

The UNCRC is the 'gold standard' across the world for children's rights and was first drafted in 1989 and was ratified in the UK in 1991.

First Introduced in September 2020, the Incorporation Bill has since received Royal Assent on 16 January 2024. Section 6 of the Act will come into force 6 months from Royal Assent, on 16 July 2024

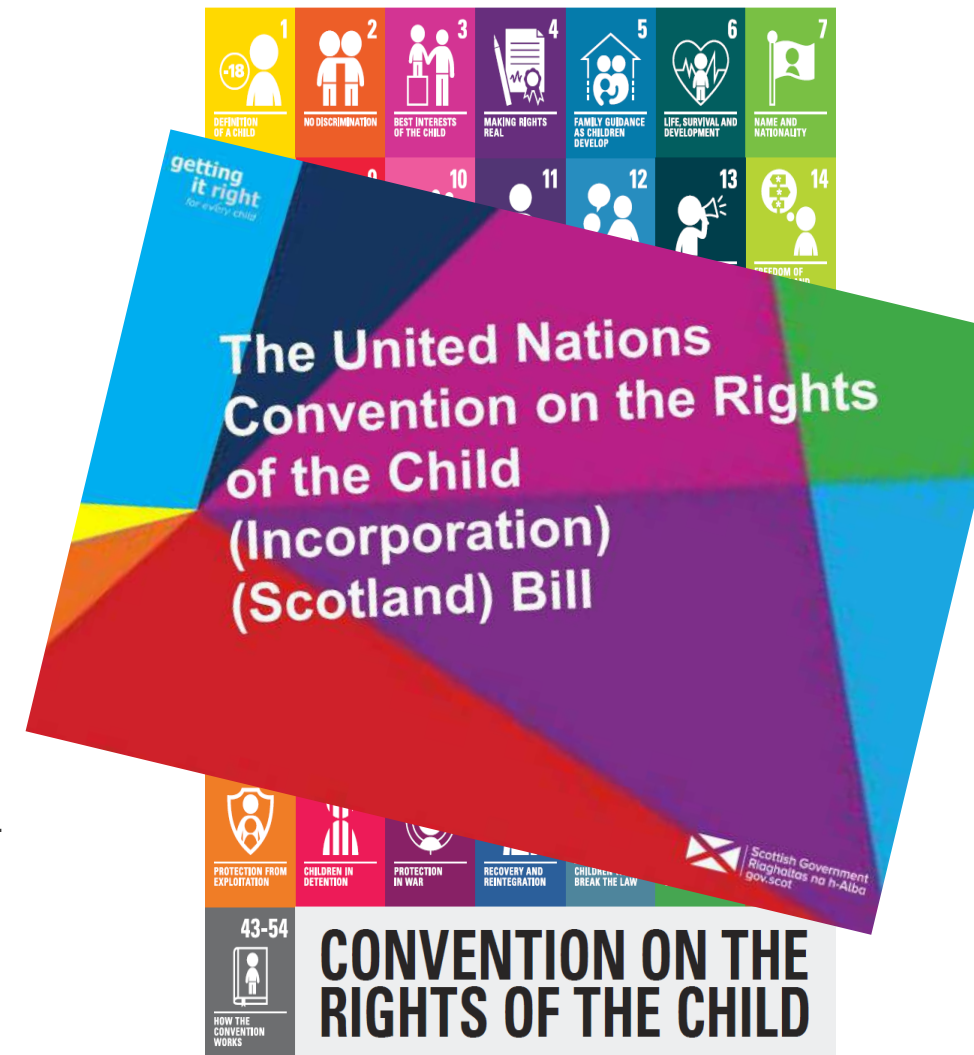
What does this mean?

Incorporating The Convention means children's rights will be legally protected in Scotland.

It will mean that that public authorities must take steps to respect children's rights in their decisions and actions.

And it will mean that children, young people and their representatives will be able to use courts in Scotland to enforce their rights.

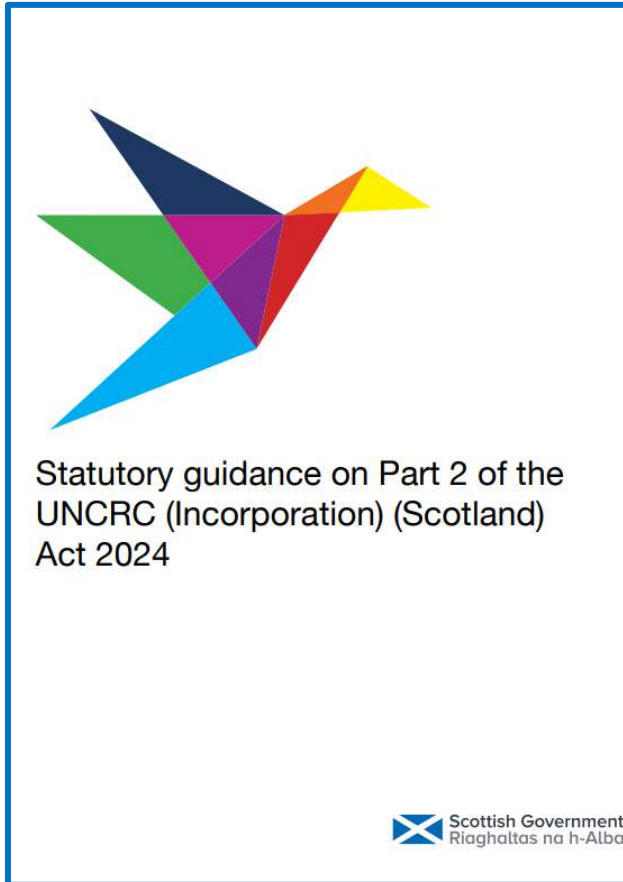
The 5 x Foundations of The Promise are tightly aligned with the UNCRC, and ensure that the needs of our care experienced children are known and addressed.



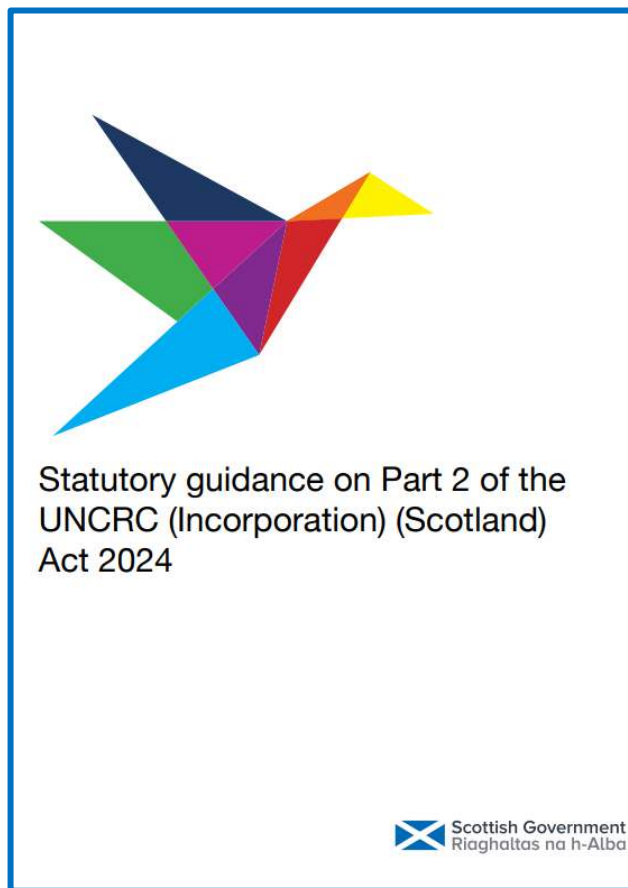
UNCRC (Incorporation) (Scotland) Act 2024

Summary of the contents of this Guidance

1. An introduction to human rights, children's rights and the UNCRC Act, including a definition of 'UNCRC requirements' as included in the Act
2. An introduction to Part 2 of UNCRC Act including frequently used terms and remedies now available to children and their representatives to seek redress through the courts if their rights have been (or a proposed action would mean that they would be) infringed
3. Definitions of key terms in the Act
4. An explanation of the section 6 duty on public authorities Further information to assist public authorities in applying the section 6 duty is included in annexes:
5. An introduction to concepts within the UNCRC relevant to the Act and their interaction with other human rights treaties ratified by the UK
6. Sources to guide interpretation of the UNCRC
7. A framework that public authorities may wish to use to review compatibility with UNCRC within their practice



[Statutory guidance on Part 2 of the UNCRC \(Incorporation\) \(Scotland\) Act 2024 \(www.gov.scot\)](http://www.gov.scot)



[Statutory guidance on Part 2 of the
UNCRC \(Incorporation\) \(Scotland\)
Act 2024 \(www.gov.scot\)](http://www.gov.scot)

The Act contains three sections that contain the processes for seeking a remedy:

1. Section 7 (“Proceedings for unlawful acts”) sets out the right to bring proceedings against a public authority which has acted (or proposes to act) unlawfully in relation to the UNCRC requirements. The UNCRC requirements may also be relied on in the context of other legal proceedings;
2. Section 8 (“Judicial remedies”) deals with the possible remedy or relief that a court or tribunal could grant on finding that a public authority has acted, or was proposing to act, incompatibly with section 6(1)
3. Section 9 (“Restriction on proceedings in respect of judicial acts”) clarifies the process and parameters for seeking redress in respect of a judicial act