

Members of the UNCRC Incorporation Group

Bruce Adamson (Children and Young People's Commissioner, Scotland)

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

Katie Boyle (Stirling University)

Laura Lundy (Queen's University, Belfast)

Dragan Nastic (UNICEF, UK)

Kasey McCall-Smith (Edinburgh University)

Simon Hoffman (Swansea University)

Ursula Kilkelly (University College Cork)

(Invited) Kirsten Sandberg (Jurist and CRC Committee member)

Staff (secretariat):

Sarah McDermott and Máire McCormack (CYPCS)

UNCRC Incorporation Advisory Group

Terms of Reference

The TOR was discussed at the first meeting on Friday 26th October 2018, and approved via email.

Context:

The UNCRC enshrines obligations in international law, but since ratifying it in 1991, the UK has yet to incorporate the CRC into domestic law. This is despite longstanding calls from UN treaty bodies, civil society, and children and young people to incorporate the CRC.

There is a unique opportunity in Scotland to take action to better protect children's rights, enriched by a decade of debate on how best to do so. This has dated back to support for Baroness Walmsley's Children's Rights Bill in 2009 in the House of Lords, and has continued throughout consultations on the Rights of Children and Young People (Scotland) Bill in 2011; the Children and Young People (Scotland) Act; the First Minister's Advisory Group on Human Rights and recent Programme for Government commitments.

The Scottish Parliament has a majority of political support for UNCRC incorporation, but progressing a Bill through this current Parliamentary session¹ will require some focused and intense work. This needs to be done as a matter of urgency.

The Group

The UNCRC Incorporation Advisory group is a short life advisory group, independent of Government, to be convened from October to December 2018.

¹ The current Parliamentary terms end in 2021

Purpose

To work with CYPCS / Together (Scottish Alliance for Children's Rights) to develop a model of UNCRC incorporation for Scotland in line with UN Committee definition as per General Comment No 5.

Membership

The membership will be comprised of experts in the field of children's rights with an understanding of the implications and technicalities of incorporation of the UNCRC into domestic law, a familiarity with international models of incorporation and expertise in devolution.

Outputs

- produce a draft model to lead to a draft Bill to incorporate the UNCRC into Scots law
- provide an outline of the supporting statutory guidance needed to accompany the draft Bill

Secretariat

Staff from the Children and Young People's Commissioner's office and Together (Scottish Alliance for Children's Rights) will act as Secretariat. The Secretariat will provide support to the group in the form of briefings, research material and advice on strategy and approach. Administrative support - including arranging meetings, writing and providing agendas /minutes etc - will be the responsibility of the Secretariat.

Reference Group

There is an expectation that a Reference Group will be established, comprised of legal advisors in order to provide support about the practical implementation of the proposed model in Scotland.

Timescale

The group will 'meet' over two months (i.e. until the December Parliamentary recess).

At the last meeting, the group will decide if further work is required beyond December and if so what their roles might be.

Meetings will be held at the Children and Young People's Commissioners' office. Audio and/or video conferencing facilities will be provided.

Communications

Communication will be ongoing for the lifetime of the work via email or electronic file sharing platforms.

Approved minutes of the meeting will be published within one month of meetings on the Children and Young People's Commissioner Scotland website.