



*Together members' briefing*

## **Incorporation of the UNCRC and the Children & Young People (Scotland) Bill**

*July 2013*

### **1. Summary**

Together welcomes the Scottish Government's ambition and its proposal to embed children's rights across public services, particularly the intention for Ministers and public bodies to have greater consideration of children's rights. Elements of the Bill are strongly supported by Together, including the duty on Ministers to promote public awareness and understanding of the rights of children and the additional powers granted to SCCYP to undertake investigations into the extent to which service providers have regard to children's rights.

However, Together has concerns about the extent to which the overall policy objective of '*making rights real*' will be met by the provisions outlined in the Bill:

- The Scottish Government has not taken on board many of the views expressed in the consultation on Bill, in which public bodies, NGOs and academics called for a stronger, overarching child rights framework.
- The duty on Ministers included in the *Children & Young People Bill* '*to keep under consideration*'.... is a significant step back from the Scottish Government's original commitment and widely seen as 'ambiguous' and 'vague'.
- The Bill does not provide a coherent framework through which the rights enshrined in the UNCRC can be reflected in the planning, delivery and evaluation of policy-making and services.

In addition, there is a gap between the policy intention of embedding children's rights into services in Part 1 of the Bill and the duties on public bodies to plan services that promote wellbeing contained in Part 3.

To '*make rights real*', the Bill needs to embed an overarching framework of children's rights across national government through to children's services planning and professional practice. Incorporation of the UNCRC into Scots Law would provide this coherent framework. It would ensure that children are able to realise their rights, make certain that all new policies and legislation are developed and delivered in line with the UNCRC and make national and local government transparent and fully accountable to children.

Support for the incorporation of the UNCRC into Scots law continues to be widespread across Scotland. Research shows that one of the most significant effects of incorporation is in expressing the importance that a government places on children and their rights. Incorporation would set out the Scottish Government's aspirations and ambitions for future generations and demonstrate a real commitment to make Scotland the best place for children to grow up. It would:

- Promote an overarching children's rights framework that influences all areas of policy and practice.
- Encourage a culture change towards children's rights that would support the GIRFEC aim of putting the child at the centre and run throughout national law, policy and practice, and throughout families, schools, hospitals and wider society.
- More effectively realise the policy objectives of the *Children & Young People Bill* than the existing provisions included in the Bill.

This briefing is to inform Together's members' responses to the Education & Culture Committee's call for written evidence on the general principles of the *Children and Young People (Scotland) Bill*. It specifically looks at how the incorporation of the UNCRC into Scots law would better fulfil the Scottish Government's policy objectives than the existing provisions in the Bill.

## 2. Introduction

Together welcomes the Scottish Government's ambition and its proposal to embed children's rights across public services. The *Children and Young People (Scotland) Bill* could provide a once-in-a-generation opportunity to ensure that the principles of the UNCRC become a reality for all children and young people in Scotland.

The Scottish Government is clear that it wants Scotland to be *'the best place in the world for children to grow up'* and that a key aim of the *Bill* is to *'make rights real for children and young people'*. It aims to achieve this through a programme of change which will include the culture and practice of all services that affect the lives of children, young people and their families. If the Scottish Government's ambitions for the *Bill* were to be realised, it would have the potential to initiate a culture change whereby children's rights are at the heart of every decision made from national to local government and from teachers to parents.

However, Together has serious doubts as to the extent to which the provisions in the *Bill* will succeed in realising the policy intentions. The Scottish Government has not taken on board many of the views expressed in the consultation on *Bill*, in which public bodies, NGOs and academics called for a stronger, overarching child rights framework across all areas of national and local government. The UN Committee on the Rights of the Child has twice recommended that the UK Government takes measures to bring its legislation into line with the UNCRC.<sup>i</sup> A legal opinion from Aidan O'Neill QC commissioned by UNICEF UK is clear that it is within the powers of the Scottish Government and Scottish Parliament to directly and fully incorporate the UNCRC into Scots law in relation to devolved issues.<sup>1</sup> Together urges the Scottish Government to use this opportunity to incorporate the UNCRC into Scots law. Incorporation of the UNCRC into domestic legislation would promote the overarching rights framework needed to realise the Scottish Government's policy intentions. It would set out Scotland's aspirations and ambitions for future generations and demonstrate a real commitment to make Scotland the best place for children to grow up.

This briefing evidences how the incorporation of the UNCRC into Scots law will ensure the Scottish Government is successful in *'making rights real'*. It has been put together following wide discussion with a range of organisations across the voluntary and public sector. It also takes into account feedback from the Scottish Government's original consultation on the *Bill*. Together actively encourages its membership to consider the issues raised when submitting their responses to the Education & Culture Committee. This once-in-a-generation opportunity must realise its full potential: The *Children and Young People (Scotland) Bill* must really *'make rights real'* and ensure that the principles of the UNCRC become a reality for all children and young people in Scotland.

## 3. Incorporation of the UNCRC into law

Incorporation of the UNCRC into Scots Law would create a culture of respect for children and their rights. A recent UNICEF study revealed that the incorporation of the UNCRC not only influences the development and implementation of legislation, but is also crucial in fostering a children's rights culture.<sup>ii</sup> The study concludes that incorporation *"increases the likelihood that children are perceived as rights holders, and over time generates a culture of respect for children's rights."* An important consequence of putting children's rights into Scots Law would be the culture it would help to create. It would provide a strong signal from the Scottish Government that all levels of government - and society at large - must take the UNCRC seriously. It would lead the culture change needed to ensure the rights of children are always of a paramount consideration.

The Scottish Government themselves recognise the fundamental role of legislation in inspiring a step-change in Scotland's ambition for its children: *"While there is no one policy or initiative that can bring about the kind of*

---

<sup>1</sup> UNICEF UK (2012) Advice from Aidan O'Neill QC, Matrix Chambers on the ability of the Scottish Government under current devolved arrangements to fully and directly incorporate the UNCRC into domestic law

*change required, there is a fundamental role for legislation: to accelerate the progress that has already been made and to ensure a consistent structure within which services operate; to bring about a step-change in the way that all services support children and young people; and to inspire renewed debate and ambition for what Scotland's children and young people can expect.*<sup>viii</sup>

An example of this in practice is the development of equality law in Scotland and across the UK. This has effected real cultural change through the introduction of legal liability for public bodies, private bodies and individuals. Inclusion, equality of opportunity and anti-discrimination are now central principles of government policy and have been welcomed by Scotland at large. The Welsh Government reflects that the duty placed on Ministers to have '*due regard*' to the UNCRC has already resulted in a culture change and is having positive outcomes for children and young people. Since the introduction of the duty in 2012, there has been more commonplace participation of children and young people in developing policy across the Welsh Government, and a shift in the way Ministers consider children's rights alongside Welsh Government budgets<sup>iv</sup>.

The gradual reform of legislation in Scotland in different areas has led to inconsistent implementation of the UNCRC across local and national government and across a range of public bodies. In turn, this has led to uneven and inconsistent outcomes for different groups of children. Examples of this include children with a disability being disproportionately affected by funding cuts within local authorities and inconsistent access to advocacy for looked after children.<sup>v</sup>

As a result, support for incorporation of the UNCRC into Scots law continues to be widespread across Scotland. This was reflected in responses to the *Rights of Children and Young People Bill*<sup>vi</sup> consultation in December 2011. Despite there being no question in the consultation paper around the incorporation of the UNCRC into domestic law, 40% of all responses from children's organisations and 25% of all responses from public bodies (including several local authorities and NHS Boards) voiced their support for the full incorporation of the UNCRC into law. Only 6% of children's organisations and 4% of public bodies specifically expressed an opinion against full incorporation.<sup>vii</sup> 86% of children taking part in the Children's Parliament's consultation on the Bill said that the UNCRC should '*be like a law that people have to obey*'.<sup>viii</sup>

## **International experience**

International experience also shows that the primary value in incorporation isn't only of a legal nature but that it conveys the status of children and children's rights. This results in a culture change that then directly impacts on the application of children's rights principles in national law and policy.<sup>ix</sup> The Norwegian Government committed to incorporate the UNCRC because "*...incorporation is assumed to give the strongest signal that the Norwegian authorities take the Convention seriously.... and will strengthen the legal position of children.*"<sup>x</sup>

Aside from Norway, very many other countries have either directly incorporated the UNCRC or given it a prominent place in their domestic law. This includes European countries such as Belgium, Finland, France and Spain through to those more far afield such as Japan and Argentina. Belgium has established a well-founded legal framework for children's rights.<sup>xi</sup> Many other countries that have ratified the UNCRC do not need to incorporate it into domestic law as their international treaty obligations automatically form part of their domestic law or are otherwise domestically applicable and can be invoked in domestic courts. This is not the case in Scotland.

In the countries where there has been incorporation of the UNCRC, the recent international research showed that stakeholders were more likely to say that children were perceived as rights holders and that there was a culture of respect for children's rights. Moreover, it was variously reported that it gave politicians, public officials and non-governmental organisations who wanted to advance the cause of children's rights a '*hook*' or '*leverage*' that was particularly influential when it came to ensuring integration of the principles in domestic law and policy. Whilst incorporation provided opportunities for strategic litigation and this had been successful in a number of instances, its main value is in the general message that it conveys about the status of children and the knock-on effects for implementation of children's rights principles into domestic law and policy.

## 4. Incorporation - a framework for children's rights in Scotland

Incorporation would promote an overarching children's rights framework that influences all areas of policy and practice. The table below shows how incorporation would promote a coherent child-rights framework across the planning, delivery and evaluation of policy-making and services. This would encourage a culture change towards children's rights that would put children at the centre and run throughout national law, policy and practice, and throughout families, schools, hospitals and wider society.

Children & Young People Bill Provisions	Scottish Government policy objectives	What would incorporation add? <i>(further information is included in Appendix B)</i>
<b>Duties on Ministers in relation to the rights of children</b> (Part 1, Section 1, Subsection 1 a,b)	<i>"The Bill explicitly recognises the Scottish Ministers' responsibility to review their approach to implementing the UNCRC and to implement policies which they believe will support the effective realisation of children's rights where possible"</i> <sup>xii</sup>	<p><b>4.1. Systematic compliance with the UNCRC</b> Together welcomes the intention behind a duty on Ministers but this falls far short of a systematic compliance with the UNCRC across national and local government. Incorporation would:</p> <ul style="list-style-type: none"> <li>Place a binding commitment on Ministers and public bodies to effectively realise children's rights.</li> <li>Promote the routine use of child rights impact assessments across local and national government.</li> </ul>
<b>Duties on Ministers to report</b> (Part 1, Section 1, Subsection 3)	<i>"It is just as important that the key bodies involved in protecting and promoting rights properly understand the impact their work is having"</i> <sup>xiii</sup>	<p><b>4.2. Routine monitoring and reporting</b> Together welcomes the intention of duties on Ministers and public bodies to report on their implementation of the UNCRC. Together also welcomes the duties on public bodies to prepare, review, implement and report on children's services plans. However, these duties would not result in consistency in service provision. Incorporation would:</p> <ul style="list-style-type: none"> <li>Promote clear, consistent monitoring mechanisms across local and national government underpinned by child rights indicators.</li> <li>Ensure rights-based reporting mechanisms inform policy-making and children's services planning.</li> <li>Ensure measures taken to realise children's rights by local and national government are scrutinised and held to account.</li> </ul>
<b>Duties on Public Bodies to report</b> (Part 1, Section 2, Subsection 1)	<i>"Improved knowledge of the UNCRC is likely to result in an increase in its influence on the individual decisions being made by practitioners and decision-makers working with and for children."</i> <sup>xiv</sup>	<p><b>4.3. Awareness and understanding of the UNCRC</b> Together welcomes the duty on Ministers to raise awareness and understanding of the UNCRC. However, full incorporation would be more effective as it would:</p> <ul style="list-style-type: none"> <li>Ensure both Ministers and public bodies are aware of children's rights and their legal obligations when planning, commissioning, allocating new resources and developing new legislation, policy and practice.</li> </ul>
<b>Duties on public bodies on children's services planning</b> (Part 3, Sections 7-18)	<i>"An important opportunity to make rights more real for children and young people in Scotland. This means empowering children themselves to exercise their rights"</i> <sup>xv</sup>	<p><b>4.4. Redress for children and young people</b> Together welcomes the new investigatory power for SCCYP as a useful tool to resolve alleged violations of individual children's rights. However, it won't enable children to enforce their rights nor address all instances where they may wish to seek redress. Incorporation would:</p> <ul style="list-style-type: none"> <li>Enable children to seek redress through the courts when obligations are not met and progress cannot be made through other means.</li> </ul>
<b>Duty on Ministers to raise awareness and understanding of the rights of children</b> (Part 1, Section 1, Subsection 2)		
<b>New investigatory power for the Commissioner for Children and Young People in Scotland on cases or complaints brought by or on behalf of children</b> (Part 2, Sections 5-6)		

## 4.1. Systematic compliance with the UNCRC

Part 1 (Section 1) of the *Children & Young People Bill (Scotland) Bill* includes a duty on Scottish Ministers to "keep under consideration whether there are any steps which they could take which would or might secure better or further effect in Scotland of the UNCRC requirements" and "if they consider it appropriate to do so, take any of the steps identified by that consideration."

This duty on Ministers falls far short of ensuring systematic compliance with the UNCRC across national and local government. The duty is clearly a watering down of the duty proposed in the *Children & Young People Bill* consultation and a significant step back from the original *Rights of Children and Young People Bill*. More clarity is needed on what the duty would mean in terms of its influence on Ministerial decision-making. How would Ministers 'keep under consideration' what steps to take to further UNCRC? And what process Ministers would use to inform their decision of whether or not they 'consider it appropriate' to take steps identified by that consideration?

As well as being ambiguous, the duty makes no provision for public bodies to consider children's rights in the planning, implementation or reporting of services. It is questionable as to whether this duty would have any impact whatsoever in 'making rights real' for children and young people.

### What would incorporation add?

#### **A binding commitment on all Government departments and public bodies**

International experience shows that incorporation of the UNCRC would form the basis of a systematic and sustainable approach to improving children's rights in Scotland. It would give children enforceable rights and place a binding commitment on all Government departments and public bodies to protect, respect and promote them. It would ensure the systematic consideration of all children's rights in every piece of legislation and policy affecting children, through the routine use of child rights impact assessments across local and national government.

#### **Routine use of child rights impact assessments across local and national government.**

The routine use of child rights impact assessments is already ensuring the systematic consideration of the UNCRC in Wales. The Welsh Government reports that the Welsh Measure introduced in 2012 has had a positive impact on children's rights across policy, legislation and practice. Since the implementation of the measure, child rights impact assessments have been used as a matter of routine on policy and legislation including the Climate Change Commission, Housing White Paper and End Violence and Domestic Abuse Against Women White Paper. As a result, more guidance documents are making reference to the UNCRC and influencing how public bodies comply with the guidance issued. The Welsh Government believes that children, young people and their families will soon see the positive impact this is making, as organisations and those working with and for children become more aware of the UNCRC and its implications in their work<sup>xvi</sup>.

## 4.2. Routine monitoring and reporting

### **Scottish Government**

Part 1 (Section 3) of the *Children & Young People Bill (Scotland) Bill* includes a duty on Scottish Ministers to report to the Scottish Parliament every three years on the "steps they have taken in that period to secure better or further effect in Scotland of the UNCRC requirements".

There are however significant resource issues within Government itself. The Scottish Government only has one member of staff to work on substantive children's rights issues. The production of the Scottish Government's UNCRC monitoring report, *Do the Right Thing*<sup>xvii</sup> in 2009 and subsequent midterm report in 2012 were welcome. However, the lack of capacity within the children's rights realm within the Scottish Government has meant that these reports provide little evidence of strategic progress or clear outcomes. The reporting duties proposed in

the *Children & Young People (Scotland) Bill* would not add any consistency in service provision and would result in inconsistent accountability in reporting across government in terms of UNCRC implementation.

### **Public bodies**

Part 2 (Section 1) of the *Children & Young People Bill* includes a duty on public bodies to report on "*what steps it has taken in that period to secure better or further effect within its areas of responsibility of the UNCRC requirements*" every three years. It is questionable whether placing a duty to report on a body that has no statutory duties to further the implementation of the UNCRC will make any tangible difference. A public body would be able to fulfil this duty by reporting that no steps were taken to further its responsibility of the UNCRC requirements. This would make no difference to the lives of children and young people and is a very long way from the Scottish Government's commitment to 'make rights real'.

Part 3 (Section 13) of the *Children & Young People Bill* includes a duty on local authorities, health board and other services providers to publish an annual report on the extent to which "*children's services and related services [have been provided] in accordance with the children's services plan and that this provision has achieved the aims of the children's services plan*" and "*outcomes in relation to the wellbeing of children in the area as the Scottish Ministers may by order prescribe*".

There is a lack of consistency in placing two reporting duties on many public bodies, one on children's rights and the other on wellbeing. The UNCRC should be embedded with the aims of children's services planning listed in section 9(2) to explicitly ensure that the children's services in the area are provided in a way that best safeguards, support and promotes both the UNCRC requirements and the wellbeing of children. This would embed the UNCRC into culture and practice of Children's Services Planning whilst streamlining the reporting duties on public bodies.

### **What would incorporation add?**

#### **Clear, consistent monitoring mechanisms across local & national government underpinned by child rights**

Incorporation of the UNCRC would ensure mechanisms are in place across local and national government to consider children's rights in decision-making on a routine basis. This should include ensuring the GIRFEC SHANARRI indicators are underpinned with a clear set of child rights indicators.

#### **Ensure rights-based reporting mechanisms inform policy-making and children's services planning**

The Scottish Government could implement these duties by ensuring the GIRFEC SHANARRI indicators are underpinned with a clear set of child rights indicators. Reporting on the UNCRC would be embedded into the children's services planning process enabling public bodies to make evidence-based decisions on policy and practice.

#### **Measures taken to realise children's rights by local and national government are scrutinised and held to account**

The processes put in place by incorporation would result in consistency in reporting and accountability across local and national government. Record-keeping on the implementation of the government's duties would be considered and transparent. This would enable effective accountability to the Scottish Parliament and to civil society - including children and young people themselves.

### **4.3. Awareness and understanding of the UNCRC**

Part 1 (Section 2) of the *Children & Young People Bill* includes a further duty on Scottish Ministers to "*promote public awareness and understanding (including appropriate awareness and understanding among children) of the rights of children*". In its explanatory notes to the Bill<sup>xviii</sup>, the Scottish Government states that this provision has the effect of incorporating Article 42<sup>xix</sup> of the UNCRC into Scots law. Together welcomes this provision and recognises the impact it could have on '*making rights real*' to children if properly implemented. However, this duty alone does not encourage others within local and national government to proactively ensure they are aware of or understand the UNCRC.

### **What would incorporation add?**

#### **Ministers and public bodies aware of children's rights and their legal obligations**

The incorporation of the UNCRC would not just assure the Ministerial responsibility to raise awareness and understanding of the UNCRC, but would also confer responsibilities on public bodies to be aware of and understand the UNCRC. Public bodies would need to be aware of children's rights and their legal obligations towards children when planning, commissioning, allocating new resources and developing new legislation, policy and practice. Such a responsibility would raise awareness and understanding of the UNCRC more widely and at a faster pace.

#### **4.4. Redress for children and young people**

There is currently no legal method of ensuring that all the rights contained in the UNCRC are being upheld. The *Children & Young People (Scotland) Bill* will not change this, by providing no means of legal redress for children and young people facing violations of their rights. The new power for the Children's Commissioner in Part 2 of the Bill that allows for investigation of cases or complaints brought by or on behalf of individual children and young people will be a useful and important tool to resolve alleged violations of children's rights. However, this is not a formal legal process that would allow children and young people to enforce their rights. Incorporating the UNCRC into Scots law would make it applicable in the Scottish courts and would require judges to ensure cases affecting children are consistently interpreted in light of the UNCRC.

### **What would incorporation add?**

#### **Children able to seek redress through the courts when obligations are not met and progress cannot be made through other means**

Incorporation would create legal liability at all levels of government for the way in which they work with and treat children and young people. Children would be able to obtain redress through the courts when obligations are not met and where progress cannot be made through other means. This should not be used as an argument against incorporation - the real strength in incorporation is its power to effect cultural change and bolster challenges to policy and practice with the force of Scots law, without ever having to go to court. A cultural change within services and the provision of child-friendly complaints mechanisms would enable children to exercise their rights at a local level with few resource implications.

### **For more information, contact:**

**Juliet Harris**, National Development Manager

**Email:** [juliet@togetherscotland.org.uk](mailto:juliet@togetherscotland.org.uk) **Tel:** 0131 229 3666 **Web:** [www.togetherscotland.org.uk](http://www.togetherscotland.org.uk)

Together (Scottish Alliance for Children's Rights), Princes House, 5 Shandwick Place, Edinburgh, EH2 4RG

## Appendices:

### Appendix A: Summary of the Bill

This briefing concentrates on the provisions included in parts 1, 2 and 3 of the *Children and Young People (Scotland) Bill* as outlined below:

#### Part 1 - Rights of Children

Part 1 includes provisions for Ministers and a range of public bodies to have a greater consideration of children's rights as enshrined in the UN Convention on the Rights of the Child (UNCRC). It includes:

Duties on Ministers to:

- *'Keep under consideration'* their approach to the implementation of the UNCRC and to *'take steps'* which they believe are appropriate as a result of that consideration;
- Promote public awareness and understanding of the rights of children;
- Lay a report before the Scottish Parliament every 3 years detailing the steps taken to further the UNCRC.
- A duty on Public Bodies to:
- Publish a report every three years detailing the steps taken to further the UNCRC.

#### Part 2 - Commissioner for Children & Young People in Scotland

Part 2 gives an additional power to the Children's Commissioner to investigate cases or complaints brought by or on behalf of individual children and young people into the extent to which service providers have regard to children's rights in their decision-making and actions.

#### Part 3 - Children's Services Planning

Part 3 contains duties on children's services planning for public bodies that aim to ensure the full implementation of GIRFEC across Scotland and improve the wellbeing of children and young people. It includes:

Duties on local authorities and health boards to:

- Prepare a children's services plan every three years with input from other service providers (including the police, children's hearings, court service and others)
- Implement the children's services plan and keep it under review
- Report on the children's services plan every year, including what services have been provided and the extent to which it has achieved its aims.

The aims of a children's service plan include children's services being provided in a way that "*best safeguards, supports and promotes the wellbeing of children in the area concerned*" and that related services in the area concerned are provided in a way that "*safeguards, supports and promotes the wellbeing of children in the area concerned*".



## Appendix B: Parliamentary Timetable

**Lead Committee** Education and Culture

**Other Committees** Local Government and Regeneration Committee  
Finance Committee

### **Stage 1 written evidence deadlines**

Education Committee - closing date for written submissions is **26 July 2013**.

Finance Committee - closing date for written submissions is **24 August 2013**.

### **Stage 1 oral evidence dates**

<b>Date</b>	<b>Committee</b>	<b>Theme</b>
<i>3 September</i>	Education	General overview on the principles of the Bill and how it will work in practice
<i>4 September</i>	Local Government & Regeneration	Part 3 of the Bill
<i>10 September</i>	Education	Session to help the Committee understand children's and families' views on the main provisions of the Bill that would affect them
<i>17 September</i>	Education	Two panels: the first will examine the duty to secure a minimum provision of 600 hours per annum early learning and childcare; the second panel will scrutinise the implications of the named person for various organisations.
<i>24 September</i>	Education	Discussion of the Bill's provisions on kinship carers
<i>1 October</i>	Education	Discussion of children's rights and the named person duty from a civil liberties and rights perspective
<i>8 October</i>	Education	Session with the Minister for Children and Young People, Aileen Campbell MSP

**Stage 2** - late 2013

**Stage 3** - early 2014

### **Commencement dates**

<b>2014</b>	Duties on the Scottish Ministers relating to the UNCRC
	Duties on public bodies to report on the steps that they have taken to further children's rights
<b>2016</b>	Duties relating to GIRFEC
	Extending the power of Scotland's Commissioner for Children & Young People

## Appendix C:References

---

- <sup>i</sup> UN Committee on the Rights of the Child (2008) and (2002) Concluding Observations on the UK of Great Britain and Northern Ireland
- <sup>ii</sup> Lundy, L., Kilkelly, U. Byrne, B. & Kang, J. (2012). The UN Convention on the Rights of the Child: A study of legal implementation in 12 countries. Belfast, Northern Ireland: Queen's University Belfast
- <sup>iii</sup> Para 52. Scottish Parliament (2013) Children & Young People (Scotland) Bill Policy Memorandum
- <sup>iv</sup> Welsh Government (2013) Report on the compliance with the duty under section 1 of the Rights of Children and Young Persons (Wales) Measure 2011.
- <sup>v</sup> Together (2012) State of Children's Rights report
- <sup>vi</sup> Scottish Government (2011). Consultation on the Rights of Children and Young People bill
- <sup>vii</sup> <http://www.scotland.gov.uk/Publications/2012/02/8619/downloads> (accessed July 2012)
- <sup>viii</sup> Children's Parliament (2011) Rights of Children and Young People Bill: A response from children facilitated by the Children's Parliament
- <sup>ix</sup> Including Belgium, Norway, Cyprus, Finland, France, Portugal, Spain, Japan and Argentina.
- <sup>x</sup> Para 22. Government of Norway. (2004). Third Periodic Report of State Party (UN Doc: CRC/C/129/Add.1)
- <sup>xi</sup> <sup>xi</sup> Lundy, L., Kilkelly, U. Byrne, B. & Kang, J. (2012). The UN Convention on the Rights of the Child: A study of legal implementation in 12 countries. Belfast, Northern Ireland: Queen's University Belfast.
- <sup>xii</sup> Para 44. Scottish Parliament (2013) Children & Young People (Scotland) Bill Policy Memorandum
- <sup>xiii</sup> Para 47. Scottish Parliament (2013) Children & Young People (Scotland) Bill Policy Memorandum
- <sup>xiv</sup> Para 52 Scottish Parliament (2013) Children & Young People (Scotland) Bill Policy Memorandum
- <sup>xv</sup> Para 12. Scottish Parliament (2013) Children & Young People (Scotland) Bill Policy Memorandum
- <sup>xvi</sup> Welsh Government (2013) Report on the compliance with the duty under section 1 of the Rights of Children and Young Persons (Wales) Measure 2011.
- <sup>xvii</sup> Scottish Government (2009) Do the Right Thing
- <sup>xviii</sup> Para 7. Scottish Government (2013) Children and Young People (Scotland) Bill, Explanatory Notes (And Other Accompanying Documents)
- <sup>xix</sup> Article 42 reads: "State Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike."