

# **Scotland, the best place to grow up – Making it real through rights**

**A child-friendly version of:**

**Embedding Children’s Rights in Scotland:  
Scottish Position Statement**

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**Embedding Children's Rights in Scotland:  
Scottish Position Statement  
November 2022**

Our report talks about some of the things that the Scottish Government is doing to make things better for children and their families in Scotland.

The report is in 8 chapters.

1. General Measures of Implementation
2. General Principles
3. Civil Rights and Freedoms
4. Violence Against Children
5. Family Environment and Alternative Care
6. Basic Health and Welfare
7. Education, Leisure and Culture
8. Special Protections



## What is the United Nations?

The United Nations (UN) is an organisation that most countries in the world are part of. The UN helps to protect human rights. Human rights are basic rights and freedoms that everyone has.

Children have the same rights as adults plus extra rights to protect them. Protect means look after and keep safe.



## What is the United Nations Convention on the Rights of the Child?

Children's human rights are written down in the United Nations Convention on the Rights of the Child (UNCRC). The UNCRC is an important agreement between lots of countries who have made a promise to protect children's rights.

The UNCRC says:

- all children have rights and sets out what those rights are.
- public authorities (like councils, government, health services and courts) must consider what is best for children and give children the right to be listened to and taken seriously on things that affect them.
- children should be supported to live and grow.

It also explains what adults and governments must do to protect children's rights.

## Who are the UN Committee on the Rights of the Child?

The UN has a group of adults who know lots about children's rights.

The group is called the UN Committee on the Rights of the Child.

The experts in this group help countries across the world to think about how they can help children to experience their rights.

## Reporting to the UN Committee

All countries who have signed up to the UNCRC write a report to tell the UN Committee what they are doing to help children experience their rights. This is called the State Party Report.

Scotland contributed to the UK's State Party Report in June 2022. But the UK report could only include a small amount of information about Scotland.

That's why this report includes more information about what is being done here in Scotland to protect and support children's rights.

### United Kingdom

The United Kingdom is made up of England, Scotland, Wales and Northern Ireland and other locations around the world. The United Kingdom signed up to the UNCRC in 1991.

[Child Friendly version of UNCRC](#)

[Full text of the UNCRC](#)



What we are doing to help children experience their rights.

**Incorporation of the UNCRC**

This would mean that the Scottish Government and other public authorities (like schools, council, police and health service) would be required by law to protect children’s rights and listen to children when making decisions.



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The Scottish Government promised that it would make the UNCRC part of the law in Scotland. This is called incorporation. Incorporation would mean that children’s human rights are protected by law.

Children would be able to complain in court if they think their rights have not been respected. Adults would be able to help them do this or make a complaint for them.

The Scottish Government made a new Bill to make the UNCRC part of the law in Scotland. The Bill is called the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill. The Scottish Parliament passed the Bill on 16 March 2021 but it hasn’t been possible to make this a law yet.



The  
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The United Kingdom Government thought that some parts of the Bill could not be decided by the Scottish Parliament. They asked the UK Supreme Court to look at this.

The United Kingdom Supreme Court decided that some parts of the Bill went over the powers of the Scottish Parliament. The Scottish Government is working to change these parts of the Bill so that it can become a law as soon as possible.

**What else is talked about in this chapter?**

- how Child Rights and Wellbeing Impact Assessments help the Scottish Government check that it’s protecting children’s rights.
- raising awareness of children’s rights across all of Scotland.
- thinking about children in how the Government spends its money.

If you want to see the chapter in full, you can find it here

**UNCRC Articles: 4, 42 and 44(6)**

## Chapter 2 General Principles

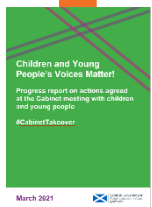
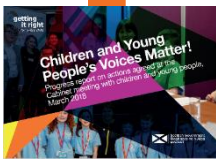
What we are doing to help all children from all backgrounds to experience their rights and have their views heard.

### Participation of Children and Young People

The Scottish Government has put in place ways to help children and young people express views on what the Government is doing.

- Every year, members of the Children's Parliament and Scottish Youth Parliament meet the First Minister and the Scottish Cabinet. The Cabinet includes the most senior politicians in the Scottish Government. At these meetings, the Cabinet and children and young people agree on actions that will be worked on over the coming year. Please click on the images on the left to read the past progress reports.
- The Children's Parliament and Scottish Youth Parliament have also met with the Scottish Government's Executive Team. The Executive Team are the most senior civil servants in the Scottish Government.

The Scottish Government also listens to children and young people's views when developing policy. For example, children were included on the Age of Criminal Responsibility Advisory Group; COVID-19 Education Recovery Group; Scottish Government's Race Equality in Education Stakeholder Group; National Qualification Group; Gender Equality Taskforce; Children and Young People's Mental Health and Wellbeing Joint Delivery Board and the Incorporating the UNCRC into Scots Law Working Group.



### What else is talked about in this chapter?

- How we help children and young people to express a view in decisions about their own lives.
- How we ensure that all children experience their rights.
- How we keep children safe and to help them to live and grow.

If you want to see the chapter in full, you can find it here

UNCRC Articles: 2, 3, 6, 12



## Chapter 3 Civil Rights and Freedoms

What we are doing to help children move around freely outside in public places. It also looks at children's right to access information and their right to privacy.

### Access to the internet

The Scottish Government has worked hard to help all children and young people have access to the internet.

This was especially important during the Covid-19 pandemic when schools were closed and children had to learn online.

#### Connecting Scotland

The Scottish Government's Connecting Scotland programme helped 23,000 families on low incomes. The programme provided individuals with a device, connection and data for 2 years.

#### Funding

The Scottish Government provided £25 million to make sure school-aged children had devices and access to the internet.

#### Our promise

The Scottish Government will make sure that every school-aged child in Scotland will have access to an appropriate device by 2026.

#### What else is talked about in this chapter?

- Religious observance in schools.
- The use of mosquito anti-loitering devices
- The use of stop and search by the police

If you want to see the chapter in full, you can find it here



UNCRC Articles: 7, 8, 13 - 17

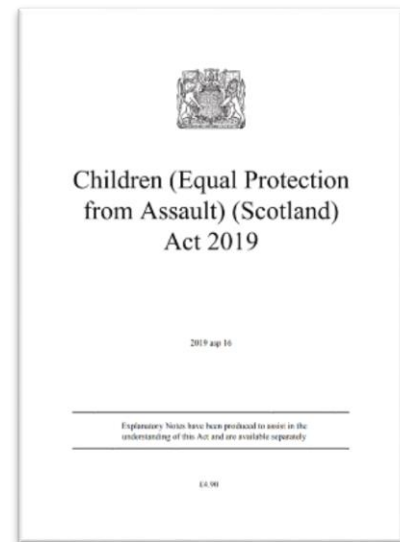
## Chapter 4 Violence Against Children

What we are doing to keep children safe and to help those who have been hurt.

### Equal Protection from Assault

A law called the **Children (Equal Protection from Assault) (Scotland) Act** was passed by the Scottish Parliament in 2019.

From 7 November 2020, all forms of physical punishment became against the law in Scotland. This means that parents and carers must not smack or physically punish their children.



The Scottish Government has provided [information to parents and carers](#) to tell them all about the law. This information supports parents to help guide their children's behaviour without the use of physical punishment.

**Parent Club**

### What else is talked about in this chapter?

- Measures to protect children and keep them safe, including online.
- Additional ways that we aim to protect women and girls.
- Support for child witnesses.
- The use of restraint.

If you want to see the chapter in full, you can find it here

**UNCRC Articles: 19, 24(3), 28(2), 34, 37(a), 39**

## Chapter 5

## Family Environment and Alternative Care

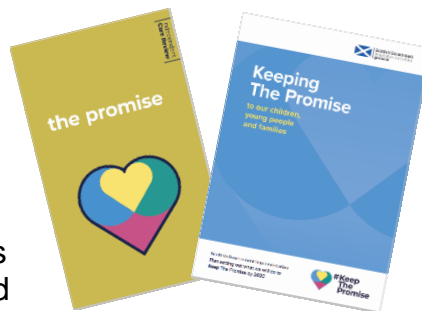
What we are doing to help parents and carers to support their children. It also looks at the help that is in place to support those children who cannot live at home with their families.

### Commitment to #KeepThePromise and help transform how Scotland cares

In 2017, the Scottish Government established an independent review of the care system for children and young people in Scotland. The review asked children and young people about how to change the care system and how children and young people are cared for.



This work resulted in [The Promise](#). This included over 80 suggestions of what needs to change to help children and young people to grow up feeling loved, safe and respected.



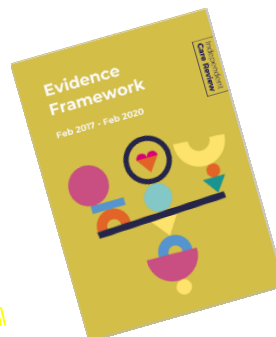
The Scottish Government has promised to #KeepThePromise. The Scottish Government published a [Plan in March 2022, which says how it will do this.](#)

From 2017 to 2020, the review listened to over 5,500 voices, over half of which were our children and young people who have experience of the care system. To find out more about how they did this click on one of the report covers below.

### What else is talked about in this chapter?

- Support for parents and carers
- Kinship care
- Help for young carers

If you want to see the chapter in full, you can find it here



UNCRC Articles: 5, 9-11, 18(1-2), 20-21, 25, 27(4)



What we are doing to support the health and wellbeing of children across Scotland.

Support for low income families



Putting in place new benefits to help disabled children and their families.

Increasing the amount of free early learning and childcare that is available to all families. The availability of high quality, free early learning and childcare helps young children’s learning. It also supports their parents or carers to go to work or to take part in training or study.



The Scottish Government has taken action to support families who are on low incomes. This has included:

Putting in place a new benefit called the Scottish Child Payment. This pays £20 per week for each child or young person who is entitled to receive this. The payment will increase to £25 per week on 14 November 2022.

Increasing the numbers of children who can receive free school meals so that all children in primaries 1 to 5, and in special schools, now get free school meals. This is saving families about £400 per child every year.

What else is talked about in this chapter?

- Support for disabled children and young people
- Social security support for children and young people
- Child and Adolescent Mental Health Services

If you want to see the chapter in full, you can find it here



UNCRC Articles: 6, 18(3), 24, 26, 27(1-3), 33



## Chapter 7

## Education, Leisure and Culture

What we are doing to support children's right to education, play, leisure, arts and culture.

### Poverty-related Attainment Gap

£1billion

To tackle the poverty-related attainment gap and support education recovery.

£20 million

To deliver a range of activities for children and young people and their families over the summer of 2021, with a focus on supporting and promoting mental health and wellbeing.

Invested £500 million over 2020/21 and 2021/22 to support education recovery.



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The Scottish Government is continuing to give money to schools to support children from low income families to make sure they do well at school.

This has included providing:

£4 million

To support schools and local authorities to offer enhanced Easter Study provisions over the Easter break 2022.

What else is talked about in this chapter?

- Additional support for learning
- Early learning and childcare
- Health and wellbeing in schools
- Outdoor play and learning

If you want to see the chapter in full, you can find it here

UNCRC Articles: 28, 29, 30 and 31

What we are doing to support those children and young people that need special protection.



### Age of Criminal Responsibility

The Age of Criminal Responsibility (Scotland) Act 2019 (“the Act”) has raised the age of criminal responsibility in Scotland from 8 to 12 years. This is the highest age within the four nations of the UK.

The Act means that children under the age of 12 can no longer be charged or arrested.

The Act ensures that children are no longer treated as criminals and instead see what can be done to stop any further harmful behaviour and provide the appropriate support to them and their family.

We know that many children who come into contact with the police have other difficult things going on in their lives and may have been victims of crime themselves.

The Act helps organisations to work together to make sure children get the right help, at the right time, from the right people.

The police can still investigate incidents of seriously harmful behaviour and have specific powers to make sure that the public are protected.

We know that the impact of crime can be huge for victims, regardless of the age of the person responsible. The Act ensures that victims voices continue to be heard and that they are fully supported.

The Act places a duty on Scottish Ministers to review the operation of the Act in general and to consider the future age of criminal responsibility within 3 years (from 17 December 2021).

**What else is talked about in this chapter?**

- Support for child refugees
- Children’s Hearings system
- Young Offenders Institutions
- Young people in the armed forces

If you want to see the chapter in full, you can find it here

**UNCRC Articles: 22, 30, 32, 33, 35, 36, 37(b-d), 38-40**



## What happens next?

In May 2023, the UK will meet with members of the UN Committee in Geneva to discuss children's rights. The Scottish Government will also attend this meeting and will tell the UN Committee what we are doing to help children experience their rights here in Scotland.

After the meeting, the UN Committee will write to the UK suggesting where we might go further to help promote and protect children's rights. This document is called the **Concluding Observations**.





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

ISBN: 978-1-80525-115-6 (web only)

Published by The Scottish Government, November 2022

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS1165362 (11/22)

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