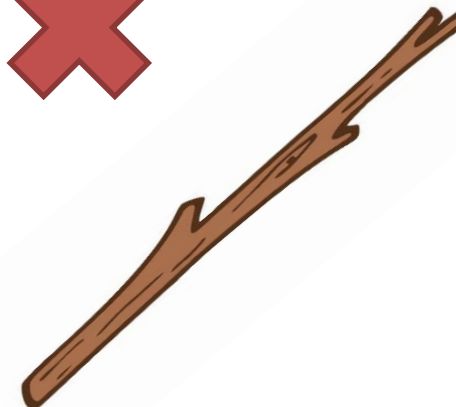
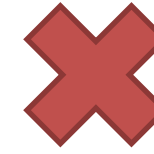
- Children's Scheme
- Child Rights and Wellbeing Impact Assessment.
- Compliance reports.
- Scrutiny by children, young people, Children and Young People's Commissioner, Scottish Parliament, civil society.

Securing compatibility (the reactive stick!)

- Incompatible acts or omissions are potentially unlawful.
- Courts decide whether an unlawful act is committed.
- Courts can determine remedy and redress.
- Children, the Children's Commissioner, NHRIs and people/bodies with sufficient interest can bring judicial review.



UNCRC and Optional Protocols



April 2019

Address to the SNP conference

“... we must make sure we are meeting the UN’s gold standard on children’s rights....”

Our plan is this: by the end of this Parliament we will have incorporated the UN Convention on the Rights of the Child into Scots law.”

Nicola Sturgeon, First Minister.

<https://www.snp.org/nicola-sturgeons-address-to-conference/>

Website: www.togetherscotland.org.uk

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What do we want?

Children's Rights! When do we want them? Now!

Full and direct

Incorporate UNCRC and Optional Protocols into law insofar as possible within the powers of the Scottish Parliament.

Compatibility duty

To enable remedy and redress.

Due regard duty

Encourage a proactive approach to children's rights.

Jurisprudence of UN Committee

Considered in interpreting UNCRC requirements.

High priority in legal system – strike down powers.

Future-proofing

Allowing for change in powers of Scottish Parliament.

Child Rights Impact Assessment – a mandatory duty.

Children's Scheme – including requirements to report on progress, involve children and young people and Children's Commissioner.

<https://www.childrensparliament.org.uk/national-sitting-2019-makerightsreal/>



What do we get?

Children's Rights! When do we get them? 2021!

Full and direct(ish)

“...a maximalist approach. We will seek to incorporate the Convention in full and directly – using the language of the Convention – in every case possible. Our only limitation will be the limit of the powers of this Parliament”.

Future-proofing

“The Bill will also make provision to allow incorporation of those provisions of the Convention currently beyond our powers into our domestic law if – and when - the powers of the Scottish Parliament change in the future.”

Compatibility

“Every devolved body, every health board, every council – and the Scottish Government– will be legally obliged to respect children’s rights. And, if they don’t, children & young people will be able to use the courts to enforce their rights.”

Proactive culture

“The Bill will aim to ensure that there is a proactive culture of everyday accountability for children’s rights across public services in Scotland. This will mean that children, young people and their families will experience public bodies consistently acting to uphold the rights of all children in Scotland.”





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 to be passed by the Scottish Parliament to incorporate UNCRC

2014

2015

2016

2017

2018

2019

2020

May 2021

Ongoing duty on Ministers to raise awareness and understanding of UNCRC

What next?

Our work has only just begun...

What will the bill and guidance look like?

How can we support Scottish Government to draft the 'Gold Standard' bill that children and young people expect?

How can we support MSPs to ensure its effectively scrutinised and passed by the Scottish Parliament?

How can we prepare the way to ensure incorporation has maximum impact?

How will the UNCRC Incorporation Bill fit into wider work to incorporate economic, social, cultural and environmental rights into Scots law beyond 2021?





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Louise King

Director, Children's Rights Alliance for England



Rights of the Child UK

Working together to bring children's rights into UK law



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Children's
Rights Alliance
for England



Civil society update from England

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

About CRAE

- Established in 1991
- Over 100 members –all major children’s charities, academics, individuals
- Our vision: a country that values and upholds every child’s human rights
- Merged into Just for Kids Law in 2015
 - Direct advocacy and youth opportunities
 - Legal representation
 - Strategic litigation



Embedding the CRC in decision-making

- UNCRC reporting stakeholder group → UNCRC Action Group (July 2016)
- Cabinet Office guide to making legislation (2017)
- Child rights training for civil servants & CRIA template (November 2018). Over 500 civil servants taken training – DfE, DWP, & MoJ
- Child rights session at fast streamer civil servant induction days
- Thematic sessions to review progress on 2016 Concluding Observations



#CRC30



Children's
Rights Alliance
for England

CRC
30 @

**United Nations Convention on
the Rights of the Child turns 30**

A milestone in children's rights

Renewed commitment to the CRC

.parliament.uk

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Home page > Parliamentary Business > Publications & records > Written Questions and Answers and Written Statements > Written Ministerial Statement for Universal Children's Day

Written Ministerial Statement for Universal Children's Day: Written statement - HCWS1093

Department for Education | Made on 20 November 2018

Made by Nadhim Zahawi (The Parliamentary Under Secretary of State for Children and Families) | HCWS1093

Written Ministerial Statement for Universal Children's Day

Today is Universal Children's Day, a day that marks the anniversary of the date that the UN General Assembly adopted both the Declaration and the Convention on the Rights of the Child.

The UK is a proud and long-standing signatory of the United Nations Convention on the Rights of the Child (UNCRC) and this Government remains fully committed to the promotion and safeguarding of children's rights. The UNCRC sets out an enduring vision for all children to grow up in a loving, safe and happy environment where they can develop their full potential, regardless of their background. This Government shares that vision and is dedicated to providing the best possible opportunities for all children but especially those who have the hardest start in life.

It has now been over 2 years since the UN scrutinised the UK's progress in implementing the UNCRC and published their Concluding Observations. Since the last report, the UK Government has continued to raise its ambitions for all children and has made concrete progress in making sure that all children have the opportunity to thrive and develop.

For example, my Department has:

- Strengthened the quality and range of support for society's most vulnerable children through the Children and Social Work Act 2017;
- Revised the 'Working Together to Safeguard Children' guidance to better safeguard and promote the welfare of children;
- Improved support for children's mental health in schools; and,
- We are making Relationships and Sex Education

"I strongly encourage my ministerial colleagues to encourage the civil servants in their Departments to take up this training so that children's rights are further embedded in policy and law making..."

...I would like to reaffirm the value that this Government places on the UNCRC and our ongoing commitment to give due consideration to the UNCRC when making policy and legislation."

But still a lot to do!



How well are we respecting children's rights?

- UK government continues to fall behind developments in Wales and Scotland
- No statutory due regard duty
- Incorporation a long way off!
- Inadequate cross government monitoring and implementation
- Junior minister for children

Going backwards with Brexit?

The EU
(Withdrawal)
Act excluded
the EU Charter
of Fundamental
Rights from being
transposed into
UK law.



UK General Election Party Manifestos



- Commitment to Human Rights Act – Labour, Lib Dems and Greens
- *“We will update the HRA...to ensure that there is a proper balance between the rights of individuals, our vital national security and effective government.”* – Conservatives
- Incorporation of the CRC – Labour
- Incorporation of CRPD – Labour and Greens
- Rights to food – Labour, Lib Dems and Greens



Children's
Rights Alliance
for England



Louise King

**Children's Rights Alliance for England, part of Just for Kids
Law**

Email: lking@crae.org.uk

Web: www.crae.org.uk

Twitter: [@CRAE_official](https://twitter.com/CRAE_official)



LUNCH

Return at 1:45



Rights of the Child UK

Working together to bring children's rights into UK law



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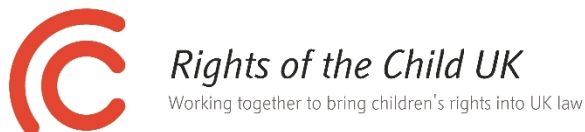
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Afternoon Keynote

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



**CENTRE FOR
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The incorporation of the UNCRC - the Icelandic experience

**Guðríður Bolladóttir, Senior Legal Advisor
The Office of the Ombudsman for Children in Iceland
Rights of the Child UK Annual Conference
Belfast, December 3rd**



UMBOÐSMAÐUR
BARNA





Iceland and the UNCRC

- Signed on January 26th, 1990
- Ratified on November 27th 1992
- Incorporated on March 13, 2013



- **The background to the incorporation**
- **Important legal changes :**
- **The Constitution**
 - The Act on Children
 - The Child Protection Act
 - Legislation on education
- **The opinion of the Ombudsman for Children on the need for incorporation**
- **Referrals to the Convention by courts**

On the way towards a very untraditional incorporation



- An infamous ruling by the Supreme Court in 2008
 - Despite the progress made - children were provided with less protection than grown ups
 - Caused public outrage
 - The Ombudsman stated that the ruling went against the basic principles of the Convention and showed that there was a need to incorporate
- In 2009 the Parliament approved a resolution on preparing the incorporation of the Convention
- However, after two failed attempts, and the uncertainty concerning Article 37, incorporation seemed unlikely

The final steps on the way to incorporation



- Members of Parliament became impatient with the Government
- Agreed to form a cross-political group with members from every party which proposed the incorporation
- The draft law was approved by every MP present !
- An important statement

Developments since 2013

Children in conflict with the law – new law on the execution of sentences

Judicial development

The Parliament

The Government has put an emphasis on children's rights

- A new Minister of Social Affairs and Children
- Declaration on the participation of children, action plan on child participation
- Child friendly cities





The Office of the Ombudsman for Children in 2019

- Additional funding
- Amendments to the Act on the Ombudsman for Children
 - The Advisory Group
 - The Children's Forum/*Barnaping*
 - Supervising the continued implementation of the Convention
 - Education on the Convention
 - Gathering information on particular groups of children
 - Cooperation with the National Statistical Authority
 - Expert groups of children

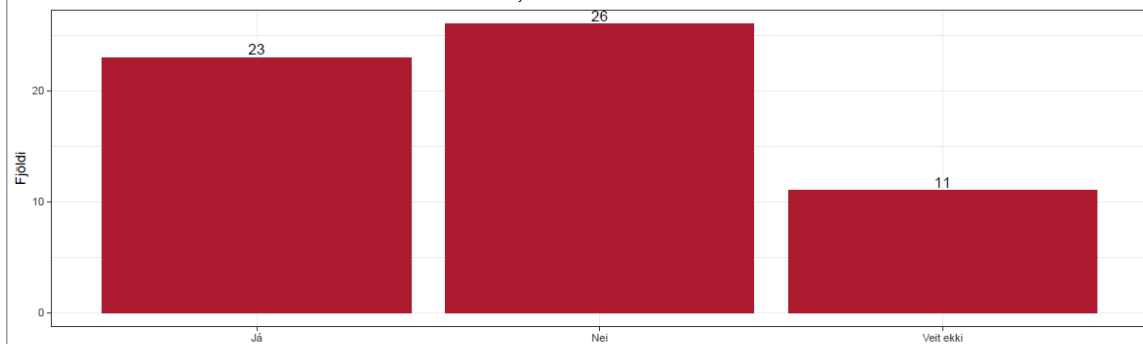
Current challenges

- The need for capacity building among professionals
- There is a need for more data - particularly on certain marginalized groups for policy and decision making
- A need to mainstream child participation and child impact assessment
- Children need education and more access to information and support
- 72 very diverse municipalities

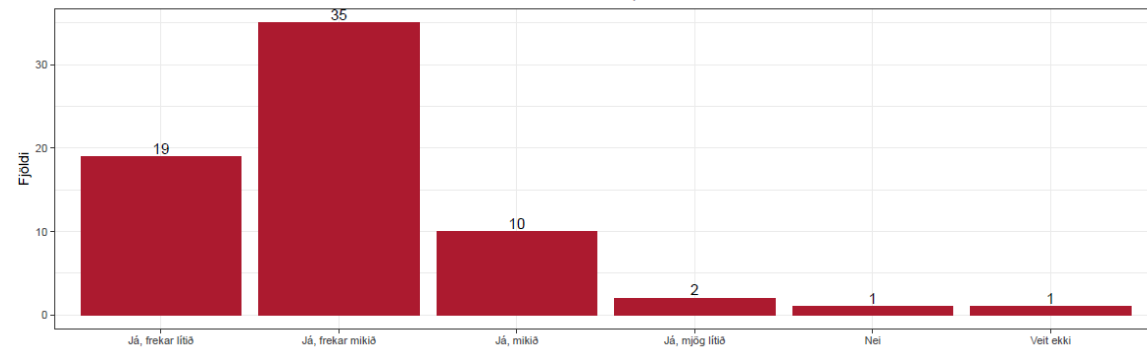


Challenges for the education system

Hafa kennarar í þínum skóla fengið þjálfun í að fjalla um réttindi barna?



Er unnið með réttindi barna samkvæmt barnasáttmálanum í þínum skóla?





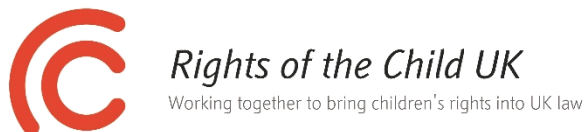
Thank you for your
attention !

- www.barn.is
- For any questions or further information please feel free to contact me:
- gudridur@barn.is



Afternoon Input and Discussion Panel

Ilaria Paolazzi, Child Rights Connect, and Professor Laura Lundy, Queen's University - Incorporation: implications for children as human rights defenders.



A dark, low-key photograph of a street scene. In the foreground, the silhouettes of two people are visible. One person is walking away from the camera, carrying a large backpack. Another person is walking towards the camera, carrying a basket or tray. In the background, a white van is parked on the street. The overall atmosphere is somber and gritty.

**Children Human Rights
Defenders: implications
for incorporation of the
CRC**

CIVIL AND POLITICAL RIGHTS

Right to
information

Freedom of
expression

Freedom of
association and
assembly

Freedom of
conscience

Right to privacy

Right to have
views sought and
taken seriously



The views of
the world's
children:
CRC Day of
General
Discussion
2018

THE PARTICIPANTS

WHO TOOK PART IN THE CONSULTATIONS?

The numbers* and ages of children who participated in the consultations by region

UN Region	Number of Countries	Number of Children	Age Range	Number of Girls	Number of Boys
Africa	11	202	8–17	115	87
Asia-Pacific	9	132	12–17	83	48
Eastern Europe	8	269	9–18	162	96
Latin America & Caribbean	13	1515	5–17	438	368
Western Europe & Others	12	577	7–18	212	245
Total	53	2695	5–18	1010	844

be treated equally and
**without
discrimination**

be able to go to
school and have
education

be safe and
their privacy protected

have a **name**,
ID and nationality

not be terrorised
or punished because of what
they do in defending child
rights

be educated
about their rights and
about decision making
and politics

speak freely
about their suffering
without being afraid
repercussion

**not be put in
prison** because of
what they do defending
child rights

have **access to
information** in a
language they can un-
derstand

**not be exposed
to violence** or tor-
ture due to their work as
child rights defenders

be listened to
seriously and adults should
act accordingly

have the right to **form
committees** to
support their cause

What is
most
important to
them?

What are the challenges they face?



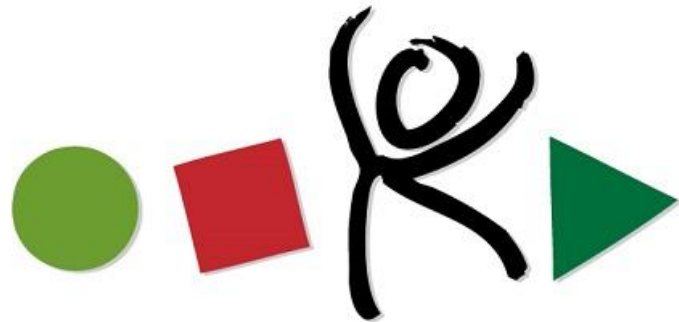


A ROLE FOR LAW(S)

- Domestic law that enables rather than prohibits.
- Protection from abuse

When and how should law place limits on the exercise of children's civil and political rights in their own interests and safety?

THE LIMITS ON AUTONOMY



child rights connect

ROCK Conference

Ilaria Paolazzi, Programme Manager

3 December 2019

Declaration on Human Rights Defenders

- **Definition of HRDs**
- **Rights and Protection accorded to HRDs**
- **States' duties**
- **HRDs' responsibilities**

Read the Declaration [here](#)

Where do we stand 21 years later ?

- Widespread lack of knowledge
- Only 1 child-friendly version in English
- Limited implementation at national level
- Limited use by the UN human rights mechanisms (Treaty Bodies' statement)

DGD 2018 recommendations

DGD outcome report:

- **Awareness raising & education on the Declaration**
- **Comprehensive laws on HRDs, incl. CHRDs**
- **Ensure that protection measures are not used to reduce the scope of action of CHRDs**

Guinea and Mongolia

- **Tension between making general texts neutral to specific groups and inclusion of children**
- **Definition not explicitly mentioning “all ages”**
- **Use of word “work”**
- **Too much focus on protection and little on empowerment/support to HRDs**
- **New specific protection mechanisms**

Model Law on HRDs

Commentary

This Section draws on Article 12 of the Universal Declaration of Human Rights, which provides that:

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation.

This formulation is largely replicated in the following - Article 17(1) of the ICCPR:

No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

Article 16 of the Convention on the Rights of the **Child**:

No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.

Article 14 of the International Convention on the Protection of All Migrant Workers and Members of Their Families:

CHRDs Toolkit

The main goal of the Toolkit is to improve the implementation on the ground of the UNCRC through increased understanding of its implications for the implementation of the UN Declaration on Human Rights Defenders.

- **Implementation Guide**
- **Reference materials**
- **Educational tools**

Interest for the UK

- ✓ Lack of specific law on HRDs (only government's statement of support to HRDs)
- ✓ CRC incorporation is an opportunity to domesticate the Declaration
- ✓ Why? to strengthen the legal framework of children's civil and political rights
- ✓ But not only....

Thank you for the attention



COFFEE BREAK

Return at 15:00



Rights of the Child UK

Working together to bring children's rights into UK law



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Reflections and discussion from Children's Commissioners

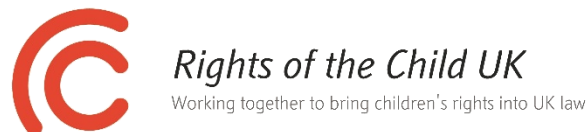
Koulla Yiasouma, NI Children's Commissioner

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

Bruce Adamson, Children and Young People's Commissioner Scotland

Deborah McMillian, Children and Young People's Commissioner Jersey

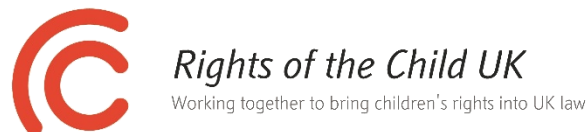
Guðríður Bolladóttir, Senior Legal Advisor, Iceland Ombudsman for Children





Closing Remarks from the Chair

Koulla Yiasouma, Northern Ireland Commissioner for Children and Young People



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