Seminar Series 2017 – Implementing and monitoring the UN Convention on the Rights of the Child (UNCRC) in Scotland

Overview of the seminar series
This series of four one-day interdisciplinary and cross-sector seminars will seek to improve -- and address gaps -- in the implementation and monitoring of the UNCRC in Scotland. Each seminar will examine the UNCRC from the perspectives of law, practice, policy and next steps for implementation. The seminar series is being held in partnership between Together (Scottish Alliance for Children’s Rights), the Centre for Research on Families and Relationships at the University of Edinburgh, and the Centre for Child Wellbeing and Protection at the University of Stirling. The series has been funded by the Scottish Universities Insight Institute (SUII).

The dates
The seminars will run as follows:

1. The UNCRC in Law: Friday 10th February 2017
2. The UNCRC in Practice: Monday 20th March 2017
3. The UNCRC in Policy: Monday 24th April 2017
4. The UNCRC Going Forwards: Thursday 1st June 2017

Context and aims
Since 2008, there have been significant and welcome legislative and policy developments in relation to children’s rights. This includes the Children and Young People (Scotland) Act 2014 that places the UNCRC on statute for the first time, albeit falling short of the UN Committee’s recommendation of full incorporation into law.

The 2014 Act requires Scottish Ministers to give due consideration to ways in which the UNCRC can be better implemented in Scotland. Whilst this is a welcome step, it does not ensure that the principles and provisions of the UNCRC are directly applicable and justiciable. Instead, Ministers have discretion as to whether they consider it ‘appropriate’ to further the UNCRC. Reporting duties on public bodies and Ministers under Part 1 of the 2014 Act provide a welcome and useful opportunity to mainstream children’s rights into decision-making but fall short of requiring any action to implement the UNCRC.

Further steps can and should be taken to give legal effect to the UNCRC at both UK and devolved levels. In June 2016, the UN Committee made 150 recommendations outlining how the implementation of the UNCRC across the UK needs to be improved. Together’s 2016 State of Children’s Rights report collated evidence from over 380 NGOs and professionals working with and for children to outline how the UN recommendations should be taken forward in Scotland. It is clear from this report that children’s lived experiences of their rights remains patchy. This seminar series aims to explore how civil society, children and young people, and academia can work with government to ensure the full implementation of children’s rights across Scotland.
Seminar One – the UNCRC in Law
The first seminar will explore the strengths and weaknesses of using legislation to progress UNCRC implementation. From this, we aim to agree a set of priorities for research, policy and practice in Scotland to support the implementation of the Children & Young People Act and drive improved monitoring and implementation of the UNCRC at a local and national government level.

The seminar will include discussion and debate from a range of child law specialists and academics including representatives from Wales, Ireland and Scotland, and presentations from third sector representatives such as Clan Childlaw.

Seminar One - speaker abstracts

Giving Effect to the CRC – Learning from International Experience
Professor Ursula Kilkelly, Head of College, School of Law, University College Cork, Ireland
Article 4 of the UNCRC requires States Parties to take all measures to implement the Convention and, in recent years, focus has intensified on the legal and other means by which Convention rights can be given effect at national level. A number of studies have identified the momentum building, especially in Europe, to incorporate children’s rights into national constitutions and UNICEF’s UK study of implementation in 12 countries revealed important trends in the incorporation of children’s rights principle into national laws, with interesting results. This presentation will highlight this learning and make recommendations as to how this can be applied in Scotland.

Legislating for the UN Convention on the Rights of the Child in Wales
Dr Simon Hoffman - co-coordinator of the Wales Observatory on Human Rights of Children and Young People,
University of Swansea, Wales
Wales-only legislation has incorporated the UNCRC into Welsh domestic law. This presentation will provide an overview of how this has been achieved, and will reflect on the legislation’s impact on duty-bearers and others with responsibility for children in Wales. The presentation will also discuss the benefits that have accrued for children’s rights in the context of law and policy making. The focus will be on institutional culture and processes of governance and accountability. Wales is often held up as a model on children’s rights in the UK. Whilst there has undoubtedly been progress, this presentation will introduce a note of realism: warning that it is unrealistic to expect legislation to carry the burden of children’s rights, and reflecting that post-incorporation much work remains to be done to properly embed children’s rights in law and policy making.

The Children and Young People (Scotland) Act 2014
Juliet Harris, Director of Together (Scottish Alliance for Children’s Rights)
The Children and Young People (Scotland) Act 2014 enshrined the UNCRC into Scots law for the first time, placing a number of duties on national and local governments. Despite this, the 2014 Act falls short of full incorporation. It provides no duty on national or local government to fulfil the requirements of the UNCRC and provides no legal redress for children and young people if their UNCRC rights are violated. This presentation will provide an overview of the strengths and weaknesses of the 2014 Act and explore the extent to which its provisions can be used by government, civil society and children and young people to progress the UNCRC’s implementation across Scotland.
Gaps in Legislation - Scotland
Alison Reid, Principal Solicitor and Chief Executive of Clan Childlaw

Clan Childlaw aims to improve children and young people’s life chances by using legal skills and expert knowledge to help young people take part in decisions that affect them and by making sure that children’s rights are realised in Scots Law. It provides free, child-centred legal representation to children and young people. It delivers practice-based learning opportunities and information on child law and advances legal change to realise children’s rights. It works directly with young people whose rights under UNCRC are not being upheld. This presentation will explore some of the current legal issues facing young people in Scotland. It will give examples of where UNCRC has been effectively incorporated into legislation and applied in practice and where this is not the case. It will also identify possible routes to using the law to challenge practice and identify where reference has been made to UNCRC in Scottish Courts.

Afternoon panel session
Delegates will be asked to use learning from the morning sessions to contribute to an afternoon panel discussion focussing on the incorporation of the UNCRC into Scots law. Speakers from the morning session will be joined by, among others, Dr Kasey McCall-Smith, programme director for the LLM in Human Rights at the University of Edinburgh. The panel will lead an informed and stimulating discussion on the extent to which incorporating the UNCRC into Scots law would support the realisation of children’s rights in practice. Closing remarks will be provided by Elaine Sutherland, Professor of Child and Family Law at the University of Stirling and Distinguished Professor of Law at Lewis & Law School in Portland, USA.

More information about the organisers of this event

- Together (Scottish Alliance for Children’s Rights)
- Centre for Research on Families and Relationships (CRFR) at the University of Edinburgh
- Centre for Child Wellbeing and Protection (CCWP) at the University of Stirling

For further details on the seminar series, visit the following pages or contact Liz Millership on 0131 337 9015 / liz@togetherscotland.org.uk

- Eventbrite organiser page
- SUII information page