



John Swinney BPA/MSP
F/T: 0300 244 4000
E: dfmcse@gov.scot

By e-mail

2 September 2020

Dear colleagues,

I am delighted to confirm that the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill was introduced to the Scottish Parliament yesterday.

The Scottish Government is committed to a revolution in children's rights. The Bill represents a significant step on the road to fully realising the rights of all children and young people in Scotland.

The UNCRC is the global "gold standard" for children's rights. By incorporating the UNCRC we will deliver a fundamental shift in the way children's rights are respected, protected and fulfilled in Scotland, ensuring that children's rights are built into the fabric of decision-making in Scotland and that these rights can be enforced in the courts.

The dual impacts of the Covid-19 pandemic and the United Kingdom's withdrawal from the European Union underline the importance of human rights being built into the fabric of society. Nowhere is this more important than in relation to children and young people, whose futures depend on the action taken by all public authorities to implement their rights in practice.

By fully and directly incorporating the UNCRC into Scots law, to the maximum extent within the Scottish Parliament's powers, we will ensure that the rights contained in the UNCRC are afforded the highest protection and respect possible within our constitutional settlement.

The Bill contains a compatibility duty which makes it unlawful for public authorities, including the Scottish Ministers, to act incompatibly with the incorporated UNCRC requirements. If a breach occurs, children, young people and their representatives will be able to use the courts to enforce their rights.

Tha Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot



The Bill also requires that, so far as possible, legislation is interpreted in a UNCRRC compatible way. It includes powers to allow the courts to make strike down or incompatibility declarators in respect of incompatible legislation.

The Bill contains specific measures to remove barriers which children and young people may face in realising their rights under the Bill and accessing justice. These include provisions ensuring that claims are not time barred during childhood and giving the Children and Young People's Commissioner in Scotland the power to raise claims in the public interest.

The Bill will require the Scottish Government to lay a Children's Rights Scheme before the Scottish Parliament setting out our arrangements for fulfilling the compatibility duty under the Bill. The Bill requires Scottish Ministers to lay the Scheme annually and to report on the actions taken and future plans for children's rights. The Bill replaces the reporting requirement in section 2 of the Children and Young People (Scotland) Act 2014 on listed public authorities and requires them to report every three years on the steps they have taken to fulfil the compatibility duty.

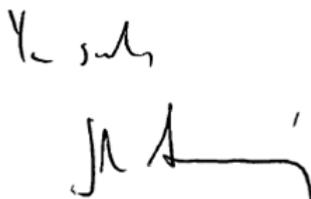
The Bill builds upon a strong record of success in implementing and embedding children's rights in Scotland. It will further embed a proactive culture of everyday accountability for children's rights across public services in Scotland. Public authorities will be required to take proactive steps to ensure compliance with children's rights in their decision making and service delivery. This will mean that the structures within which decisions are made in Scotland will further enable children and young people to be heard and take an active role in shaping the decisions which affect their own lives and communities.

The UNCRRC (Incorporation) (Scotland) Bill is one of the most significant pieces of legislation to be introduced to the Scottish Parliament since devolution. I look forward to working with you all in the coming months to make this Bill a success and to ensure that we collectively deliver for the children of Scotland.

The Bill and the accompanying documents can be found on the Scottish Parliament's website [here](#).

Further information, including a draft Child Rights and Wellbeing Impact Assessment for the Bill and a leaflet summarising the Bill, can be found [here](#). The Bill will now be considered by the Scottish Parliament, which will shortly invite people to share their views on the Bill. You can find out about this on the Scottish Parliament's website: www.parliament.scot

If you would like more information about what the Bill does or you would like to speak to the Bill Team you can get in touch by emailing UNCRRCIncorporation@gov.scot.


JOHN SWINNEY

Tha Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

Taigh Naomh Anndrais, Rathad Regent, Dùn Èideann EH1 3DG
St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



INVESTORS
IN PEOPLE

Accredited
Until 2020

