

Listed authorities under section 19 UNCRC (Incorporation) Scotland Act



Response from Together (Scottish Alliance for Children's Rights)
to Scottish Government's call for views on updating section 19 of the UNCRC
Incorporation (Scotland) Act

August 2026

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.

Together (Scottish Alliance for Children's Rights) welcomes the opportunity to comment on proposals to amend section 19 of the UNCRC (Incorporation) (Scotland) Act 2024. This section lists public authorities required to report every three years on actions taken and planned to embed children's rights.

Qualifications Scotland and HM Chief Inspector for Education

We support the proposal to add Qualifications Scotland and His Majesty's Chief Inspector of Education in Scotland to the list of authorities required to report. This is a necessary update, both to reflect the replacement of the Scottish Qualifications Authority by Qualifications Scotland and to ensure that the new education inspection function is brought clearly within the section 18 reporting duty.

Consideration of further bodies

We would also encourage Scottish Government to use this opportunity to explore whether further bodies should be added to the section 19 list. In particular, we would welcome consideration of adding the Scottish Prison Service (SPS).

As noted in our Stage 3 evidence, SPS has a significant role in giving effect to children's rights. While often viewed as an adult service, it has a leading role to play in relation to the best interests of the child (Article 3 UNCRC), children's relationships with their parents (Article 9), respect for the views of the child (Article 12), supporting children unable to live with their parents (Article 20) and youth justice (Article 40). We note the previous reassurance that, as an Executive Agency, SPS would fall within the scope of reporting under the Children's Rights Scheme. However, evidence from members continues to suggest that implementation remains uneven in practice. Given the importance of SPS functions for children and families, and the need for clear and transparent scrutiny of progress, we would encourage Scottish Government to revisit whether express inclusion in section 19 would now be appropriate.

Separately, we would note that express listing does not on its own guarantee consistent practice: members report that the Scottish Courts and Tribunals Service and policing bodies, despite being named in section 19, engage with their UNCRC duties primarily in relation to children directly involved in youth justice processes, rather than the wider group of children affected by their decisions. We raise this as a broader implementation concern for Scottish Government's attention, distinct from the specific case for adding SPS. Given SCTS and policing bodies' first section 19 reports should be published imminently, we would encourage Scottish Government to review these reports specifically for evidence of whether they engage with the wider group of children affected by these bodies' functions - not only those directly involved in youth justice - and, if that gap is confirmed, to consider steps to address it.

We would also welcome further consideration of the position of other HM Inspectorates. In particular, HM Inspectorate of Constabulary in Scotland and HM Inspectorate of Prisons for Scotland do not currently appear in the section 19 list, notwithstanding that their functions may have significant implications for the rights of children and young people. We recognise, however, that different constitutional and accountability arrangements may be relevant for certain HM Inspectorates. For example, some bodies are accountable to Scottish Ministers, while others operate within frameworks intended to preserve prosecutorial independence. Where such arrangements are considered to justify exclusion from section 19 reporting requirements, it may be helpful for Scottish Government to explain this rationale.

More broadly, Scottish Government may wish to consider whether there are alternative mechanisms through which bodies that fall outwith section 19, but whose functions are relevant to children's rights, could report on their UNCRC implementation as part of their existing accountability arrangements – for example, how HM Inspectorate of Prosecution could report on UNCRC implementation as part of its existing reporting requirements to the Lord Advocate.

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