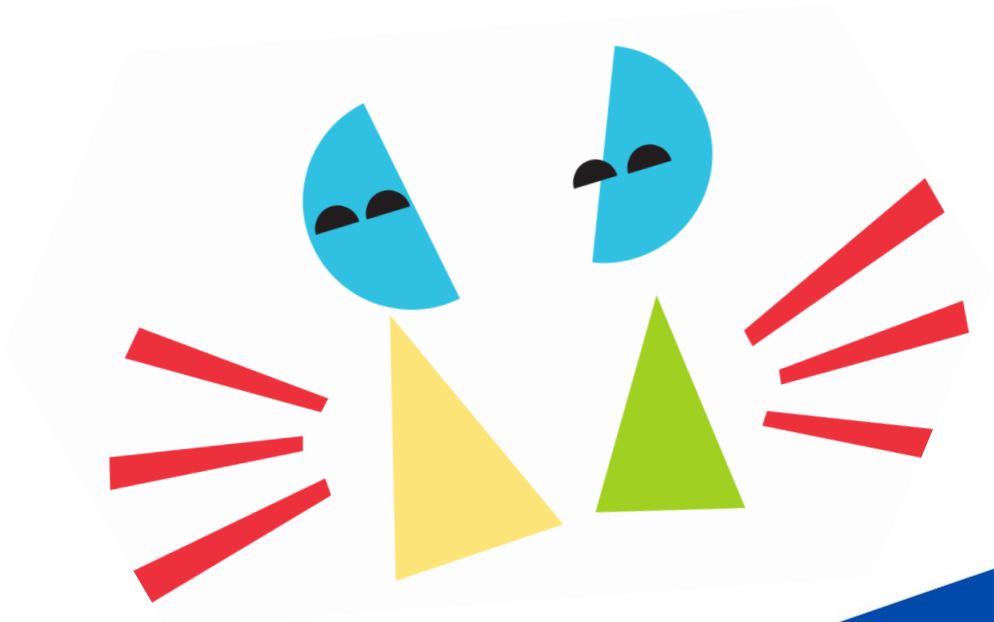


A fierce champion for children and young people's rights



**CHILDREN &
YOUNG PEOPLE'S**
Commissioner
Scotland



Incorporation & Accountability

- Ratification of Third Optional Protocol to the UNCRC – not progressed by UK Government.
- Incorporation of international human rights treaties, including UNCRC, into domestic law – legislation passed in Scotland but not yet law following Supreme Court judgment
- Accountability gap
- Concerns over proposed repeal of Human Rights Act 1998

Incorporation & Accountability

Recommendations

- That the Scottish Government urgently brings forward amendments to address the Supreme Court ruling to enable the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill to become law.
- That the UK Government protects the Human Rights Act and further incorporates the UNCRC and other UN Human Rights Treaties into domestic law.
- That the UK Government ratifies the third optional protocol to the UNCRC.

Youth Justice



- Age of Criminal responsibility remains below minimum internationally accepted age.
- Children under 18 still being imprisoned, with evidence prison is not being reserved for serious and/or violent offences

Youth Justice

Recommendations:

- That the Scottish Government immediately raises the Age of Criminal Responsibility to at least 14 and establishes an urgent timeframe for further increases.
- That the Scottish Government legislates to ensure children under the age of 18 are not remanded or sentenced to prison (including young offenders institutions).

Restraint, Seclusion and Restrictive Practices



- Use of restraint, seclusion and restrictive practices remains a concern across all institutional settings, including education, health (including mental health, care and young justice).
- Support SCLD proposed recommendations on restraint

Young Advisers' Priorities

Mental Health:

- 72% of young people have struggled with their mental health
- Community services inconsistent and fragmented

Recommendation:

- That the UK Government and devolved administrations enhance mental health services to guarantee that children with mental health conditions have access to appropriate mental health services, including community-based care, which respect their dignity and human rights

Young Advisers' Priorities

Education

- Some children face additional barriers to achieving their right to an education, including disabled children, those living in poverty and those who are care experienced.

Recommendation

- That the UK Government and devolved administrations ensure that resources are available to ensure all children have the support they need to access education, including disabled children, children in poverty, black and minority ethnic children and children in alternative care.

Young Advisers' Priorities

Poverty

- UK Government benefits policies violate children's right to an adequate standard of living and to benefit from social security
- 24% of children in Scotland in absolute poverty prior to pandemic
- UK Supreme Court found benefit cap incompatible with Article 3(1) of the UNCRC

Recommendation

- We ask you to recommend that the Scottish Government urgently set out how it can use devolved powers to reduce the impacts of rising poverty, meet its statutory child poverty targets and expand suitable social housing.
- We ask you to recommend that the UK Government remove the benefit cap and the two-child limit and reinstate the £20 uplift to Universal Credit.

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