

**Scottish Women's Convention response to:
The Scottish Parliament Equalities and Human Rights Committee:
Incorporation of the United Nations Convention on the Rights of the Child
October 2020**

Introduction

The Equalities and Human Rights Committee is consulting on the incorporation of the United Nations Convention on the Rights of the Child (UNCRC) into Scottish law. Children's rights would then be legally protected. To make sure that incorporation works, public authorities must not act in a way that's incompatible with the UNCRC requirements. Courts will have powers to decide if legislation is compatible with the UNCRC requirements and the Scottish Government can change laws to make sure they are compatible with the UNCRC requirements.

The Scottish Women's Convention (SWC)

The Scottish Women's Convention (SWC) is funded to engage with women throughout Scotland in order that their views might influence public policy. The SWC uses the views of women to respond to a variety of Parliamentary, Governmental and organisational consultation papers at both a Scottish and UK level.

The Scottish Women's Convention engages with women using numerous communication channels including Roadshow events, Thematic Conferences and regional contact groups. This submission provides the views of women and reflects their opinions and experiences in a number of key areas relevant to women's equality.

Will the Bill make it easier for children to access their rights?

The importance of this legislation and what it entails for women both in their role as primary care providers and as other relevant stakeholders cannot be underestimated. This is particularly pertinent for women and their families where there is high risk of structural and income related inequalities.

Any new legislation which seeks to incorporate international obligations to further children's rights is to be welcomed. Children and relevant stakeholders, including women, must be made aware of these changes and encouraged to access them.

In light of the current circumstances regarding Covid-19 and the toll that such will have on children, it is of the utmost importance that their rights are fully enshrined in domestic legislation and enforced. The fact that the proposed legislation seeks to use all of the Scottish Parliament's powers in order to do so is to be commended.

What do you think about the ability to take public authorities to court to enforce children's rights in Scotland?

Key to this Bill is ensuring children feel fully empowered to recognise their rights at every step in the process. Being the first country within the United Kingdom that allows children to enforce their rights in courts is a step forward and sends a clear signal to other countries to follow suit.

At present, current legislative mechanisms for accountability do not go far enough in ensuring children's rights are protected. Whilst women note that most public authorities do all they can to uphold children's rights, using a national framework illustrates Scotland's commitment to such. This should be seen by those accountable as having a two-fold approach: to ensure children have full and equal access to their rights and furthering the trust in public authorities collectively.

There may be, however, additional financial costs in pursuance of the Bill's objectives. Additional training, for instance, must be provided for. This is of particular importance for local authorities who may have seen their budgets cut.

The current situation in light of the Covid-19 pandemic and lockdown restrictions may subsequently see an unintentional loosening of children's rights. Accounting for this must be laid out within additional guidance for public authorities to ensure rights continue to be enforced. A clear strategic framework which seeks to underpin both practice and approach must be in place as well as provision of in-depth and detailed guidance. These must be clearly aligned with incorporating the UNCRC.

National awareness raising campaigns and other public information should inform the public about any new legislation. This must take into account Scotland's geography as well as local community issues.

What more could the Bill do to make children's rights stronger in Scotland?

Women and their families may be at risk of suffering the negative consequences where legislation is not fully realised in practice for the incorporation of children's rights. Other options that may be considered include:

- An emphasis on harder to reach families, marginalised groups and those who are at risk of socio-economic inequalities.
- Guidance should be disseminated as extensively as possible. It needs to be laid out in an accessible and clear manner. This should highlight and complement the specifics of the legislation.
- Women must feel comfortable in approaching stakeholders with any concerns they may have and where they think children's rights are not being met. This will involve extensive promotion of the legislation as well as training of staff in supporting and responding to concerns.
- Models of best practice are in place to ensure these meet the needs of individual families.
- The full definition of children's rights including recognition of the role of all public bodies in recognising the advancement of these.
- That all accountable public bodies are given appropriate guidance and funding in order to ensure they can incorporate any new legislation satisfactorily and are given time to respond to changes.

Are there any relevant equalities and human rights issues related to this Bill, or potential barriers to rights, that you think we should look at?

Many children and young people may face obstacles when accessing rights at present. This stems from a number of issues but may include a lack of coordinated response between public services attending to their needs or a lack of training by those charged with supervision of a child.

The Bill should stress that in the rights of the child, their own individual views will always be taken into account at every step in the process. All issues should be held up for ultimate transparency and scrutiny. This should include ensuring children and young people are aware of all accountability and appeals mechanisms available to them as an essential part of the Bill. This should also emphasise that children's rights are fundamental to equality and human rights processes.

It would also be useful if finalised guidance could be issued in smaller, separate documents in relation to key themes. An example would be how the proposed Bill would work with regards to looked after children and the relevant statutory obligations around this. Additionally, women have noted the need for more emphasis being placed on Child Rights and Wellbeing Impact Assessments (CRWIAs). Using these, alongside other assessment policies such as Equality Impact Assessments, at all stages will ensure children's rights are not just adequately upheld but advanced.

Conclusion

The SWC is grateful for the opportunity to respond to the consultation regarding incorporation of the UNCRC into Scottish law. To promote children's full potential and realisation of their rights, any proposed legislation should actively seek to include women's voices in the process. As an organisation, we will continue to work with women from across Scotland to gather voices and experiences at both a reserved and devolved level.

For further information, please contact
The Scottish Women's Convention
Email – info@scottishwomensconvention.org
Telephone – 0141 339 4797
www.scottishwomensconvention.org

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