



# An Introduction to Children's Rights and Rights-based Approaches

## State of Children's Rights Webinar Series

*Monday 11<sup>th</sup> October 2021*

Website: [www.togetherscotland.org.uk](http://www.togetherscotland.org.uk) Follow us on Twitter! @together\_sacr





## Together (Scottish Alliance for Children's Rights)

*An alliance of 100 NGOs and 300+ individual 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.

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## Webinar aims

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- **Information gathering** for Together's 2021 State of Children's Rights Report.
- Responding to member **information needs** identified in our survey.
- A chance to learn from the experiences of other organisations and individuals.



# Webinar format

- Presentation on children's rights and the UNCRC - **Together**
- Presentation on child rights-based approaches – **CYPCS**
- Q&A
- Screen break and energiser
- Breakout room discussions
- Feedback from breakout rooms



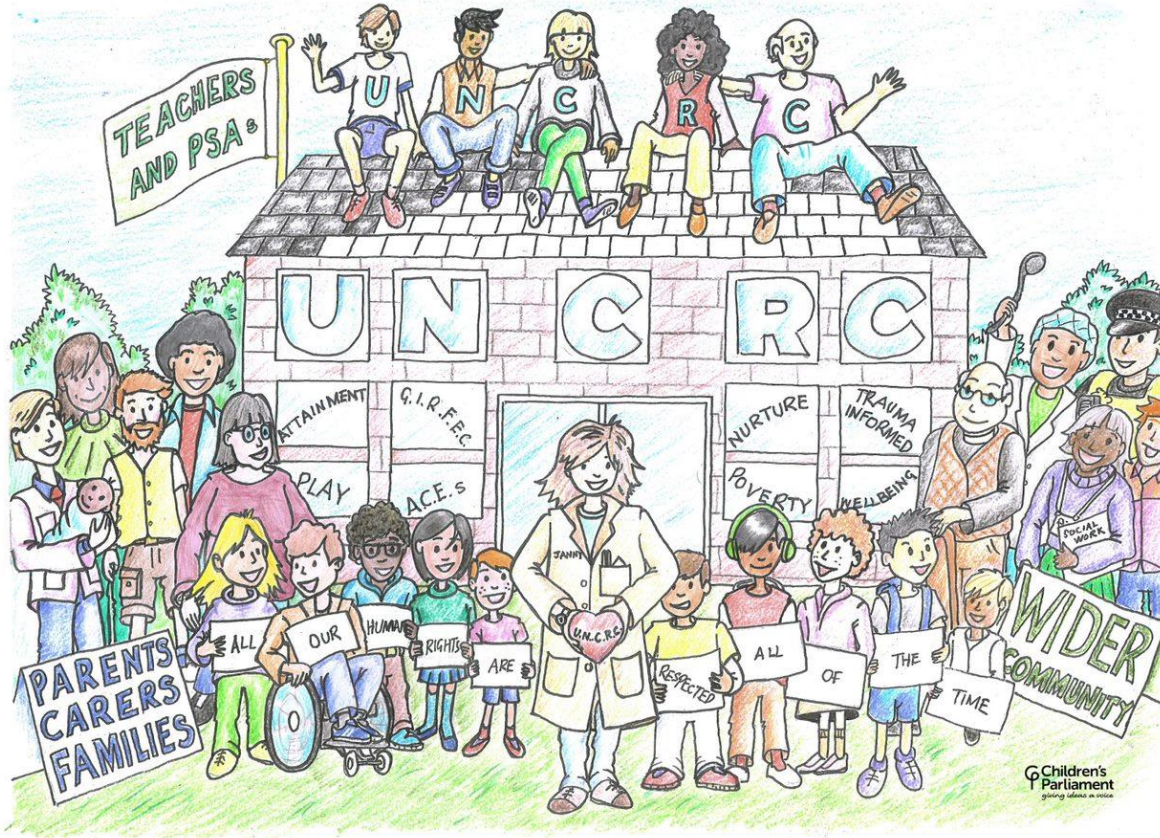


# **“Children’s human rights, the UNCRC and incorporation”**

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

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# The UNCRC - covering every aspect of children's lives



- **Universal** – rights are for ALL children, regardless of race, religion, abilities or family circumstances
- **Unconditional** - all children are entitled to rights
- **Inalienable** – rights cannot be given or taken away
- **Inherent** – rights are permanent
- **Indivisible** - rights are completely interdependent and depend on each other for their effectiveness

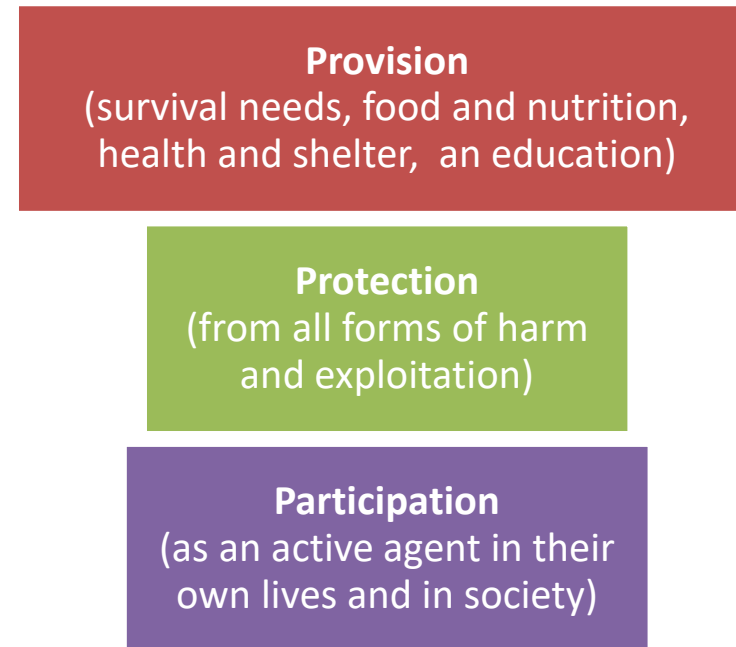
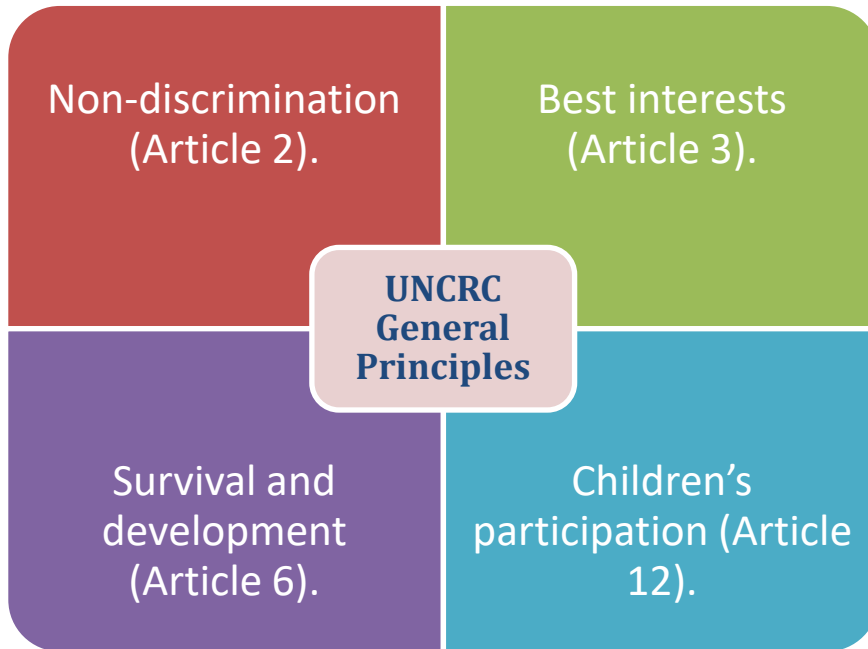


# The UN Convention on the Rights of the Child (UNCRC) 1989



“..recognising that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding”.

*UNCRC Preamble*



## What is incorporation?

“Incorporation should mean that the provisions of the Convention can be directly invoked before the courts and applied by national authorities and that the Convention will prevail where there is a conflict with domestic legislation or common practice.”

UN Committee on the Rights of the Child  
General Comment No. 5

Bringing international human rights into domestic law to ensure:

- Rights are binding rather than guiding and can be enforced through the courts.
- All levels of government apply the rights in legislation, policy and practice.
- Rights provide an overarching legal framework through which all other decisions are made.

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

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fGC%2f2003%2f5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fGC%2f2003%2f5&Lang=en)





# Incorporation: bringing rights into reach!

- UN Convention on the Rights of the Child (Incorporation) (Scotland) Bill passed unanimously by the Scottish Parliament on 16<sup>th</sup> March 2021.
- Bill challenged by UK Government on legislative competence grounds.
- Scottish Government remains committed to incorporation and work towards implementation continues.



# UNCRC (Incorporation) (Scotland) Bill

## A pro-active approach

- Protects the UNCRC rights of all children under 18 years old (s.1).
- Public authorities must act compatibly with UNCRC (s.6).
- Children's Scheme: participation, awareness, budgeting and child rights impact assessments (s.11-13).
- Duty on Ministers to conduct Child Rights & Wellbeing Impact Assessment (s.14).
- Compliance reports by Ministers and public authorities (s.15-16).
- Scrutiny by children, young people, Children and Young People's Commissioner, Scottish Parliament, civil society.

## Challenging breaches

- Children and young people can complain if they think their rights aren't being protected (s.7).
- Courts can decide if laws follow the UNCRC (s. 18-21).
- The Children and Young People's Commissioner will be able to help if someone wants to complain their rights are not being protected (s.10).
- A court could tell an organisation to change what they are doing, if the court agrees that they are not protecting children's rights properly (s. 18-21).
- No time limits on proceedings until children reach the age of 18 years old (s.7).







# **“A child-rights based approach”**

Lewis, Young Adviser  
Bruce Adamson, Children and Young People's Commissioner Scotland



# Q&A Session

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

Bruce Adamson, Children and Young People's Commissioner Scotland