



Ms Michelle Ballantyne MSP
Convener
Economy, Energy and Fair Work Committee
Scottish Parliament

cc Committee Members and Clerks
By email: economyenergyandfairwork@parliament.scot

30 July 2020

Dear Convener,

Independent Children's Rights Impact Assessment on the Response to Covid-19 in Scotland

It is my pleasure to enclose a copy of the overview and the children's version of our independent Children's Rights Impact Assessment (CRIA), documenting the impact of the Covid-19 pandemic on children and young people in Scotland.

The CRIA was prepared in collaboration with the Observatory of Children's Human Rights Scotland¹ and draws upon the knowledge and expertise of specialists from academic and civic society. The purpose of the CRIA is to:

- Observe and document children and young people's human rights issues in relation to law, policy and practice during the pandemic response, as they apply to children and young people in Scotland.
- Anticipate issues and identify opportunities to embed children and young people's human rights in ongoing developments in regard to developing law, policy and practice.
- Learn from the above, in terms of negative and positive implications for children and young people's human rights during crisis situations.

It is at times of crisis that hard-won human rights protections are most vital, and most at risk. Parliaments play critical roles as human rights guarantors and as such need the time, capacity, and evidence to hold governments to account.

¹ The Observatory of Children's Human Rights Scotland is a collaborative of Scottish organisations working to drive implementation of children's human rights in Scotland, with local impact and global learning. [CELCIS](#), [Childhood and Youth Studies Research Group](#), [MHSES](#), [University of Edinburgh](#), [Children's Parliament](#), [Inspiring Children's Futures](#), [University of Strathclyde](#), [Scottish Youth Parliament](#), Together (Scottish Alliance for Children's Rights).

We hope that this work will prove useful in reviewing decisions made so far and providing a framework to help navigate Scotland's long road out of lockdown and towards a rights-respecting post-Covid society.

The COVID-19 pandemic has impacted on every aspect of children's lives in Scotland and across the world and has had a disproportionate impact on children's whose rights were already most at risk. The measures taken to protect life and health in the early stages of the pandemic were necessary and proportionate, and the significant sacrifices that children, young people and adults made to support public health should be properly recognised.

However, this CRIA identifies significant concerns around decision making and scrutiny and highlights the impact on children and young people of the responses to COVID-19 in Scotland. Human rights do not go away in a time of crisis, and it is during the hardest times that it is most important they are respected, protected and fulfilled.

We are particularly concerned that, in making decisions relating to the pandemic and recovery from it, children and young people's voices have been absent the decision making processes. For example, there was no direct input from children and young people when decisions were made as a result of the cancellation of SQA exams and there is currently no representation of children or young people on the Scottish Government's Education Recovery Group.

As one of our Young Advisors Group said:

"Life changing decisions being made during coronavirus, like exams being cancelled, has felt like playing a game and every time it should be our turn, someone skips over us and we end up left behind and forgotten. Feeling out of control with no say has made young people's mental health worse. We need to be involved in key decisions about our lives and it is even more important when life still feels scary and unclear for us all".

Examination of the impact of the pandemic and resulting emergency legislation has been hampered by inconsistent definitions and a lack of central, disaggregated data on the number of children in special protection, for example due to living in poverty, suffering food insecurity, being digitally excluded, deprived of their liberty, receiving mental health support or who have disabilities. Without this data it is impossible to understand the impact Covid-19 or the response to it will have.

As the need for emergency measures reduces, it is important that decisions affecting children and young people are made with **rights** as a foundation and that children and young people are included in the decision making process. This will ensure that decisions are fairer, more relevant, and more effective, as well as ensuring compatibility with human rights.

One of the most important ways of ensuring children's human rights are protected is through the incorporation of the UNCRC itself into domestic law, which the Scottish Government has committed to doing by early 2021. Article 4 of the UNCRC requires governments ' . . . to undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the UNCRC . . . '. It is more vital than ever that this timetable does not slip, and we hope that there will be support across the Parliament for this important legislation as the need for an overarching legal framework has been made clearly apparent during the pandemic.

You can find further information, together with the full CRIA and a summary of the findings, on our website [here](#).

If you have any further questions, please do not hesitate to contact me (bruce.adamson@cypcs.org.uk) or our Head of Strategy, Gina Wilson (gina.wilson@cypcs.org.uk)

Yours sincerely,



Bruce Adamson
Children and Young People's Commissioner Scotland