



Policy Briefing

**United Nations Convention on the Rights of the Child
(UNCRC)**

January, 2024

The UNCRC (Incorporation) (Scotland) Bill

The United Nations Convention on the Rights of the Child (UNCRC) is an international treaty signed and ratified by almost every country. The UK is a ratified signatory to the UNCRC. It has been since 1991. In 2014, the Scottish Government legislated to 'secure better and further effect' children's rights through Part 1 of the Children and Young People (Scotland) Act 2014.

The UNCRC (Incorporation) (Scotland) Bill was introduced to the Scottish Parliament on 1 September 2020 and was passed unanimously on 16 March 2021, the primary purpose being to bring the UNCRC into Scots law.

This policy is a milestone on Scotland's journey towards making rights real for every child. It follows a decade of developments furthering children's rights across legislation, policy and practice in Scotland – including GIRFEC, the Children and Young People (Scotland) Act 2014, the Scottish Government's 2018-21 Action Plan, and the Children (Scotland) Act 2020.

The landmark Bill officially received Royal Assent on 16 January 2024 and will come into force on 16 July 2024.



Children's Rights and Youth Work

Youth work is a rights-respecting and promoting practice. The UNCRC enshrines Scotland's National Youth Work Outcomes and Skills Framework, and its contribution to society is implied throughout the Articles.

The General Principles¹ of the UNCRC (Articles 2, 3, 6, 12) are the essence of what youth work exists to do. They are:

- Non-discrimination (Article 2)
- The Best interest of the child (Article 3)
- The Right to life, Survival and Development (Article 6)
- The Right to be heard (article 12).

In addition, the following Articles are particularly relevant to our sector and are clustered together in the Framework for Children's Rights Reporting,² as "Education, Leisure and Culture":

- All children and young people have the right to education (Article 28)
- Education should help their mind, body, and talents be the best they can be (Article 29)
- Right to relax and play (Article 31).³

¹ There are four articles in the convention that are seen as special. They're known as the "General Principles" and they help to interpret all the other articles and play a fundamental role in realising all the rights in the Convention for all children.

² Scottish Government (2016) <http://www.gov.scot/Publications/2016/12/4047> Guidance on Part 1, p21-22

³ [UNCRC Articles Archive - The Children and Young People's Commissioner Scotland \(cy,pcs.org.uk\)](http://www.uncrc.org.uk/)

Implementation of UNCRC into Scots Law and the Role of Youth Work

Campaigning by children and young people, and particular focus and determination from youth workers, has led to Scotland's current situation. It will be crucial for local authorities to include youth work as an equal partner in delivery and resourcing during the implementation of the UNCRC Act.

Youth work's role in realising the ambition of this policy has been recognised in local policy and planning groups, and [Scottish Parliament](#) MSPs have highlighted the sector's role as integral for the successful implementation of the treaty. The implementation of UNCRC remains a [priority for YouthLink Scotland](#).

Further, youth workers will be crucial for delivering The Promise by 2023, playing a leadership role in ensuring the services care experienced children and young people need are developed and invested in on an ongoing basis. This is a [top priority](#) for YouthLink Scotland.

Training for youth workers

YouthLink Scotland and Education Scotland have developed the [Recognising and Realising Children's Rights in Youth Work](#), a training resource for youth work practitioners and policymakers to understand what rights are and how they are incorporated into practice.

For more information, please contact Emily Beever, Senior Development Officer, YouthLink Scotland, ebeever@youthlink.scot.

You can find further training opportunities and more information and support on the long-standing campaign to incorporate UNCRC into Scots Law and the implications of incorporation on the Together (SACR) [website](#).⁴

⁴ Together is an alliance of Scottish children's charities that works to improve the awareness, understanding and implementation of the UNCRC.

Next steps

We know the youth work sector has been taking a maximalist approach to UNCRC long before the Scottish Parliament passed the UNCRC Bill. However, we cannot rest on our laurels. The Act comes into force on 16 July 2024.

We need to ensure continued recognition of the unique positioning of the sector within the heart of our local authorities and across the third sector as advancing the rights of children and young people.

To keep this on the agenda, included below are some suggestions of what you might want to do now within your organisation/area to continue to support children's rights.

Suggestions:

- Build **staff capacity, knowledge and understanding** of the UNCRC – in your team and share with colleagues who might be less familiar.
- Utilise your **online channels and social media** – connecting UNCRC and youth work to key partners and amplifying youth work's role as an integral sector for implementation to be a success.
- Sign up for **relevant newsletters** from organisations which can provide you with support and information on children's rights.
- Identify **who is taking the lead in** your organisation (Public Authority) for this process, including engaging children and young people and writing the report; introduce yourself, make your interests, skills and knowledge known and keep building those relationships on youth work's contribution to Children's Rights and the successful implementation of UNCRC.
- Ensure your existing youth work **planning and recording tools** reflect the clusters of the UNCRC reporting or the General Principles of the UNCRC under review
- Explore what **baseline information** your service has around young people and their rights, and consider how the Youth Work Outcomes and Skills Framework could help you achieve this aim.
- Develop an **engagement proposal** of how your service contributes to the participation element of the Child Rights Reporting process and share it with those who have the influence or capital to make this happen.
- Strengthen local, regional or national **children's rights networks** to understand your own needs and to identify areas for collaboration and improvement for the furtherance of the UNCRC and illustrate on how youth work is the ultimate partner to help deliver on the new Act.

Contact

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