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Colleagues

UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

This letter draws your attention to the Concluding Observations issued by the United Nations Committee on the Rights of the Child following its examination of UK compliance with the UN Convention on the Rights of the Child (UNCRC) earlier this year.

I am also taking the opportunity to highlight the related statutory duties on all Scottish Ministers in relation to children's rights under Part 1 of the Children and Young People (Scotland) Act 2014.

As you know, the UNCRC is an international human rights treaty which establishes a holistic and integrated framework covering the rights of all children. These rights extend to every aspect of a child's or young person's life from birth up to the age of 18, and apply wherever the child is: at home, at school, in any institution, and in the community. The treaty requires national and local governments, as public authorities and human rights duty bearers, to respect, protect and fulfil children's rights.

The Scottish Government has a positive record in safeguarding and promoting the rights of children and young people as part of our wider commitment to human rights. Indeed, a number of advances were explicitly acknowledged by the UN Committee at its oral examination of the UK's compliance with the UNCRC in May 2016.

The Committee published its [Concluding Observations](#) in June this year. These consist in practice of recommendations to the UK Government and devolved administrations. Officials across portfolios are now looking in detail at those recommendations (as they apply to Scotland) and examining how we might most effectively respond to them within the context of the First Minister's statement to Parliament in May on the Government's top priorities and our Programme for Government, published in September.



Officials have also discussed the Concluding Observations with key external stakeholders, including the Children and Young People's Commissioner Scotland and Together Scotland, through the Scottish Children's Rights Monitoring Implementation Group and will continue to engage in constructive dialogue as we go forward. We intend to hold an event for wider stakeholders around the end of the year to help inform next steps and priorities.

Actions following from the Concluding Observations will be taken forward in line with the specific responsibilities on all Ministers in relation to children's rights under Part 1 of the 2014 Act.

As you will be aware, from 15 June 2015, the Act placed new duties on Scottish Ministers to keep under consideration whether there are steps that can be taken to give better or further effect to the UNCRC, and to take action as appropriate; to promote awareness and understanding of children's rights; and to report to the Scottish Parliament every 3 years on relevant progress. The views of children and young people will be integral to the effective implementation of these new duties.

The first report to the Scottish Parliament under these provisions in 2018 will provide an important opportunity for us to capture more fully all that we are doing across the Scottish Government to champion the interests of children and young people and to place them at the centre of our policies. In the preparation of this report, and in taking forward agreed actions stemming from the UN's Concluding Observations, it is important that you continue to encourage officials across all portfolios to fully explore the ways in which Scottish Government policies and actions can promote and advance the rights of all children and young people, including those in our society who are the most vulnerable and marginalised.

One important way in which portfolio Ministers and officials can demonstrate that they are meeting the requirements of Part 1 of the 2014 Act is by ensuring the preparation of Child Rights and Wellbeing Impact Assessments (CRWIAs) for relevant new policies or legislation impacting, either directly or indirectly, on the lives of children and young people. Online guidance on the CRWIA process is available for all portfolio officials and for external organisations who might want to adopt this approach.

Children's rights are by definition also safeguarded under other human rights treaties, in addition to the UNCRC. The Scottish Government is fully committed to fulfilling our wider obligations including in relation to the economic, social and cultural rights of children, and the rights of disabled children and young people. The recent publication of our Fairer Scotland Action Plan, and the consultation which concluded earlier this year on our draft Disability Action Plan, provide concrete examples of that commitment to an integrated human rights-based approach, and to positive action which directly addresses the rights and expectations of children in Scotland.

If policy teams have any questions about this letter, including the UN's Concluding Observations or the duties on Ministers with respect to children's rights under the 2014 Act, Agnes Rennick or Sarah Stewart from the Children's Rights and Participation Team would be happy to provide further advice.



MARK MCDONALD