



# **Report to the Board of SACR**

## **Future Structure for NGO Monitoring of the UNCRC in Scotland**

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## **About Ewart Communications**

Ewart Communications delivers a public policy and human rights consultancy service to the ‘not for profit’ sector. Established in 1997, it has worked with a range of charities, voluntary organisations and public sector organisations. Work includes communication audits, research, writing and editing reports, delivering training and devising influencing strategies.

## **Thanks To....**

**This report depended on the expertise and knowledge of a wide variety of people. In particular, I would like to thank the Board of SACR.**

## **1. Overview**

This Report was commissioned by the Scottish Alliance for Children's Rights (SACR) to identify how the NGO sector in Scotland can effectively contribute to the monitoring of children's human rights. If human rights are respected children's lives will be better. This project was commissioned as the UK Hearing on compliance with the UN Convention on the Rights of the Child (CRC) was taking place and was undertaken as the Concluding Observations (COs) from that Hearing were published. This Report is therefore informed by the reaction to the COs from Government, NGOs and public sector agencies.

The project was undertaken at a time of major change in Scotland as awareness of and focus on, human rights emerged on the public sector agenda. The key tasks undertaken by the consultant were:

- Attendance at a Child Rights Indicators Workshop, organised by Save the Children on 26th August 2008, on the appropriateness of developing child rights indicators in Scotland;
- Consultation with NGOs on role and extent of NGOs in monitoring arrangements at a meeting on 29th October 2008;
- Research into NGO monitoring arrangements in other countries;
- Monitoring human rights developments in Scotland; and
- Proposing a monitoring model for CRC in Scotland enabled by SACR.

This Report includes an overview of current arrangements for monitoring the CRC in Scotland, an examination of the potential of child rights indicators as a monitoring tool, an analysis of the Government and SCCYP's role and recommendations for a future SACR structure. This Report concludes that SACR should support and enable NGOs in monitoring government implementation of the UNCRC in Scotland, SACR should also work with the Government, the public sector and SCCYP on CRC implementation. A remit is set out in a second SACR report 'UN Convention on The Rights of the Child: Implications for Scotland 2008 – 2014' (2008). This following Report is targeted at SACR Board and members, agencies and individuals interested in the rights of children, the Scottish Government and SCCYP.

## 2. The Human Rights Framework in Scotland.

When the UK Government announced its intention to incorporate the European Convention on Human Rights (ECHR) into domestic law the prime motivation was to improve the delivery of public services. Ministers argued that human rights principles and standards would ensure better designed and targeted public services and that the public would notice a positive change in how those services were delivered and would, therefore, be empowered. Although the Human Rights Act 1998 was passed, and S6 requires all public authorities to comply with the ECHR, so far, the theory has failed to become explicit practice and there is little evidence that organisational culture has become human rights compliant. UK Ministers appear to be frustrated, for example the Parliamentary Under-Secretary of State for Constitutional Affairs, Vera Baird stated<sup>1</sup>

*‘The question is not whether those rights (human rights) and the values that they represent are the right ones, but what is the best way that they can be given expression and protection under our law, and how can we use them positively to add value in our day-to-day lives?’*

International compliance with human rights remains a reserved matter but in Scotland there are a range of duties held by the Scottish Government, the Scottish Parliament and public sector agencies. Independent bodies, such as Scotland’s Commissioner for Children and Young People (SCCYP), also perform a role. So far, SACR has focused on children’s rights which are defined in the CRC, but future direction and operations should make reference to the broader rights contained in the six Conventions ratified, thus far, by the UK and the changing institutional human rights environment in Scotland.

In 2008, the World celebrates the 60<sup>th</sup> Anniversary of the Universal Declaration of Human Rights (UDHR) which states that “everyone is entitled to the rights and freedoms set forth in this Declaration without distinction of any kind”.<sup>2</sup> Human rights are defined as economic, social, cultural, civil, political and environmental rights. All

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<sup>1</sup> House of Commons Debate on Human Rights, Hansard, 19<sup>th</sup> February 2007 column 68

<sup>2</sup> Article 2.

rights should have equal value. In Scotland there have been a number of events to mark this Anniversary, supported by the Scottish Human Rights Commission (SHRC) and the GB Commission for Equality and Human Rights. Unusually, therefore, the public sector has been explicitly encouraged to be involved in a debate about human rights implementation in Scotland and public sector duties.

Since the general declaration on human rights in 1948, the UN system has gradually acknowledged that particular vulnerable groups such as women and children need specific attention and particular issues, such as racial discrimination, require to be tackled in order to achieve equal enjoyment of human rights. The CRC is one of the six international human rights Treaties which has been ratified by the UK Government, which is a formal declaration that our Government agrees to be bound by its provisions. The other five which have been ratified by the UK are:

- International Covenant on Civil and Political Rights (ICCPR)
- Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Convention Against Torture (CAT)
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

The UK Government will soon ratify, with reservations, the UN Convention on the Rights of Persons with Disabilities (CRPD). All Conventions have implications for the human rights of children, as human rights are interdependent and indivisible and offer SACR further opportunities for the monitoring of our Government's obligations. For example, the UN Committee on Economic, Social and Cultural Rights will hold a Hearing on the UK Government's compliance in May 2009<sup>3</sup> and a number of issues are of specific interest to SACR such as child poverty. Also, recurrent themes arise such as the failure to gather adequate data to demonstrate compliance to the UN. For example, data gathering is on the "List of issues to be taken up in connection with the consideration of the fifth periodic report of the United Kingdom of Great

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<sup>3</sup> UK State report session will be held between 4<sup>th</sup> – 22<sup>nd</sup> May 2009

Britain and Northern Ireland concerning the rights covered by articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights”<sup>4</sup>.

The establishment of the Scottish Human Rights Commission (SHRC) in June 2008, provides an organisational focus on human rights which will inevitably raise the profile of human rights amongst the 10,000 public authorities in Scotland<sup>5</sup>. With a budget of £1m and staff now in post, it will consult on its Strategic Plan due to be published on 10<sup>th</sup> December 2008. Its powers include:

- Duty to encourage best practice in relation to devolved human rights. Human rights include the ECHR and the “other human rights contained in any international convention, treaty or other international instrument ratified by the United Kingdom”<sup>6</sup> So the duty to encourage best practice includes the CRC.
- In deciding what action to take, the Commission must have regard to the “human rights of those groups in society whose human rights are not, in the Commission’s opinion, otherwise being sufficiently promoted.”

Article 33 of the CRPD is an unusual provision in UN Human Rights Conventions as it requires States Parties to establish national monitoring arrangements. This has prompted the Scottish Parliament to adopt an Order extending the inquiry remit of the SHRC to CRPD<sup>7</sup>. The development of the GB Commission for Equality and Human Rights (EHRC) also offers opportunities for SACR as it can take up reserved human rights issues such as refugee families, has powers to tackle age discrimination and can award grants to voluntary organisations. It is currently consulting, via meetings and online, on its strategic plan, equality scheme and external funding strategy. The process involves two stages with the first closing on 7<sup>th</sup> December 2008.

## **Conclusion**

SACR draws on the policy and practice of its NGO members to inform its work. SACR adds value by informing NGOs of the human rights which can make a positive

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<sup>4</sup> (E/C.12/GBR/5, E/C.12/GBR/5/Add.1, E/C.12/GBR/5/Add.2), Para 6

<sup>5</sup> This figure is a minimum as the figure relates to only those bodies covered by the Freedom of information (Scotland) Act 2002 and not all public authorities are covered.

[www.itspublicknowledge.info](http://www.itspublicknowledge.info)

<sup>6</sup> Scottish Commission for Human Rights Act 2006 S2 (4) (b)

<sup>7</sup> Scottish Commission for Human Rights (Specification) Order 2008 was passed by the Scottish Parliament in October 2008

impact on the lives of children and uses its knowledge of policy and practice to help monitor implementation of CRC. SACR can work effectively with the SHRC, EHRC and SCCYP to ensure the prominence of children's rights in strategies and measures to secure human rights in Scotland.

### **3. Children's Rights Indicators**

Developing a Child Rights Indicators Framework is one consistent approach to monitoring compliance of CRC in Scotland. However, there is some doubt about whether this approach is realistic given the absence and sometimes explicit hostility to promoting children's rights in Scotland. Arguably, in a climate where adults are being encouraged and enabled to understand their human rights, then the rights of children will appear less threatening.

In August 2008, Save the Children organised a 'Child Rights Indicators Workshop' in Edinburgh, which was led by Sarah Lilley of Save the Children UK and Deena Haydon, who is a Consultant. Representatives from NGOs, the Scottish Government, SCCYP, HMIE and COSLA were in attendance. The event shared best practice and information including:

- Purpose of indicators;
- The value of using indicators as a measurement/performance tool;
- Difference between well-being, which is open to interpretation, and rights based indicators which are rooted in agreed, international law;
- How other countries have developed a child's rights indicators framework including Northern Ireland and Turkey.

A Rights based framework is unique as:

- It is directly related to and drawn from the CRC, which is a set of minimum rights held by every child.
- It does not just measure conditions of children's lives but their enjoyment of rights.
- It allows for local interpretation, as rights are often judged to have abstract values.

The event also enabled discussion about the process of adopting a Child Rights Indicators Framework, given the Scottish Government's willingness to consider how to move forward implementation of the CRC in Scotland in partnership with NGOs. Developing a framework should be a participatory, inclusive, empowering process and delivering the framework should follow similar principles. At the outset, agreement is needed on what information is required, for example whether you are

looking at children's actual experiences, specific age groups and time periods. The Framework approach also poses challenges including:

- CRC does not cover all relevant aspects of children's lives, such as emotional issues, so how are the other issues covered by the Framework?
- Should the focus of the Framework be broader than on children, for example whatever happens to parents/carers informs children's experiences?
- Agreeing a manageable set of indicators e.g. by prioritising.
- Adequacy of available data - accuracy, subject matter, ability to disaggregate data. Also, a need for qualitative and quantitative data.
- Assessing if there are minimum standards, and associated indicators, which can provide a baseline for progressive realisation of children's rights.
- Need for capacity building in order to use the Framework effectively.

## **Conclusion**

There is value in adopting a Child Rights Indicators Framework, but a number of barriers exist to its adoption as a monitoring tool in Scotland. These include the need to raise awareness of the CRC amongst Scotland's public sector as a precursor to developing a Framework. As the CRC is not explicitly included in the National Performance Framework and in the 32 Single Outcome Agreements, a Framework may be the easiest way to introduce consistent monitoring across the public sector. Yet there is no evidence that such a Framework will be welcomed: indeed it may be regarded as a further burden rather than a tool to assist. There is, therefore, scope for SACR to promote such a Framework as a tool for public sector compliance with CRC.

In terms of delivering a Framework, challenges include identifying and mapping existing data from the public and voluntary sectors and analysing existing data differently to understand the status of children's rights. Only then will a whole picture of children's lives in Scotland be established. It is suggested that progress can be made by piloting the Framework with a few agencies or in specific services.

## **4. NGO Role in Monitoring Implementation**

In order to understand how the NGO sector in Scotland can contribute to the monitoring of children's rights, it was agreed to examine practice in other countries. This work was constrained by limited resources but it is reasonable to draw out some key initiatives:

- the work undertaken by the UN to promote best practice in the implementation of human rights;
- specific work undertaken by the UN Committee on the Rights of the Child to promote compliance by countries; and
- lessons learnt by NGOs, as well as specific initiatives undertaken.

The purpose is to develop a new structure for NGOs and a menu of functions that best supports their role as independent agencies monitoring government implementation of the CRC in Scotland.

### **UN Enabling Implementation of Minimum Standards**

There is a plethora of manuals, toolkits, textbooks, information and benchmarks from the UN on a wide range of human rights which can be identified, and interpreted for Scottish NGOs such as:

- At the World Congress III against Sexual Exploitation of Children and Adolescents in Rio de Janeiro<sup>8</sup>, further benchmarks will be provided for assessing the performance of governments in protecting children from sexual violence. The UN is responding to the continuing high level of sexual exploitation of children in all regions of the world, particularly through the increased use of the Internet, other new technologies, and the mobility of perpetrators in travel and tourism.
- The Annual Report of the United Nations High Commissioner for Human Rights on the World Programme for Human Rights Education<sup>9</sup> outlines progress to date

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<sup>8</sup> Runs from 25th – 28th November and aims to mobilize all countries to take action to protect the rights of children and adolescents.

<sup>9</sup> Published in July 2008.

on the first phase, which has been extended by two years until December 2009. It has focused on human rights education in the school system and involves not only the integration of human rights in all educational processes and tools, but also the practice of human rights in the education system. One of the issues to emerge is about leading change through best practice. Therefore, in December 2008, the UN will launch a compendium of good practice from a variety of continents, including Europe.

- The Office of the High Commissioner for Human Rights (OHCHR), in co-operation with host governments, has organised regional and sub-regional workshops to follow up on implementation of the Convention and other Treaty Bodies' Concluding Observations, e.g. in Argentina and Costa Rica, and recommendations have been issued to the regions concerned.

### **UN Committee on the Rights of the Child (The Committee)**

The Committee has a range of materials which are designed to inform governments and States on implementing and monitoring implementation. Of particular importance to SACR is The Committee's interpretation of the content of CRC provisions, in the form of published General Comments on:<sup>10</sup>

- Children's Rights in Juvenile Justice (No. 10)
- The rights of children with disabilities (No 9)
- The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (No 8)
- Implementing child rights in early childhood (No. 7)
- Treatment of unaccompanied and separated children outside their country of origin (No. 6)
- General Measures of implementation for the Convention on the Rights of the Child (No. 5)
- Adolescent Health (No. 4)

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<sup>10</sup> The list begins with the most recent 'Comment' which reveals the areas of interest for the Committee. The general comments of all human rights treaty bodies are compiled in the document HRI/GEN/1/Rev.7.

- HIV/AIDS and the rights of the child (No. 3)
- The role of independent human rights institutions (No. 2)
- The aims of education (No.1)

As an independent alliance of non-governmental organisations, SACR is precisely the type of model promoted by The Committee in General Comment No 5. The Committee regards such an alliance as an important part of monitoring arrangements:

*“The Committee welcomes the development of NGO coalitions and alliances committed to promoting, protecting and monitoring children’s human rights and urges Governments to give them non-directive support and to develop positive formal as well as informal relationships with them. The engagement of NGOs in the reporting process under the Convention, coming within the definition of “competent bodies” under article 45 (a), has in many cases given a real impetus to the process of implementation as well as reporting.”<sup>11</sup>*

A further guide for NGOs in interpreting and thus monitoring compliance with CRC is the development of understanding of CRC provisions. Each year, the Committee hosts a day of General Discussion on a specific article/topic to generate a deeper understanding of the CRC. Representatives are invited to participate e.g. from Governments, NGOs, experts and, of course, children too. Subsequently, recommendations are published and are relevant to SACR e.g. ‘The child and the media’ and ‘The role of the family’.

### **Country Wide Approaches**

Implementation of the CRC in different countries has taken a variety of approaches. From the limited research undertaken, it would appear that there is no single model; rather NGOs have navigated a route dependent on the culture towards children’s rights and the predominant issues facing children within their country. Initiatives have also been dependent on devising solutions around available funding.

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<sup>11</sup> Para 59, Ibid

Progress on children's rights has been inconsistent across Europe, making replication more difficult. For example, over 25 years ago, Norway was the world's first country to establish an ombudsman for children, but Scotland waited until 2003; Sweden outlawed the physical punishment of children in 1979, but that has still not happened in Scotland. So Scotland's law and culture in respect of children is quite different and our challenges are, therefore, different too.

However, we can learn some lessons from other countries given their length of practice, such as the Swedish Government's strategic work to implement the CRC. In 1998 it launched 'Development of the National Strategy to Implement the UN Convention on the Rights of the Child'<sup>12</sup>, but had to revise the strategy in 2003<sup>13</sup> to be more prescriptive on the actions required of the public sector, for example in relation to training, use of child impact assessments, and expressing the child's perspective more clearly in the Government's budget. General statements of intent proved to be limited in delivering implementation of the CRC.<sup>14</sup>

There are interesting examples in Latin America, where civil society has been very active, such as in El Salvador where they have increasingly involved children in discussing resource allocations. Also, NGOs have been active in forming alliances such as REDLAMYC which is a regional network of national coalitions in Latin America. Latin American NGOs undertake a lot of interesting work, but it does not always get publicised due to the language barrier with English speaking regions. Nonetheless SACR can draw on a number of particular initiatives to develop its own implementation strategy for CRC and they include:

- In 1997 the Norwegian ombudsman took the initiative to establish a network for the 25 European countries that have ombudsmen for children, and founded ENOC—European Network for Ombudspersons for Children. The organisation is part of the Council of Europe and is based in Strasbourg. By working with SCCYP, this Network can be invited to offer examples of best practice which better fit the needs of Scotland.

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<sup>12</sup> Government Bill 1997/98:182

<sup>13</sup> Comm. 2003/04:47

<sup>14</sup> For a fuller description see "Strategy to Implement the UN Convention on the Rights of the Child, Ministry of Health and Social Affairs, Sweden No 6 March 2004.

- A guide prepared by the Canadian Coalition for Children's Rights in 2003: "Monitoring children's rights, a toolkit for community-based organizations"<sup>15</sup>. The Social Development Partnership Program funded this extensive Toolkit as part of the Government of Canada's commitment to advance the social priorities of children and their families e.g. by building knowledge and sharing information. SACR could undertake a similar exercise and produce a Toolkit.
- The Children's Institute in South Africa publishes the 'South African Child Gauge' which is a resource for government and NGOs. The Gauge aims to monitor and report on the situation of children in South Africa and progress made in realising their rights. Children in the context of HIV/AIDS was the central theme of the first edition, children and poverty the second and the third edition focuses on children's right to social services. The content is a mixture of research, data and analysis. As the UN has repeatedly identified a problem with data gathering to evidence compliance with CRC<sup>16</sup>, it would be very helpful for SACR to consider producing a similar publication or encourage the Government or a University to do so. The effect will be that the public sector better understands the barriers and the challenges to making children's rights real in Scotland.

## **Conclusion**

SACR has to decide what particular methods it will replicate from other countries which fit neatly into Scotland's existing culture on children's rights. It also needs to acknowledge what is already being done and done well – for example the existence of SACR is precisely what the UN Committee on the Rights of the Child expects of civil society. Also, the engagement with children and young people, by the Children's Parliament and the Scottish Youth Parliament, is very positive but there needs to be action on what is said to evidence that children's voices are being heard.

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<sup>15</sup> [http://www.rightsofchildren.ca/toolkit/english\\_toolkit.pdf](http://www.rightsofchildren.ca/toolkit/english_toolkit.pdf)

<sup>16</sup> For example see "Concluding Observations United Kingdom of Great Britain and Northern Ireland" pub October 2008 by the UN Committee on the Rights of the Child paras 6-7 CRC/C/GBR/CO/4

## 5. Monitoring Model

*“When a State ratifies the Convention on the Rights of the Child, it takes on obligations under international law to implement it. Implementation is the process whereby States parties take action to ensure the realization of all rights in the Convention for all children in their jurisdiction.”*<sup>17</sup>

Our Government has promised to implement the CRC but, as the recent Hearing in Geneva and the publication of The Committee’s Concluding Observations demonstrate, much remains to be done on general measures of implementation as well as on specific rights. Monitoring the CRC applies to the UK Government and then to the devolved administrations. The Committee also expects National Human Rights Institutions (NHRIs) to operate effectively and work with active alliances of civil society. Some independent monitoring is currently provided by SCCYP and by SACR, which has voluntarily assumed a role. This is the monitoring structure approved by The Committee but the challenge is to ensure that the monitoring is robust.

SCCYP was established by the Commissioner for Children and Young People (Scotland) Act 2003. The law was passed by the Scottish Parliament to give effect to the CRC and to drive up standards in the public sector. The Parliament was committed to the rights of children as the functions of the Commissioner are “to promote and safeguard the rights of children and young people”<sup>18</sup>. The Commissioner must “have regard to any relevant provisions of the United Nations Convention on the Rights of the Child.”<sup>19</sup>

SCCYP is an independent body appointed by the Scottish Parliament with a range of powers. The Committee regards SCCYP as a National Human Rights Institution (NHRI) and this is a term which may be applied to the SHRC. Compared to the SHRC, SCCYP is better funded, has more powers and has a clearer focus. It also enjoys a four year track record at a time when the SHRC has only just recruited a full

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<sup>17</sup> UN Committee on the Rights of the Child General Comment No. 5, Para 1

<sup>18</sup> Commissioner for Children and Young People (Scotland) Act 2003 S4(1)

<sup>19</sup> S5(2), *ibid*

staff complement and is about to begin a consultation exercise on its draft strategic plan for the next four years.

SCCYP is not allowed to take on individual cases but, under Section 7, can inquire into matters involving groups of children. The Commissioner has defined 'groups' as being two or more children in line with the definition in the Anti-Social Behaviour etc. (Scotland) Act 2004. This expansive approach to legal powers demonstrates the importance of the individual staff who work at SCCYP. Conversely, the Scottish Parliament resisted all attempts to include the right to take cases within the functions of the SHRC. So the SHRC is a weaker institution in this fundamental aspect. Both SCCYP and SHRC are regarded as NHRIs and should, therefore, meet the Standards contained in the Paris Principles which have been agreed by the UN<sup>20</sup>. The UN believes that

*“One of the most important functions vested in a human rights commission is to receive and investigate complaints from individuals (and occasionally, from groups) alleging human rights abuses committed in violation of existing national law. In order to properly carry out its tasks, the commission will usually be capable of obtaining evidence relating to the matter under investigation.”<sup>21</sup>*

SACR is rooted in civil society and its policy is based on practice. It is quite different from SCCYP so does not 'clutter' the human rights landscape. It has a role in monitoring implementation of CRC by drawing on the practice and day to day experience of its NGO members in order to improve CRC compliance. By ensuring effective communication of human rights standards and developments, identifying opportunities for joint working and co-ordinating activity, SACR can avoid duplication. This co-ordinating and facilitating role allows effective targeting of scarce human and financial resources.

## **Conclusion**

The Committee has stated that there should be 'active and systematic involvement of civil society' in delivering, implementing and monitoring the Convention on the Rights

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<sup>20</sup> Endorsed by the General Assembly in its resolution A/RES/48/134 of 20th December 1993.

<sup>21</sup> Fact Sheet No.19, National Institutions for the Promotion and Protection of Human Rights, Office of the High Commissioner for Human Rights

of the Child.<sup>22</sup> As there is no other civil society organisation taking on this role SACR, with its record of activity, has developed a niche.

While SCCYP is clearly a partner as well as a resource for SACR's future work, many challenges remain for the public sector and for civil society. In 2008, public policy, organisational culture and public attitudes are not yet grounded in a children's rights framework. A challenge for SACR is to acknowledge what hurdles exist to overcoming barriers to progress. Many adults would also argue that a rights culture is missing from public policy altogether and with that acknowledgement come opportunities for the building of strategic and operational alliances, so that adult and child human rights are regarded as interdependent rather than in conflict.

At the Hearing in Geneva, on 24<sup>th</sup> September, the Government assured the UN Committee on the Rights of the Child that plans were already underway to implement the Concluding Observations (COs) across the devolved administrations. That willingness is clear within the Scottish Government and SACR has a role in making the connection between the State and civil society in raising awareness about the COs, about the general detail of the CRC and positively promoting ways to comply. It must also act as a 'critical friend' of the public sector in Scotland, as the UN Committee on the Rights of the Child has confirmed that our Government has much to do to ensure compliance with CRC.

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<sup>22</sup> For example see paras 27 & 37, Ibid

## 6. Future Role of SACR – Conclusions and Recommendations

The Convention on the Rights of the Child (CRC) is the most widely ratified international human rights instrument, with 193 States Parties. The UK Government has ratified the CRC and so assumes specific obligations, which our Government understands: “The United Kingdom will not ratify a treaty unless the Government is satisfied that domestic law and practice enable it to comply.”<sup>23</sup>

The CRC gives non-governmental organisations (NGOs) a role in monitoring its implementation.<sup>24</sup> SACR is committed to a children’s rights approach to policy and to the design and delivery of services which have an impact on children. SACR is committed to developing a culture where children are regarded as holders of rights in Scotland. ‘Rights’ is the key word, as it identifies children as the holder/owner of human rights and acknowledges the resulting obligations on the State, on adults and on children. ‘Rights’ are quite specific and empower children, as they have a view on whether or not their right is being respected. For organisations and governments that prefer policy to focus on well-being and welfare, as they define it, and delivered at their chosen pace, this approach represents a significant shift in organisational culture, in individual attitudes, in policy and in service design and delivery. For example, Article 23 of the CRC gives a disabled child the right ‘to live in conditions which promote self-reliance and facilitate the child’s active participation in the community’. Yet there can be a gap between the principle, the practice and the individual’s experience plus both children and the public sector are generally unaware of the precise nature of CRC rights and obligations.

There are many children’s organisations<sup>25</sup> in Scotland, both at national and local level, as well as organisations for which children are an explicit or an included target group in their work, particularly around single issues such as mental health. The challenge for SACR is to add value to their work by carving a distinctive human rights role. Adding value to a diverse organisational sector within civil society is a

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<sup>23</sup> UK National Report to the UN Human Rights Council, March 2008, para18

<sup>24</sup> Article 45a.

<sup>25</sup> Term covers charities and voluntary organisations

challenge as some organisations will have extensive policy and service teams whereas others will operate on a small budget and rely on volunteers.

SACR should provide a menu of functions which appeal to a range of needs rooted in a Children's Rights Framework. SACR can give minimum rights in the CRC further meaning via knowledge gained from the Special Sessions of the General Assembly and the UN Committee on the Rights of the Child's General Comments and 'Days of General Discussions'. Sharing that intelligence, as well as adapting and publicising the many resources available from the UN, clearly demonstrate the added value of SACR and support a case for a staff member to perform a policy role. This expertise is also of great value to the public sector, as SACR can assist with implementation rather than being perceived as solely highlighting deficiencies.

As a broad alliance of NGOs, SACR already fulfils a role envisaged by the UN Committee on the Rights of the Child. The Committee recommends that Governments provide non- directive support which does, of course, include the provision of general funding. In order for CRC and the UK's Concluding Observations to be effectively monitored and implemented, there is a need for an alliance of children's organisations to explicitly give the Government support in its task and to work with independent NHRIs so that their powers and funding are effectively invested and targeted. This is a pro-active and reactive function for SACR.

With anticipated limited resources, SACR needs to focus on a small range of actions. It can also draw on the resources of NGOs by alerting them to the COs which relate to their specific areas of interest and then disseminate relevant information and best practice. By enabling and encouraging specific NGOs in Scotland to act, SACR can secure improved implementation of the COs in Scotland.

At the SACR open meeting on 29th October 2008, which was only attended by representatives of civil society, there was discussion about the role of SACR and its future work. There was some consensus about the purpose of SACR over the next few years:

- To work for a Scotland in which the rights and obligations of children are correctly understood and fairly applied, so that children notice a difference in their daily lives and experiences.
- To empower civil society in using a Child Rights Indicators Framework for policy and service design and delivery.
- To facilitate the adoption of legislation and policies which respect and deliver the rights of children – locally and nationally.

There was also agreement about the tasks to be undertaken by SACR:

- Awareness raising – of the CRC and Good Practice
- Training
- Evidencing the change of having a UN Convention on the Rights of the Child
- Development of national advocacy framework
- Critique on implementation of UNCRC
- Production of NGO report and dissemination for 2014

It was agreed that now is a good time to fundamentally review SACR and clearly define a role which adds value to the voluntary sector and civil society in Scotland.

In respect of the structure of SACR, it was agreed that partnership with the public and private sectors is important, as is the need to increase membership. The public sector could be invited to become supporters of SACR and benefit from its support and guidance on implementation of the CRC. SACR can perform a co-ordinating role between civil society, the Scottish Government, SCCYP and SHRC, but is not a gatekeeper. SACR must avoid duplication of work with any other body such as SCCYP. SACR should work in partnership with NGOs outwith Scotland to develop breadth and depth to its work.

Work to secure a strong future for SACR is crucial at this time so, in the next three months, the Board should focus on:

- Developing a three year business plan.
- Securing core funding to ensure survival and sustainability from the Scottish Government. The core funding must include the employment of staff.

- Enabling growth and ensuring an independent voice by exploring funding opportunities, such as from Lloyds TSB and, in April 2009 seeking funding when applications are invited from the GB Commission for Equality and Human Rights.
- Exploring the piloting of a limited number of Children's Rights Indicators with a few local authorities in Scotland.

The core challenge for SACR is to continue to work with the Government to ensure an improved understanding amongst the public sector of the COs on CRC implementation and what actions now need to be taken to ensure compliance. That task involves staff and so the drafting of a business plan and a strategy to achieve funding is necessary for SACR to develop and flourish. With broader developments on human rights in Scotland, and the Government's renewed commitment to implementing the CRC, the environment in which SACR now operates is more positive, thus creating more developmental opportunities.

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