

# Progressing the Human Rights of Children in Scotland: A Report 2021-2024

November 2024



# Ministerial Foreword



As Minister for Children, Young People and The Promise, I am delighted to share this report which provides an update on Scottish Government's actions to support and promote the rights of children over the last three years.

In our [2021-2024 Action Plan - Progressing the human rights of children in Scotland](#), the Scottish Government shared a vision of a Scotland where children's rights are respected, protected, and fulfilled.

The Action Plan set out a number of priorities:

- to incorporate the United Nations Convention on the Rights of the Child (UNCRC) to the maximum extent possible as soon as practicable;
- to enable all children in Scotland to be aware of and understand their rights;
- to ensure all children in Scotland experience public services consistently upholding their rights; and
- to bring about a fundamental shift in culture about children's rights.

Those priorities were informed by views that children and young people shared during the [2019 consultation](#) on the proposed United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill (the "UNCRC Bill"). When Royal Assent for the Bill could not be achieved due to a referral to the Supreme Court, and while the Bill was amended, the Scottish Government continued to focus on embedding children's rights into practice.

The contributions of children and young people have been key to: the reconsidered UNCRC Bill finally receiving Royal Assent in January 2024; the progress that we have made in laying the groundwork for the commencement of the duties; and in progressing other priority issues detailed in our [initial response to the UN Committee's Concluding Observations](#) in March.

The UNICEF UK representative on our [UNCRC Strategic Implementation Board](#) told the Board in September that no other country in the world had done more to embed children's rights than Scotland. We should all be proud of what we have collectively achieved.

The commencement of the [United Nations Convention on the Rights of the Child \(Incorporation\) \(Scotland\) Act 2024 \(the "UNCRC Act"\)](#) and the work outlined in this report are significant achievements. However, the journey does not end here.

There is still more we can and should do to support UNCRC implementation in Scotland and ensure that our children and young people – particularly those whose rights are most at risk – benefit from extended protection of their rights, both now and in the future, and that they are supported to realise their full potential.

We will continue to build on this solid foundation through new commitments that will be set out in the Children's Rights Scheme mandated by the UNCRC Act. That Scheme will set out the arrangements that the Scottish Ministers have made, or propose to make, to comply with their obligations under the section 6 compatibility duty in the UNCRC Act and to secure better or further effect of the rights of children. Engagement on this is currently underway with our key stakeholders in the children's rights sector and with children and young people. I look forward to sharing that with Parliament early next year.

In the meantime, I would like to thank Scotland's children and young people for their hard work and dedication, along with our public authorities, civil society, communities, schools, and parents and carers, who all play an equally critical role in helping children understand and experience their human rights.

## Contents

Introduction .....	5
Purpose of report .....	5
Scotland's UNCRC Implementation Programme .....	5
Theory of Change .....	6
The Scottish Government's reporting duties .....	7
Progressing the Human Rights of Children in Scotland: An Action Plan 2021-2024 – End of Plan Report .....	8
Strand 1: Scottish Government leadership for children's rights .....	9
Strand 2: Empowering children and young people to claim their rights .....	13
Strand 3: Embedding children's rights in public services .....	17
Strand 4: Children's Rights Resolution.....	21
Conclusion .....	25

## Introduction

The Scottish Government's aspiration is for Scotland to be the best place for children to grow up. Our vision is a Scotland where children's human rights are embedded in all aspects of society, and where policy, law and decision-making take account of children's rights as set out in the United Nations Convention on the Rights of the Child (UNCRC) – which has now been incorporated into Scotland's domestic law.

Our [National Performance Framework](#) (NPF) sets out a number of National Outcomes that describe the kind of Scotland that we are all working towards. Children's rights, within the broader context of human rights, are at the heart of the NPF, which includes a 'Children and Young People' Outcome:

- We grow up loved, safe and respected, so that we realise our full potential.
- We respect, protect and fulfil human rights and live free from discrimination.

However, none of the National Outcomes exist in isolation and all of the National Outcomes are relevant to promoting the rights and wellbeing of children and young people. For the 'Children and Young People' outcome to be realised, a children's human rights approach must be embedded into the institutions which govern and deliver public services for the people of Scotland.

## Purpose of report

This report provides an update on the delivery of commitments outlined in the Scottish Government's [Action Plan 'Progressing the human rights of children in Scotland: Action Plan 2021 to 2024'](#). It is structured to align with the four strands of the Scottish Government's UNCRC Implementation Programme (described in further detail below) and provides an update on the progress we have made in relation to the priorities listed within each strand, as outlined in the 2021 Action Plan.

## Scotland's UNCRC Implementation Programme

The United Nations Convention on the Rights of the Child (UNCRC) sets out the civil, political, economic, social and cultural rights to which all children are entitled, regardless of their circumstances. We committed to a three-year implementation programme from 2021-2024 to further embed the UNCRC in the delivery of public services in Scotland.

The UNCRC implementation programme builds on a proud tradition of promoting children's rights in Scotland. Children's rights are embedded in how public services are delivered through specific pieces of legislation and policy, such as the [Children and Young People \(Scotland\) Act 2014](#) (the 2014 Act) and '[Getting it right for every child](#)' (GIRFEC), our national approach to improving outcomes and supporting the wellbeing of children and young people. These initiatives, among others, have been essential milestones in Scotland's path to UNCRC incorporation.

The UNCRC Strategic Implementation Board, established in July 2021, has provided strategic vision and oversight of this comprehensive and joined-up implementation

programme. The Board includes representation from leaders in the children's rights sector, public authorities and the wider third sector. Across the range of members, are those who represent both the views of duty bearers and the views of rights holders. Minutes of the Board's meeting are available on the [Board's website](#).

The UNCRC Implementation Programme has been led by the Children's Rights Unit in the Scottish Government. However, responsibility for taking forward children's rights is mainstreamed across all areas of the Scottish Government including Health, Education, Justice and Equalities. Further information on the progress we have made in embedding children's rights across policy areas can be found in the Scottish Government's [Initial Response to the UN Committee on the Rights of the Child's Concluding Observations for the UK State party \(March 2024\)](#). The [Concluding Observations](#) were published in June 2023 following the UN Committee's interactive dialogue with the UK in May 2023. Our Initial Response to the Concluding Observations includes a range of actions relevant to the six priority areas identified by the UN Committee for action, which (in the Committee's own words) are: non-discrimination; abuse, neglect, and sexual exploitation and abuse; children deprived of a family environment; mental health; asylum-seeking, refugee and migrant children; and child justice.

## Theory of Change

To support planning for implementation, we funded a project to develop a '[Theory of Change for Making Children's Rights Real in Scotland](#)'. The development of this theory was led by the Observatory of Children's Human Rights, Public Health Scotland and Matter of Focus, in collaboration with a wide range of stakeholders.

The [final report](#) and [summary report](#) were published in June 2022 and set out key change processes for embedding a children's human rights approach to public sector policy and delivery. Four broad themes of change were identified:

1. Policy: building a policy, administration and budgetary framework that helps children's rights to be realised;
2. Capacity: building cross-sector capacity and capability to integrate rights-based ways of working;
3. Culture: building a culture of respect for children's rights by changing attitudes, norms, values, and everyday actions; and
4. Empowerment: building a system of information, advocacy, complaints, redress, and effective remedy that empowers children and young people to claim their rights.

The Theory of Change describes the system change required to help ensure that children's rights can be realised in Scotland. It will continue to guide and shape the Scottish Government's approach to UNCRC implementation, delivery and monitoring.

## The Scottish Government's reporting duties

This is the third report that has been compiled on the Scottish Government's progress in embedding children's rights. Earlier reports were laid before the Scottish Parliament in accordance with the reporting duties on Scottish Ministers under section 1(4) of the Children and Young People (Scotland) Act 2014. These duties required Ministers to keep under consideration how they could secure better or further effect for children's rights and take account of children's views, and to report to the Scottish Parliament every three years on relevant progress and their plans for the subsequent three-year period.

The first report – [Progressing the Human Rights of Children in Scotland: A Report 2015-2018](#) – was laid before the Scottish Parliament in December 2018, and the ['Progressing the Human Rights of Children in Scotland: An Action Plan 2018-2021'](#) was published alongside it.

The second report – ['Progressing the Human Rights of Children in Scotland 2018-2021'](#) – was laid before the Scottish Parliament in November 2021, and alongside it the accompanying [Action Plan](#) on which this report is based.

The reporting duty under which the previous reports were laid before the Scottish Parliament is now supplanted with the requirement for a Children's Rights Scheme under sections 14 to 16 of the [United Nations Convention on the Rights of the Child \(Incorporation\) \(Scotland\) Act 2024 \(the Act\)](#). This requires the Scottish Ministers to make a scheme, to be known as the Children's Rights Scheme (the Scheme), which sets out the arrangements that they have made, or propose to make, to ensure that they comply with the compatibility duty under section 6 of the Act and to secure better or further effect of the rights of children. The first Children's Rights Scheme will be laid before the Scottish Parliament in early 2025.

The first Children's Rights Scheme must specify the date by which the first report on its operation is to be published and laid before the Scottish Parliament. Following the end of the first reporting period, the Scheme must be reviewed at the end of each subsequent period of a year and a report laid before Parliament and published on the Scottish Ministers' findings.

# Progressing the Human Rights of Children in Scotland: An Action Plan 2021-2024 – End of Plan Report

This chapter provides an end of plan summary of work undertaken to further children’s rights during the three-year period from 2021 to 2024. It is structured using the four strands of the Scottish Government's UNCRC Implementation Programme as outlined in the [Action Plan for 2021 to 2024](#):

1. Scottish Government leadership for children's rights
2. Empowering children and young people to claim their rights
3. Embedding children's rights in public services
4. Children’s rights resolution

This chapter will provide an update on activity undertaken in relation to each priority listed within the four strands of the implementation programme.



## **Strand 1: Scottish Government leadership for children's rights**

Our vision is a Scotland where children's human rights are embedded in all aspects of society; a Scotland where policy, law and decision-making take account of children's rights and where all children have a voice and are empowered to be human rights defenders. While responsibility for much of this is shared across all public authorities and those who work with and support children and young people, the Scottish Government has an important responsibility to create the infrastructure in which rights can be promoted and realised and to model good practice.

### **Priority: The incorporation of the UNCRC into Scots Law**

The 2021-24 Action Plan restated our commitment to the incorporation of the UNCRC into domestic law in Scotland.

The UNCRC Bill was passed unanimously by the Scottish Parliament on 16 March 2021. The Bill sought to incorporate the UNCRC into Scotland's domestic law, within the limits of devolved competence, including the first optional protocol on the involvement of children in armed conflict and the second optional protocol on the sale of children, child prostitution and child pornography.

In April 2021, a reference of certain provisions of the Bill was made by the Attorney General and the Advocate General for Scotland to the UK Supreme Court. The provisions referred to the Supreme Court were sections 6 (the duty on public authorities not to act incompatibly) and sections 19 to 21 (the interpretation duty and judicial powers of 'strike down' and 'incompatibility declarator'). In October 2021, the UK Supreme Court ruled that certain parts of the Bill fell outwith the competence of the Scottish Parliament.

The Bill was amended to address the Supreme Court judgment and was unanimously approved at Reconsideration Stage by the Scottish Parliament on 7 December 2023. The Bill received Royal Assent on 16 January 2024, and the Act came into force on 16 July 2024.

The intent behind the UNCRC Act is to deliver a proactive culture of everyday accountability for children's rights across public services in Scotland. It requires all Scotland's public authorities to take proactive steps to ensure the protection of children's rights in their decision-making and service delivery and makes it unlawful for public authorities, including the Scottish Government, to act incompatibly with the UNCRC requirements as set out in the Act when delivering a 'relevant function' as defined in [section 6\(2\)](#) of the Act. Further information on the scope and extent of the duties under the Act for public authorities can be found in statutory guidance on [Part 2 \(duties on public authorities\)](#) and [3 \(reporting duty of listed authorities\)](#).

Although the Supreme Court judgment on the Bill has resulted in less coverage for children's rights than we had hoped to achieve, the Act marks a significant advancement of children's rights in Scotland and the UK. Scotland has become the first devolved administration in the world to incorporate the UNCRC requirements into domestic law.

We believe that the UNCRC Act provides a strong legal foundation for ensuring that children's rights in Scotland can be protected, respected and fulfilled. The Act places new legal duties on public authorities to ensure the protection of children's rights in their decision-making and service delivery and includes provisions to hold them to account for this.

The Scottish Government is grateful to all organisations and individuals that have contributed to the collective effort it has taken to incorporate the UNCRC into our domestic law. We are especially grateful to Scotland's children and young people, whose unwavering determination was instrumental in making this landmark piece of legislation a reality.

“There's a million young people in Scotland. There's a million kids at risk. We won't see change right away but even the prospect of change is huge for us. In terms of changing an entire culture to revolve around children's rights - for children to feel respected, to feel included - they feel a part of society and they have a voice is amazing. It will protect kids in years to come. You're protecting a million kids now and billions of kids in the future.”

– Arden, age 13, Member of the Children's Parliament (MCP)

**Priority: Developing and delivering a strategic plan for raising awareness and training on the UNCRC and children's rights across the Scottish Government and its agencies**

An essential part of preparing for and implementing the duties in the UNCRC Act, was (and still is) strengthening the capacity for the workforce of Scottish Government and Executive Agencies to take a children's human rights approach.

An internal capacity building strategy was developed during 2023 and implemented in 2024. The strategy includes a programme of raising awareness, expanding upon previous training to run virtual learning sessions on “Embedding Children's Rights Across Scottish Government and Executive Agencies” and the development and delivery of an “Introduction to Children's Rights” e-learning module which is a prerequisite for the training. The training programme is supported by bespoke training, advice and support sessions for teams.

**Priority: Promoting the importance and adoption of Child Rights and Wellbeing Impact Assessments (CRWIAs) and continuing work to improve CRWIA training and develop an impact evaluation process**

A CRWIA is a process, tool and publication to ensure Scottish Ministers give due consideration to the impact on children's rights and wellbeing during the process of developing new legislation or taking significant strategic decisions.

[Section 17 of the UNCRC Act](#) requires Scottish Ministers to prepare and publish a CRWIA in certain circumstances, including the development of new Public Bills, most Scottish Statutory Instruments (SSIs) and decisions of a strategic nature relating to the rights and wellbeing of children.

The CRWIA guidance and templates for the Scottish Government and Executive Agencies have undergone various iterations since 2015, informed by ongoing feedback. When the UNCRC Act was passed in late 2023, the template was further reviewed and updated to strengthen the assessment process in preparation for commencement of the new duties in the Act. Among the key revisions was the addition of questions that allow assessors to evaluate whether and how the policy or proposal may impact on all of the specific rights in the UNCRC requirements as included in the Act. If potential negative impacts are identified, the assessor should outline the steps they intend to take to mitigate these, and the alternative options they have considered.

Alongside the duty to prepare and publish CRWIAs, the UNCRC Act also introduced a new duty to publish Statements of Compatibility for most legislation. [Section 23 of the Act](#) states that a member of the Scottish Parliament introducing a Public Bill in the Parliament must, on or before introduction of the Bill, make a statement in writing about the extent to which, in the member's view, the provisions of the Bill would be compatible with the UNCRC requirements. For all Scottish Statutory Instruments, other than those which bring a provision of an Act into force, Scottish Ministers must make a statement in writing about the extent to which, in their view, the provisions of a relevant instrument are or (as the case may be) would be compatible with the UNCRC requirements.

The Scottish Government implemented revised internal CRWIA and Statement of Compatibility guidance and templates in May 2024 to ensure effective processes and increased awareness to support Scottish Ministers to fulfil their obligations under the Act. The process implemented includes a number of checks and sign offs to ensure the necessary templates and assessment processes are applied for legislation and policy decisions which are subject to the requirement for CRWIAs and/or Statements of Compatibility. During the initial period of implementation, further minor updates have been made to the process to further embed CRWIAs within the legislative process and improve accessibility. Implementation of the new process across Scottish Government and Executive Agencies began in June 2024. Review points of the templates, guidance and overall process have been built in at 6 and 12 months post commencement. The Scottish Government [publishes all completed CRWIAs](#) on its website.

To promote the importance and adoption of CRWIAs, Scottish Government encourages the use of CRWIAs as a good practice approach on a non-legislative basis for public authorities and the voluntary sector. This is done by making available example [CRWIA guidance and templates](#), and including in grant terms and conditions an optional objective to consider undertaking CRWIAs in relation to decisions of a strategic nature which impact on the implementation of the grant.

**Priority: Consulting on, and publishing, a Children’s Rights Scheme which will set out how Scottish Government will give better or further effect to the rights of children**

[Section 14](#) of the UNCRC Act requires the Scottish Ministers to make a scheme, to be known as the Children’s Rights Scheme (the Scheme), which sets out the arrangements that they have made, or propose to make, to ensure that they comply with the compatibility duty under section 6 of the Act and to secure better or further effect of the rights of children. Section 14(3) of the Act specifies the arrangements that must be included in the Scheme, but this is not an exhaustive list.

With regards to consultation on the Scheme, Section 15 of the Act sets out the procedures that the Scottish Ministers must follow to prepare and make the Scheme. It states that before publishing the first Scheme, Scottish Ministers must consult with children, the Commissioner for Children and Young People in Scotland, the Scottish Human Rights Commission, and such other persons as the Scottish Ministers consider appropriate. On this occasion the “other persons” consulted were members of the [UNCRC Strategic Implementation Board](#), through which we received detailed comments from Together (Scottish Alliance for Children’s Rights) and UNICEF (UK).

Consultation began with the circulation of an early draft of the Scheme to the Strategic Implementation Board in November 2023 before formal targeted consultation with: the Commissioner for Children and Young People in Scotland; the Scottish Human Rights Commission; Together; and UNICEF (UK) between early July and October 2024. Engagement with children and young people is currently underway. The first Children’s Rights Scheme will be laid before the Scottish Parliament and published in early 2025.

The arrangements that will be set out in the first Children’s Rights Scheme are intended to be wide ranging, in recognition of what will be required to deliver the new duties in the Act. The Scheme will set out how we will build on the progress and achievements detailed in this report and provide further detail about our long-term focus on children’s human rights and what the Scottish Government aims to achieve over the coming years.

The Act requires Ministers to report on the Scheme regularly, including actions taken in the previous reporting period and plans for taking forward children’s rights in the reporting period ahead. As mentioned previously, the reporting duty under which the previous reports were laid before parliament is now supplanted with the requirement for a Children’s Rights Scheme and corresponding duty to produce reports on the Scheme. Following the end of the first reporting period, the Scheme must be reviewed at the end of each subsequent period of a year. As stipulated in [section 16 of the UNCRC Act](#), these reports will be laid before the Scottish Parliament as soon as practicable after publication.

## **Strand 2: Empowering children and young people to claim their rights**

The [2021-2024 Action Plan](#) stated that we will create and amplify systems that enable children and young people to be empowered human rights defenders and drive forward a children's human rights approach to participation, ensuring we listen, consider, and respond to representative voices of children and young people, and particularly those who are seldom heard. It set out the actions that would be taken to achieve this.

### **Priorities:**

**Co-creating a national awareness raising programme for children's rights with children and families, to ensure that children, young people, their families and all of Scottish society are aware of and understand the UNCRC, and to support them to be rights defenders, and;**

**Producing a wide range of information and guidance resources aimed at raising public awareness to increase individuals' understanding of children's rights**

For cultural and systemic change to happen in Scotland, it is critical that rights holders, those who represent and support them, and public authorities are fully aware of the UNCRC and how the rights relate to the lives of children. Article 42 of the UNCRC states that States Parties shall undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike. Raising awareness of the UNCRC is a significant part of influencing the cultural shift we hope to see in Scotland as it can support children to seek access to justice and set the foundations required for progressive realisation of the rights of children.

The Scottish Government has and continues to deliver a rolling national awareness raising programme to ensure that children, young people, parents, carers, and family members are aware of and understand the UNCRC, and to support them to be rights defenders.

The Children's Rights Unit established a UNCRC Awareness Raising Communications Network in June 2022 to help drive the direction of the national programme. This brings together representatives from organisations who can support communications, marketing, and awareness raising work targeted at children and parents, carers and families to help promote a coherent approach to raising awareness of children's rights.

As well as informing parents and carers about children's rights, we want our children and young people themselves to develop the confidence and skills to influence decisions around them. The group has agreed what children and young people should feel confident to assert as a result of their work:

- I know about my rights, and I know how they are relevant to my life.
- I know what to do if my rights are not upheld and respected.
- It's not just up to me, it's the responsibility of adults to make sure my rights are respected.
- I have the right to be listened to and my opinions taken into account by those adults. When they are making a decision about my life, they must make it in my best interests and explain it all to me.

The Scottish Government's grant funding to partner organisations has allowed awareness raising to be delivered through: Young Scot's social media campaign (which was viewed by 300,000 young people) and its magazine for P7/S1 pupils (which reached over 80,000 pupils); and The Children's Parliament children's rights postcard leaflet on children's rights that was added to over 80,000 Bookbug Bags.

Schools have played, and continue to play, a key role in increasing understanding and awareness of children's rights across Scotland. In May 2022, the Scottish Government awarded UNICEF UK a three-year grant to offer their Rights Respecting School Award (RRSA) to all state primary, secondary and special education needs schools in Scotland. Prior to this, costs of participating in the Award were met by local authorities and schools. By funding this at a national level for three years, the aim was to strengthen awareness of children's rights for every child and embed rights-based practice in as many schools as possible across Scotland as we prepared for commencement of the UNCRC Act. It also allowed UNICEF UK to develop peer support capacity within local authorities that will allow the Award programme to be sustained, at a reduced local cost, when the national funding ends.

In 2022, at the start of the grant, 54% of Scotland's schools were participating in Award programme. By October 2024, this had increased to 81% of schools. Through the Award programme over 600,000 pupils were learning in a Rights Respecting School in Scotland.

We recognise the important role of a parent, carer, or family member to support their child's best interests, defend their rights and have these taken into account. In 2021, the Children's Rights Unit established the UNCRC Parents Network. Organisations on this network included: Parent Network Scotland; National Parent Forum of Scotland; Parenting across Scotland; Connect; Home-start; Aberlour; Children in Scotland; Children's Health Scotland; Starcatchers; and LicketySpit. The group ran between November 2021 and March 2023 to share good practice around UNCRC awareness raising with parents' organisations. In November 2022, the Network published a [digital booklet](#) and resource on the Scottish Government [Parent Club](#) website, which offers a general introduction to the UNCRC and children's rights.

To develop the skills to influence decisions that concern them, it is important that children, young people and their representatives feel empowered to raise concerns about rights breaches. The Scottish Government is currently designing a new 'Pathways to Remedy' resource to help ensure children and young people understand the pathways that they can follow to claim their rights when they feel they are not being respected. The purpose is to inform children and young people and support their understanding of how to raise a concern, how to make a complaint, and who the adults are in their lives that can support them to do this.

The resource will include information about, for example, whether formal advocacy support is available to help children and young people pursue their concern directly with a public authority and whether a rights breach can be escalated to and investigated by the [Scottish Public Services Ombudsman](#).

We are working in partnership with Barnardo's Scotland to co-design the resource with children and young people to ensure they find it appealing, accessible, and easy to understand and navigate. We aim to have this resource available by Spring 2025.

**Priority: Establishing a consortium of organisations to support a sustainable, meaningful and inclusive approach to participation of children and young people in decision-making**

The principle of meaningful participation is fundamental to the adoption of a children's human rights approach, and it acts as a guiding 'General Principle' of the UNCRC. The UNCRC Act incorporates [Article 12](#) of the UNCRC, so that children have the right to express a view in relation to decisions that affect them, and for their views to be given due weight in accordance with their age and maturity.

The Scottish Government engaged extensively with children and young people throughout the different phases of the development of the UNCRC Act. An account of this is provided in the [CRWIA that accompanied the original Bill on introduction](#) and the [CRWIA for the Bill that was passed following Reconsideration Stage](#).

We wanted to ensure the voices of children were at the heart of the UNCRC implementation programme, so we established a consortium of organisations that had strong, trusting relationships with children across Scotland. Working in partnership with Together (Scottish Alliance for Children's Rights), the Scottish Government funded the 'Rights Right Now!' project.

The consortium ran from September 2021 to March 2022 to ensure that the voices of children were connected to the UNCRC implementation programme and to represent their views on the Strategic Implementation Board. Rights Right Now! was made up of 6 organisations: Aberlour; Carers Trust Scotland; Children in Scotland; Scottish Commission for Learning Disability; Scottish Youth Parliament; and Who Cares? Scotland. Key findings, insights, and recommendations from the project are provided in the [Rights Right Now! Report](#) (Together, 2022).

Since the conclusion of the 'Rights Right Now!' project in March 2022, children have continued to participate in a variety of workstreams to shape and support UNCRC implementation. Through grant funding and other financial support from the Scottish Government, children and young people have: contributed to the UK's scrutiny by the UN Committee on the Rights of the Child in Geneva in 2023; co-created the Scottish Youth Parliament's [Right Way](#) resource; and been consulted on key decisions that were taken about the UNCRC Bill at Reconsideration Stage, the development of a Children's Rights Skills and Knowledge Framework, and the statutory guidance that accompanied the UNCRC Act. Engagement with children and young people is currently underway on the Children's Rights Scheme and on co-designing the Pathways to Remedy resource.

By applying learning from 'Rights Right Now!' and through consultation with key stakeholders, the Children's Rights Unit developed and launched the 'Children and Young People's Participation Framework Agreement' in January 2024. This Framework Agreement enables policy areas across Scottish Government to identify, recruit and engage with contractors that have the skills and expertise required to design and deliver bespoke, high-quality participation activities with children and young people.

The aim of the Framework Agreement is to ensure a broad range of children and young people are involved in the wider work of the Scottish Government, especially those whose rights are most at risk (those identified as being seldom heard, furthest from their rights or vulnerable because of factors related to their personal development, features of their family life, or because of wider influences that impact on them within their community). Nine organisations have been appointed to the Framework. To date, three call-off contracts have been awarded through the Framework. We have continued to raise awareness of the Framework across Scottish Government policy teams and created guidance and training to support the commissioning of services through the Framework.

The Framework will be supported by an evidence bank that gathers examples of where children and young people have been involved in decision-making and what they have told us. We hope that this will help to reduce the risk that children and young people are consulted repeatedly on topics on which their views are already known, and to help provide evidence in CRWIAs. By reviewing existing evidence, policy teams can ensure their approach to any new direct engagement with children and young people is justified, cost-effective, informed, meaningful, and demonstrates the value we place on their previous contributions.

The annual meetings with the Scottish Government Executive Team and Cabinet have provided an opportunity for Scotland's children and young people to engage directly with senior decision-makers, raise the issues that matter most to them and to have their views heard. The Children's Parliament (CP) and Scottish Youth Parliament (SYP) have been involved in the co-design of an annual meeting with the Cabinet since 2017. The SYP has led a 'youth takeover' of the Executive Team since 2020, and the CP led a takeover in 2022 and 2024. The meetings demonstrate our commitment to meaningful engagement with children and young people at the highest level of government.



## Strand 3: Embedding children's rights in public services

In the [2021-2024 Action Plan](#), we outlined the actions we would take to ensure that there is a proactive culture of everyday accountability for children's rights across public services in Scotland.

We recognise and appreciate the vital role that public authorities play in delivering for children, young people and their communities, and will continue to work in collaboration with partners to embed children's rights in public services.

Full realisation of children's rights requires proactivity on the part of all public authorities, not only services or those working directly with children and young people. The Scottish Government has supported and will continue to support workforces to ensure they can implement a children's human rights approach in practice so that children's rights are respected, protected and fulfilled.

### **Priority: Producing guidance for public authorities, and those undertaking functions of a public nature, to implement the UNCRC**

The Scottish Government has developed a broad range of resources to help public authorities understand how to take a children's human rights approach and fulfil their new duties in the UNCRC Act, which are now in force.

The Scottish Government published [non-statutory guidance on taking a children's human rights approach](#) in January 2024 to provide support and guidance to public authorities and others on how to take a children's human rights approach across all service delivery. It was developed in partnership with public authorities and the third sector. The non-statutory guidance provided practical support for public authorities to prepare for commencement of duties in the Act ahead of publication of the statutory guidance.

[Statutory guidance on Part 2 of the UNCRC Act](#) was published in September 2024 to support public authorities to understand and fulfil their duties under [section 6](#), and to secure better or further effect of children's rights. It includes an introduction to human rights, children's rights and the UNCRC Act, including the 'UNCRC requirements' as defined by the Act. It also includes an [explanation of Part 2 of the UNCRC Act](#) including: definitions of key terms in the Act; an explanation of the section 6 duty on public authorities; a flowchart and framework that public authorities may wish to use to review compatibility with the UNCRC requirements included in the Act; and remedies now available to children and their representatives to seek redress through the courts if their view is that their rights have been (or a proposed action would mean that they would be) infringed.

[Statutory guidance on Part 3 of the UNCRC Act](#) was published in September 2024 to assist public authorities listed in section 18 of the Act to meet their reporting duties. It includes annexes with suggested reporting formats and information on inclusive communication and producing child friendly reports.

In addition to statutory and non-statutory guidance, we have made several resources available to support public authorities and to secure better or further effect of the rights of children:

- A [children's rights guide](#) for senior leaders in public services that was developed by the Improvement Service and provides an introduction to the UNCRC.
- An [Introduction to Children's Rights e-learning module](#) has been made available on NHS Education Scotland's TURAS platform.
- A [short animation](#) was created with to support children and young people to understand their rights. It is a helpful introduction to the UNCRC and shows the types of interactions young people might have with public authorities about their rights. It can be used to help public authority staff understand how children's rights apply in their role.
- [Participation guidance](#) was originally published in March 2020 but has been refreshed and updated to help public authorities engage with children and young people. It brings together various resources on participation in decision-making (guidance, practice examples, research publications), referencing a range of approaches to participation – from consultation to co-production with children and young people. It also provides details of practitioners and researchers who can provide further information and guidance.

**Priority: Developing a Children's Rights Skills and Knowledge Framework to support capacity building in public services in taking a child's rights approach in practice to drive forward the culture change required**

We are developing a Children's Rights Skills and Knowledge Framework to support public authorities to embed children's rights in public services. This work was initially led by JRS Knowhow, working in partnership with Just Right Scotland, Children's Parliament, Together and The Observatory on Human Rights of Children based at Swansea University.

The project team worked closely with stakeholders to support development of the framework. This included public authorities and two groups of co-production partners: a Children and Families Panel, and a Professionals Panel.

The Framework has built on the Welsh Children's Commissioner's five principles of a children's human rights approach: embedding; equality and non-discrimination; empowerment; participation; and accountability. It will ensure that strategic, sustainable and structured support for the implementation of a children's human rights approach is available across the Scottish public authority workforce. It can be used across a wide range of sectors, supporting users to implement a children's human rights approach. The accompanying Training Plan will provide support to individuals and organisations to understand children's rights in relation to their role or sector, so they can learn about children's rights at a level appropriate for their role or organisation.

The structure of the Framework will establish a tiered approach to capacity building, and this structure, alongside the tools in the Training Plan, will allow members of the workforce to assess the level of skills and knowledge they require for their role and access content accordingly, making learning of a broad subject area more manageable.

Using the Framework and Training Plan to access relevant content and training will support public authorities to experience the value of utilising a children's human rights approach and how this contributes to other local and national strategic priorities, aiding a transformation in service design and delivery.

**Priority: Developing a UNCRC National Improvement Programme, which will include an approach to self-evaluation, and the creation of an Innovation Fund to provide financial support for testing and implementing creative approaches to embedding children's rights**

Given the breadth of sectors, workforces and responsibilities with regards to children's rights, the Scottish Government has developed a UNCRC National Improvement Programme to provide support for implementing a children's human rights approach within public authorities.

As part of the UNCRC National Improvement Programme, Scottish Government has also established a Child Rights Regulation and Improvement Action Group and a UNCRC peer leads group for the 14 non-executive public bodies (NEPBs) listed in [section 19 of the Act](#). The aim of this work is to provide support to implement children's rights at a local level, with leadership, learning and practice shared nationally. Through this programme, public authorities are being supported to experience the value of using a children's human rights approach and learn how this contributes to other local and national strategic priorities.

We have been working with the [Improvement Service](#) to develop and deliver targeted support for public authorities. This partnership has built on existing work and relationships that the Improvement Service have with local authorities to support them to embed a children's human rights approach, particularly in relation to raising awareness, building capacity and supporting cultural change.

As part of this work, the Scottish Government funded the Improvement Service to update training and resources for [Elected Members](#) and develop a '[Getting ready for UNCRC](#)' framework – based on research from existing self-evaluation frameworks and feedback from local government – to make them applicable to all public authorities. The resources aimed to assist public authorities when considering how best to prepare for the commencement of the UNCRC Act and include a guide for public services in Scotland on understanding children's human rights. These remain useful tools which public authorities can use to help them fulfil their new duties.

We have also funded NHS National Education for Scotland (NES) to support health boards to embed a children's human rights approach. This work aims to: increase health boards' understanding of children's rights and their duties under the UNCRC Act, particularly adult services; and support key senior leaders within health boards to self-evaluate their compliance with the duties in the UNCRC Act, consider any

areas of practice that may require attention, and further children's rights through the development of action plans.

NES has worked closely with health boards over the last year to develop a peer network and raise awareness of the UNCRC duties in the health and social care system. The project has provided sector specific support such as webinars to build the capability of the sector to embed a children's human rights approach.

Scottish Government has also set up a Child Rights Regulation and Improvement Action Group, to support regulators, inspectorates and ombudsmen to embed children's rights considerations into their practice and the practice of the organisations they reach. The group will assist the Scottish Government to identify and implement practical steps to further embed children's rights within regulatory frameworks and inspection regimes. The group is focussing on priority areas identified by members such as participation and engagement with children and young people and ensuring the voices of children and young people are reflected within inspection and regulatory processes.

The UNCRC National Improvement Programme also includes an [Innovation Fund](#) to ensure innovative approaches to children's rights are put into practice. The UNCRC Innovation Fund provides financial support for testing and implementing creative approaches to embedding children's rights in public services to support public authorities to embed a children's human rights approach and integrate children's rights into culture, policy and practice. The Fund eligibility criteria targeted children whose rights were at risk to ensure the maximum impact possible, and in line with Article 12 of the UNCRC, children and young people from Youth Scotland were involved in the decision-making of the funded projects.

[Eight projects](#) received funding in September 2023. The projects chosen for funding were all led by public authorities, but partner organisations included representation from the justice, health, education and culture sectors. Participants in the projects included infants, children and young people, and represented several groups most at risk of not having their rights met:

- ethnic minority children
- children with additional support needs
- children living in poverty
- refugees and asylum seekers
- children with carers involved in the justice system
- interrupted learners
- children affected by alcohol abuse or on the edge of care
- and children in secure residential care

The projects will run up to December 2024 and will share lessons learned from creative approaches to embedding child rights-based practice in culture, policy, and practice. Learning and outputs from funded activities will form a key part of the broader UNCRC National Improvement Programme; any new resources will be shared through the UNCRC Implementation Programme newsletter.

## **Strand 4: Children’s Rights Resolution**

The UNCRC Act gives children, young people and their representatives a new ability to use the courts to uphold their rights as incorporated by the Act. However, as a result of the Supreme Court judgment, the duty not to act incompatibly with the UNCRC requirements in the UNCRC Act and the ability to use the courts to enforce these rights do not apply when a public authority is delivering functions conferred by or under an Act of the UK Parliament, even in devolved areas.

There are many functions that, although devolved to the Scottish Parliament, are conferred by Acts of the UK Parliament and therefore not subject to the section 6 duty and the judicial remedies in the Act. To embed children's rights as widely as possible, it is therefore important not only to support access to justice through the courts, but also to have non-judicial remedies that are accessible for children and young people who consider that their rights under the UNCRC Act may have been breached.

### **Priority: Working with the Scottish Public Services Ombudsman to develop a child friendly complaints process to ensure children and young people are able to access their rights**

The Scottish Public Services Ombudsman (SPSO) has a statutory function in relation to complaints handling for most public authorities. The Scottish Government has provided funding to SPSO to develop child friendly complaints approaches and procedure as part of a model complaints handling process. The SPSO have co-created [the new resources](#) with various groups of children and young people, which were launched in July 2024. Public authorities will be expected to have regard to the principles in the way they handle complaints and, if they do, that should allow them to ensure they meet their legal duties under the UNCRC in terms of complaints handling.

To help provide further support to public authorities to implement child friendly complaints processes, the project has been extended until the end of September 2025. During this period, public authorities under the jurisdiction of SPSO will be supported to achieve compliance, including through the development of a training programme and professional-facing materials. To support the development of child friendly complaints processes across public authorities not under SPSO’s jurisdiction, the training course will be made available online for wider access. This next phase of the project will also see the production of adult/parent-facing resources. This will explain the process, and the rights of children involved in a complaint, to the adults supporting them or complaining on their behalf. Child-facing resources will also be developed through a co-design approach with children and young people.

**Priority: Working across Scottish Government and with stakeholders to review existing advocacy arrangements to support children and young people in accessing their rights, and to consider how we can strengthen the provision of advocacy to children and young people who need it**

The Scottish Government is committed to ensuring that the views of children are a primary consideration in decisions that affect them. Under Article 12 of the UNCRC, every child and young person who is capable of forming his or her own views has the right to express those views freely in all matters that affect them, with those views being given due weight in accordance with their age and maturity.

For many children and young people, particularly those who may be most at risk of not having their rights met, advocacy can be fundamental in ensuring the realisation of their rights, particularly Article 12. Advocacy can also play a key role in the implementation of Articles 2 (non-discrimination) and 42 (right to knowledge of the Convention).

Advocacy addresses barriers to participation and can redress any real or perceived imbalance of power between children and young people and others. The role of an advocate is to bolster a child or young person's right to express their views. By strengthening their knowledge, understanding and confidence, advocacy can empower children and young people to develop and convey informed opinions and express their feelings on matters that impact on their lives.

The Children's Rights Unit has co-ordinated work to map advocacy provision in Scotland. Some of the key findings from this work are summarised below.

The role of advocacy provision is enshrined for children and young people in different legislation, including: those referred to the Children's Hearings System (The Children's Hearings (Scotland) Act 2011), those experiencing mental illness (Mental Health (Care and Treatment) (Scotland) Act 2003), and children going through contact and residence cases (The Children (Scotland) Act 2020). Some of the legislation, such as in relation to the Children's Hearings System, explicitly states advocacy should be provided, where other pieces of legislation refer to the need to 'consider the voice/views' of the child. For example, the Domestic Abuse (Protection) (Scotland) 2021 Act does not mention advocacy, but the Scottish Government is promoting the role of independent advocacy to support the legislation being upheld to maximum effect.

All 32 local authorities appear to have bespoke child advocacy provision for groups of children and young people including: children and young people who are neurodivergent, are in hospital or are subject to a mental health order; children and young people who are care experienced or are subject to child protection processes; and those in children's hearings provision.

In 2023-24, the Scottish Government allocated approximately £4.4m of funding to organisations that provide advocacy provision. This includes: My Rights My Say; ASN Let's Talk; Barnardo's; Who Cares? Scotland; and Kindred Advocacy. It also includes grant funding to [ten organisations](#) (referred to as the National Provider Network) to deliver Scotland-wide advocacy provision to support the Children's

Hearings System with an ongoing monitoring and evaluation process in place. The roll-out of the [National Practice Model for the Children's Hearings System](#) should ensure consistent excellence of practice and delivery of advocacy within the Children's Hearings System across Scotland.

The Scottish Government also provides funding for CLAN Childlaw to provide induction and ongoing training to support Children's Hearings advocacy workers. CLAN Childlaw have also set up a helpline for all advocacy workers to access qualified solicitors to provide legal awareness, guidance and assistance.

There are also examples of projects that are not professional advocacy services but play an important role in empowering and supporting children and young people to access their rights. For example:

- In partnership with Enquire, the Scottish Government continues to fund and support the children's service - My Rights, My Say. This service supports children aged 12-15 to access advice and support to enable them to be fully involved in decisions about their education and exercise their rights under Additional Support for Learning legislation
- Guardianship Scotland provides Independent Child Trafficking Guardians to all unaccompanied asylum-seeking children, victims of trafficking and children vulnerable to trafficking who arrive in Scotland. This programme is delivered in partnership with Aberlour and the Scottish Refugee Council on behalf of the Scottish Government.

Whether explicitly mentioned in law or being used as a mechanism to implement legislation, the Scottish Government is working on strengthening children and young people's advocacy across a number of areas. An internal Scottish Government Children and Young People Advocacy Network was established in December 2022, which aims to support policy areas with a remit related to advocacy for children and young people, and to connect and collaborate more effectively to ensure a joined-up approach to strengthening the provision of advocacy to children and young people who need it most.

It is also clear that advocacy provision sits within a much wider system that includes informal support, child friendly complaints procedures, law centres, investigatory bodies, and specific information services for housing, finance, benefits, etc. The support available in one part of the system will have an important impact on demand in another. Our work to inform children and young people of their human rights and for them to be empowered to highlight these at the point they believe them to be at risk, will also have an impact on demand on the system.

Our next phase of work will aim to develop our understanding of children and young people's experience of raising rights issues (formally and informally) to identify if and where they encounter barriers and gaps in support and how children, young people and their families could be better supported to claim their rights.

**Priority: Developing an Evaluation and Monitoring Framework to monitor and evaluate the delivery, aims and impact of the UNCRC Implementation Programme, whilst simultaneously linking progress in embedding children's rights to long-term outcomes for children and young people**

The Scottish Government has developed a Monitoring and Evaluation Framework in partnership with the UNCRC Strategic Implementation Board (SIB), which was agreed at their meeting in January 2023. The framework has been designed to be manageable and sustainable for public authorities and others involved in supporting the delivery of the new duties under the UNCRC Act.

To help check that children's rights are being met, the intention is that we initially focus the development of children's rights indicators on those rights which have been identified through our engagement with stakeholders and require priority attention. Work is currently underway to scope indicators for articles 37 and 40 which are relevant to children in conflict with the law.

To identify where there are issues that may require changes to policy and/or practice, it was agreed with SIB that, in partnership with the children's rights sector, we would develop a system for collating potential rights issues, considering whether they require action on the part of the Scottish Government and monitoring progress in addressing proposals which Ministers choose to take forward. We will set out how this will be done in the first Children's Rights Scheme which will be published in early 2025.

We also agreed to try to assess whether we have in place each of the drivers of change identified in the aforementioned [Theory of Change for Making Rights Real](#). This would help us to assess the extent to which we are delivering the wider cultural change required and the conditions needed to empower children and young people to claim their rights. We will start by paying particular attention to the driver of change, 'children's rights are integrated across policy areas'. Our priority will be to explore the extent to which children's rights are being considered in policymaking and driving decisions in some key areas.

To help analyse the extent to which embedding children's rights has improved outcomes for children and young people, we agreed to use outcome indicators such as the National Indicators and the Core Wellbeing Indicator Set developed for the Children, Young People and Families Outcomes Framework, amongst others, as a measure of whether the sum of our collective actions is making a real difference to improving the lives of children and families in Scotland.



## Conclusion

We have made important progress in our journey to making Scotland a country that respects, protects and fulfils children's rights. It should be clear from this report that, while the Scottish Government has led on this work, it has done so in partnership with many other organisations, public authorities, a strong children's rights sector, and children and young people.

This report is not intended to provide an account of the role that these many partners have played, and continue to play, in embedding children's rights in Scotland, but the Scottish Government's appreciation for this is recorded in the Foreword from the Ministers for Children, Young People and The Promise.

Going forward, the actions that the Scottish Government will take to embed children's rights will be set out in the Children's Rights Scheme that will be published in early 2025. Progress on these actions will be reported on an annual basis, rather than once every three years (which was the reporting cycle under the [Children and Young People \(Scotland\) Act 2014](#)). More frequent reporting will help ensure that we maintain momentum on commitments and our children's rights journey.

Alongside this, we will also report on the progress that we are making in strengthening rights across a wide range of policy areas. We set that out most recently (in March 2024) in the [Scottish Government's Initial Response to the UN Committee on the Rights of the Child's Concluding Observations for the UK State Party](#), and have committed to doing so again in 2026.



© Crown copyright 2024



This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](https://nationalarchives.gov.uk/doc/open-government-licence/version/3) or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at [www.gov.scot](http://www.gov.scot)

Any enquiries regarding this publication should be sent to us at

The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

ISBN: 978-1-83601-935-0 (web only)

Published by The Scottish Government, November 2024

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS1519910 (11/24)

W W W . g o v . s c o t