UN Convention on the Rights of the Child (UNCRC)

The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (UNCRC Act) incorporates requirements set out under the UNCRC into domestic law, and makes provision to ensure compliance with duties relating to the UNCRC.

Section 6 of the UNCRC Act makes it unlawful for public bodies to act in a way that is incompatible with the UNCRC requirements when delivering relevant functions under powers conferred by an Act of the Scottish Parliament. This is referred to as the compatibility duty and applies to functions of a public nature. This includes functions of a public nature carried out under a contract with a public body. This duty comes into force on 16 July 2024.

A Child Rights and Wellbeing Impact Assessment (CRWIA) is a process which identifies any anticipated impact on children's human rights and wellbeing as part of policy development. Where a CRWIA has been done, it and/or other relevant sources of information should inform the procurement process. Further information on CRWIA is available from the Scottish Government website. Although produced to assist Scottish Government officials comply with the Scottish Minister's legal requirement to undertake CRWIAs, other organisations may find the guidance helpful.

Consideration of children's rights and compatibility with UNCRC requirements will be especially relevant, for example, in a procurement to provide a direct service to children such as early learning, childcare and health services. However, there may be other services for which children will be an end user (alongside others) such as transportation, or services provided in public buildings and which could have an impact on access to children's rights.

Further information on children's rights is available from the Scottish Government website including non-statutory guidance to support public authorities and other organisations to deliver a children's human rights approach in policy and practice.