

Draft Principles for the Elaboration of an Optional Protocol to the UNCRC

About Together (Scottish Alliance for Children's Rights)

Together (Scottish Alliance for Children's Rights) is an alliance that works to improve the awareness, understanding and implementation of the UN Convention on the Rights of the Child (UNCRC) and other international human rights treaties across Scotland. We have over 600 members ranging from large international and national non-governmental organisations (NGOs) through to small volunteer-led after school clubs and interested professionals. The views expressed in this submission are based on wide consultation with our members but may not necessarily reflect the specific views of every one of our member organisations. Views expressed separately should also be taken into account.

Introduction

Together (Scottish Alliance for Children's Rights) welcomes the opportunity to comment on the [draft key principles for the development of an optional protocol to the UNCRC on free public pre-primary and secondary education](#). While members hold a range of views on the most effective mechanisms for strengthening the right to education, there is strong agreement that barriers to this right remain and that further action is needed.

We welcome the Draft Principles' focus on early childhood care and education, free public pre-primary education, free public secondary education and acknowledgment of lifelong learning. We also welcome the recognition of children's views and experiences as playing a central role in the development process.

Early childhood care and education

We encourage the Working Group to ensure that the rights of babies and the youngest children remain visible throughout the process.

The UN Committee on the Rights of the Child has emphasised that rights begin at birth and that early childhood represents a critical period for children's development and future outcomes.¹ Learning begins at birth and is closely connected to care, attachment, play, health, family and community support - it does not wait for a child to enter pre-primary education.

We welcome the proposed recognition under Principle 1 that the right to education includes early childhood care and education (ECCE). We note, however, that the title of the Draft Principles refers only to free public pre-primary and secondary education, whereas the mandate of the Working Group also refers to early childhood education. We encourage continued and explicit recognition of ECCE throughout the process to ensure that the rights of babies and the very youngest children are fully taken into account.

¹ CRC/C/GC/7/Rev.1

It is also important to recognise that parents, carers, families and communities play a fundamental role in supporting children's learning and development, particularly during the earliest years. Any future framework should recognise both the importance of accessible ECCE services in a more 'formal' sense, in addition to the role of states in supporting parents and carers.

Inclusive education

A key issue our members raise is that many children continue to face significant barriers in accessing their right to education. This includes disabled children, care experienced children, migrant children, and children from Gypsy/Traveller and Roma communities, recognising that many children have multiple intersecting identities. Children can experience unequal access to educational opportunities, reduced participation and disrupted educational journeys, ultimately affecting their development, educational outcomes and mental health, as well as a wide range of other rights.

For care experienced children and young people, members highlighted the importance of effective support at points of transition, including transitions from school to college and university.² Early planning, joined-up support, trusted relationships and clear information about available support can all be critical to supporting young people to access and stay in education, reducing dropout rates and supporting young people's mental health.

Members also highlighted the importance of ensuring that education systems are sufficiently flexible and responsive to the experiences and cultural contexts of children from Gypsy/Traveller and Roma communities, including through approaches that support inclusion, participation and continuity of learning.³

We encourage the Working Group to ensure that any future framework explicitly promotes equitable access, participation and outcomes for all children. We recognise that the Working Group has no mandate to duplicate or repeat other UNCRC provisions. As such, in the context of an Optional Protocol, the Working Group may wish to consider if this aim could be achieved via the preamble.

Quality and affordability

We welcome the consideration given to the availability and affordability of education at both pre-primary and secondary levels. We would also encourage consideration of the **quality** of education. Children are entitled to education that is available, accessible, acceptable and adaptable, and that meets their developmental needs.

Our members have highlighted that the concept of "free" education should be understood broadly. Financial barriers extend beyond nursery/school fees and can include the costs of transport, uniforms, learning materials, digital access, school activities and other associated

² The Hub for Success (no date). The Hub for Success. <https://hubforsuccess.org/> [Date accessed: 31.07.26].

³ STEP (no date). Step Knowledge Exchange Centre. <https://www.step.education.ed.ac.uk/> [Date accessed: 31.07.26].

costs.⁴ These costs can create significant obstacles for children and families experiencing poverty.

Data, monitoring and accountability

We encourage stronger recognition within the Draft Principles of the importance of data collection, monitoring and accountability.

Disaggregated data is essential to identify situations where children's rights may be at risk of being breached, and what actions are needed to address this. Without robust data, it is difficult for states to assess whether rights are being realised for all children, and where targeted policies and support may be needed.

Children's participation

We welcome the recognition in Principle 6 of the historic role that children have played in the development of these proposals.

The consultation process was an important 'first' as regards the UN's commitment to involve children in the drafting process. It is important that children's participation is not viewed solely as a "historic" contribution to the process. We encourage the Working Group to ensure that children have an active and ongoing role in future discussions, negotiations, implementation and monitoring. Particular efforts should be made to include the experiences and views of young children, including babies and those in the early years, as well as other groups who face barriers to participation. This should help to ensure that future proposals are grounded in lived experiences and reflect the diverse ways in which babies, children and young people experience their right to education as they grow up.

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⁴ Child Poverty Action Group in Scotland (2024). The Cost of the School Day Big Question Report. <https://cpag.org.uk/sites/default/files/2024-06/The%20Cost%20of%20the%20School%20Day%20Big%20Question%20report.pdf> [Date accessed: 31.07.26].