

Written submission from the Children and Young People's Commissioner Scotland, 13 February 2025

SPCB Supported Bodies Landscape Review Committee

The Commissioner has broad powers and functions:

- promote awareness and understanding of children's rights
- keep under review law, policy and practice relating to the rights of children and young people with a view to assessing its adequacy and effectiveness
- undertake research on matters relating to children's rights and promote best practice by service providers
- carry out investigations into the extent a service provider has regard to children's rights
- power to intervene in legal proceedings or to bring proceedings in our own name on a range of different children's rights issues
- consult children and young people on the work we do and pay special attention to groups of children and young people who have difficulty in making their views and experiences known

How do you measure and demonstrate outcomes, and how are these outcomes selected and prioritised? What improvements could be made to this process?

Selecting and prioritising outcomes

The Children and Young People's Commissioner Scotland (CYPCS) must create a strategic plan every 4 years. To create this plan, extensive consultation takes place to ensure that the priorities and outcomes are informed by the views of children and young people. The SPCB is consulted on the draft plan before it is laid in parliament.

For the most recent (2024 to 2028) strategic plan¹, the CYPCS team undertook a desk-based review of more than 130 consultations involving children and young people in Scotland from the previous 5 years, launched a data-gathering survey for children and young people (with accompanying resources to support them to be involved) and undertook targeted qualitative sessions with 20 different groups of children and young people. The Commissioner also hosted 3 consultation sessions with representatives from the children's sector, and invited responses from parents of babies and disabled children.

From the outset, the CYPCS team worked collaboratively with our Young Advisors Group to design the process of consulting on the strategic plan and determining

¹ CYPCS Strategic Plan 2024-28 [Strategic-Plan-Final-Version-online.pdf](#)

priorities. We spent time matching desired outcomes for the priority issues, to the Commissioners functions and powers. High-level objectives are set within the strategic plan, and these are then converted into detailed strands of work set within a two-year delivery plan.

The delivery and prioritisation of the work of the CYPSCS office is by necessity dynamic, and proactive work set out by the strategic and delivery plan is constantly balanced with reactive work that comes into the office from a variety of sources. Reactive work includes responding to parliamentary activity or emergent issues which could be addressed by using our powers and functions (up to and including legal intervention).

Within the office, progress of work outlined in the delivery plan is tracked and monitored at quarterly Governance Meetings. Minutes of all Governance meetings are published on the CYPSCS website. The Commissioner's Young Advisors Group meets monthly, and progress is provided on specific thematic pieces of work during these monthly settings, with opportunities for questions, suggestions and challenge.

CYPSCS is accountable for outcomes to the SPCB, is scrutinised by parliamentary committees and held to account by our stakeholders, including our Young Advisors Group (YAG).

Measuring outcomes

Some aspects of our work lend themselves more easily than others to measuring and demonstrating short-term outcomes. For example, our Strategic Litigation Toolkit prompts us to identify what we are seeking to achieve when taking a case and a judgment represents a definable outcome that can be assessed.

In our policy work to influence change during the passage of Bills, we define our outcomes (usually in the form of amendments we are seeking) and can assess the extent to which our work has been cited and related amendments adopted.

Participation sessions we run with children and young people are evaluated, usually on the day they happen, and feedback from children and young people is collated and considered by the team at our regular meetings. Activities and our ways of working are continually adapted in response. We encourage groups of children we have met with to stay in touch with the office and share any follow up activities they take forward after working with us. This allows us to assess impact beyond initial awareness raising.

For other areas that require a longer-term view we take a different approach to understand our impact.

Demonstrating outcomes: contribution analysis

We often review our impact through the lens of contribution analysis, a focus on how our work has contributed to change, rather than establishing direct causation. This involves creating case studies or records on specific areas of our work in which we review our activity, outputs, recommendations and outcomes. We also consult with key stakeholders involved in the issue, to help us understand how our role has been

viewed and whether the outcomes we have control over have been achieved. Some of our stakeholders have shared their views below for the committee to consider.

Using the example of UNCRC incorporation, our office played a key role over a prolonged period. If we were to unpick all the elements involved, it would take us all the way back to the establishment of the office of Children's Commissioner.

Key stakeholder view: Juliet Harris, Director at Together:

"Together and the Children and Young People's Commissioner Scotland worked side by side to campaign for and shape the UNCRC (Incorporation) (Scotland) Act 2024. By working in partnership, we brought together civil society, academic expertise, and the lived experiences of children and young people to draft proposals that shaped the Bill. The Commissioner's independence provided a powerful, authoritative voice that reinforced the calls from children and civil society, while CYPCS staff contributed legal and policy expertise that, combined with Together's broad membership, strengthened the case for full incorporation. It was only through our collaboration and our joint efforts that children and young people were truly listened to and taken seriously at the highest levels—meaning their rights are now protected in Scots law."

Our work on issues can be long-standing. The protection of children's rights and best interests in youth football has straddled the remit of all four Scottish Children's Commissioners and five parliamentary sessions. Lack of action by those with the power to deliver change is not a reason for us to stop pressing for change where there are serious children's human rights breaches.

Key stakeholders view: Willie Smith and Scott Robertson, RealGrassroots:

"Our Petition and the issues it raised received overwhelming support from every political party in the Scottish Parliament. But the SFA and SPFL have ignored everyone's concerns. The involvement of the Commissioner's office over many years, with its focus on children's human rights, has been pivotal and we are so grateful to them for their support. The recent complaint to the CMA is evidence of the office's dogged determination to find ways to solve problems and protect children."

Our work on some issues is high profile, restraint and seclusion is an example, in part as it was on this issue we first used our investigation powers. The investment of our staff capacity in work on this issue has been significant. We still haven't achieved the desired outcome of statutory guidance, although we have influenced improvement action. It remains a priority for us to continue to work on this issue as it has a disproportionate impact on some of the most vulnerable children and young people.

Key stakeholders view: Beth Morrison and Kate Sanger, unpaid carers:

"As unpaid carers, we are dedicated to advocating against the misuse of restraint and seclusion of children. Our years of experience, in dealing with issues relating to our own children and in supporting many hundreds of families across almost all of Scotland's Local Authority areas, have highlighted that the systems in place that should protect children's rights in our country are largely

ineffective. The one significant and important exception is the professionalism, dedication, steadfastness and empathy of the excellent team at the CYPCS. We can say that without doubt, without the help of the CYPCS, many children in Scotland would still be suffering unacceptable practices that harm both their physical and mental health. The impact of the CYPCS has been significant and important for so many families directly, and so many more indirectly. Many parents have been bullied and threatened by Local Authority staff in an effort to silence them. The help given to them and the knowledge that the CYPCS has their back has given them the courage to fight for their children's wellbeing and seek acceptable solutions that recognise the child's Human Rights.

Since launching our parliamentary petition in 2015, asking for National Guidance on the use of restraint and seclusion in schools, the CYPCS has provided invaluable support and assistance, significantly enhancing our work. This includes the Commissioner's formal investigation and subsequent report "No Safe Place" in 2018 and the judicial review in 2019, which led to the new "human rights-based" Physical Intervention Guidance published in November 2024. No other organisation we have dealt with has had the will, stamina, or ability to take on an issue such as this over such a long-term period and work and support us through the many barriers that have been placed in front of us in that time. That this has been done over the tenure of 3 different commissioners is a testament to the offices ability to see things through over the long term and facilitate real and lasting change for the better.

Kate and I have worked with all four of the UK Children's Commissioners on the issue of Restraint & Seclusion in Schools. Whilst all are active in this area, our discussions with them lead us to conclude that the other three Children's Commissioners learned a lot from the work of the CYPCS. Whilst of course the Scottish Parliament should be focused on the impact of the CYPCS in Scotland, they should also take pride in the leading role that CYPCS has had on influencing the rest of the UK.

CYPCS's unwavering commitment to listening to children and families has made them a steadfast, reliable and independent safeguard for children. They have consistently served as a voice for those who have been overlooked or disregarded even by those other elements in society that are supposed to protect them but have regrettably failed in their duties."

The role and powers of our office enable us to work with children and young people in ways which are unique to our office. Our Mental Health: Counselling in Schools investigation was the first time a commission or commissioner's investigation powers have been directly exercised by children and young people (anywhere in the world).

Key stakeholder view: Lewis, former CYPCS Young Advisor:

"The powers of the Commissioner allowed the office to easily request the required information, such as the surveys for each local council, so that we could successfully conduct the investigation. If it weren't for the fact that the Children and Young People's Commissioner Scotland was seen as an independent body, I doubt we could have facilitated talks between the Scottish

Government and COSLA to discuss discrepancies and solutions to the problems identified.”

Audit

As a public body, CYPSC is required to engage in external and internal audit and reports to the SPCB quarterly outside of these audit mechanisms on specific governance matters. These mechanisms amongst others, are how CYPSC demonstrates strong governance and appropriate use of public funds while working towards delivery of outcomes.

Through external audit, annual assurance is provided by Audit Scotland. Appointment of external auditors is made by the Auditor General for Scotland and the Accounts Commission who secure the independent audit of the accounts and performance of public sector bodies in Scotland. The costs of our audits are not negotiable at Officeholder level. Our Advisory Audit Board (AAB) provides oversight, and the audit report and plan are approved via this mechanism and provided to the SPCB. This is a financial and wider scope audit in accordance with the Accounts Direction from Scottish Ministers and requires the office to produce an Annual Report and Accounts which are in line with the Government Financial Reporting Manual, to illustrate that the office possesses established governance mechanisms and complies with various legislation. This ensures that the office accounts for its budget formally, details how public money was used in the year and what was achieved. Our view is that while audit is an important and essential exercise which provides reassurance, in its current form it is disproportionate to the size, function and staffing complement of our organisation. My office would welcome further exploration of proportionality in external audit and internal audit.

We publish our Annual Report and Accounts on our website, this is a lengthy and technical document. We also produce an activity focussed Annual Report which we lay in the Scottish Parliament, and a child-friendly version.

In addition to external audit CYPSC also appointed an internal auditor on a three-year term, this is a relatively new requirement within our governance and commenced in 2023-24. The office undertook two internal audits last year in addition to the requirements of external audit. Communication and Governance was audited in the first year and the outcome reports were provided to the AAB via its formal yearly meeting to approve the Annual Report and Accounts. We are currently in the process of auditing procurement and will soon start our audit on GDPR.

The results of our audits have always been positive and have consistently illustrated the office’s commitment to achieving our aims and objectives while ensuring good governance.

Improvements – impact framework for children and young people

We recognise the challenge parliamentary committees face in trying to hold officeholders to account when they are working from annual reports and are not sure what ‘indicators of success’ they should be looking for.

It is the role of parliament to scrutinise and hold us to account for the quality of work delivered by CYPSC in relation to the statutory functions parliament voted to give the Commissioner. Children and young people must be central to determining whether we have delivered the work well.

To support parliament's scrutiny of our work against meaningful criteria determined by children and young people, we are developing an Impact Framework with indicators against each of our statutory functions. We are developing this framework with our Young Advisors and intend to make this available on our website to improve transparency, raise awareness of the way we work and provide a means by which other children and young people can scrutinise our work and hold us to account.

We will pilot this Impact Framework and welcome the involvement of children and young people not already working with our office; to help us continually improve the way we measure, describe and share evidence of our impact. We intend for the Impact Framework to be accessible and child-friendly so that children and young people can continue to be involved each year in helping to scrutinise our work.

We look forward to discussing this proposal with the Scottish Parliament's Education, Children and Young People's Committee.

Furthermore, we are planning to update our approach to the next Annual Report we will lay in parliament. We will more closely align the activity reporting to our strategic plan and provide a number of impact case studies, chosen to demonstrate the variety of our activities and functions. Case studies will reflect the non-linear process of influence. We may work on issues for many years before there is a clear 'story' to tell about the cumulative impact of our work.

Improvements – requiring a response from key duty bearers

While the implementation of the UNCRC (Incorporation) (Scotland) Act in July 2024 has given us another powerful tool to drive change in the shape of strategic litigation, it remains the case that our structure (our legislation) leaves a gap which over time is increasingly having a negative impact on our ability to monitor impact or affect change. In practice, it can be very challenging for the Commissioner to compel any response from duty bearers. Only our formal investigation powers include a requirement to respond.

At present, the Commissioner must lay an Annual Report in parliament. This can include recommendations based on our work with children, but there is no requirement for anyone to respond to those recommendations. We would welcome a requirement to respond to the our Annual Report recommendations from the Scottish Parliament and the Scottish Government. This would improve the process by which we can measure and demonstrate the outcomes of our work and improve efficiency in work undertaken to try to elicit clear responses.

Our office had hoped that a commitment from Scottish Government to respond to the Commissioners recommendations might have been included in the annual updates on the Children's Scheme (UNCRC Incorporation Act), but this option has been declined by the Scottish Government on the basis they can't commit to updating on progress with an unquantified number of issues in the annual update on the Scheme.

How has parliamentary committee scrutiny worked in practice and how has this impacted performance? How could scrutiny be improved and/or standardised?

Parliamentary officeholders have differing experiences of committee scrutiny. In 2009, the (then) Review of SPCB Supported Bodies Committee recommended that “the Scottish Parliamentary Corporate Body supported bodies should be subject to committee monitoring and scrutiny on the exercise of their functions on at least an annual basis.” In practice, although we have been scrutinised annually by the SPCB, historically our office has not always had an annual session with our lead committee, currently the Education, Children and Young People Committee.

The Commissioner welcomed our strategic plan scrutiny session with the Education, Children and Young People Committee in 2024 and we are pleased to see a further scrutiny session being planned in the coming months. We hope this will continue annually. This session provides both CYPCS and the parliament with an increased and wide-ranging opportunity to discuss the office’s work, to provide challenge and seek answers.

We view it as a mutually beneficial engagement, an opportunity for parliament to scrutinise the way in which we are am working on behalf of children and young people, discuss where we feel we are making progress, and where there are the gaps. It provides an opportunity to highlight children’s right issues and concerns with MSPs.

It is essential that balance is maintained in committee scrutiny, acknowledging the parliament’s legitimate interest in ensuring that the CYPCS is operating effectively and robustly, while respecting the office’s independence and particularly the provisions set out in Schedule 1 of the 2003 Act which state that (except for specific purposes) the Commissioner is not subject to the direction or control of the government, any MSP or the SPCB. Commissioners are apolitical, they must be resistant to popular trends and short-term thinking and have the time and independence to continue to identify the foundational changes that are required to progress change.

CYPCS regularly gives both written and oral evidence to parliamentary committees on Bills and in relation to inquiries, which provides an opportunity for committee members to understand, be informed by, and to some degree interrogate, the office’s position and work on a particular area. However, this is based on issues that are live in the parliament at the time. This means that significant pieces of proactive work undertaken by the office may have very little formal parliamentary visibility unless they intersect with existing committee workplans.

Our experience of engaging in parliamentary evidence or scrutiny sessions has been positive and productive. They have provided a degree of constructive challenge to the office. They impact performance by requiring the Commissioner and staff to articulate and publicly justify their decisions and activity prioritisation, this encourages reflective practice and evaluation.

How do you work in practice with other public bodies or services and what are the main barriers faced? How can these barriers be overcome to improve efficiency and reduce costs while ensuring that shared services maintain high standards of quality and accountability?

We have a strong history of collaboration with other officeholders and public bodies to identify savings and efficiencies and have a strong commitment to the shared services agenda. This model is already established and is working well to ensure that public funds are used effectively and economically.

We explore shared services first, prior to single sourcing across functions, through the work of the Officeholders Shared Services Network Group (OSSN). We also use government framework agreements in procurement where practicable and available such as for corporate legal advice, printing etc.

The OSSN was established to formalise the ongoing work on shared services of corporate services teams across parliamentary officeholders. The OSSN has the following remit:

- Continual driving of efficiencies through joint procuring, co-hosting, joint contracts, and combining resources where applicable.
- Acts as a knowledge hub for Heads of Corporate Services and the wider organisation and shares best practice

The OSSN meets quarterly, the most recent meetings have focused on combining resources to update HR policies where analogous, identifying cost savings in updating BSL plans, interpretation and translation services and accessibility requirements and shared good practice in IT arrangements.

My office is co-located with three other parliamentary officeholders in Bridgeside House and we share building and facilities management. This prevents duplication in all aspects of building maintenance, management, facilities and health and safety.

We have a Memorandum of Understanding with the Scottish Parliament's Head of Information Governance and the parliament's Data Protection Officer provides valued expertise and oversight of our obligations and responsibilities as a public body in this area. We also have a shared accountant resource with other officeholders who assists us with preparation of our yearly accounts.

Further examples of current joint contracts are payroll and internal audit. My office leads on and is the holder of the joint contract for payroll services procured in partnership with the SPCB. This has created savings and efficiencies for other officeholders and other public bodies. We have recently worked with the commercial provider to open the contract up to other government bodies at no additional cost to the shared group. We also joined with SPSO and SHRC to procure internal audit services and continue to make use of joint opportunities.

We have attempted to mitigate the main obstacles to improving efficiency and reducing costs through the OSSN and collaborative working. In practical terms though, all of the SPCB supported officeholders are independent bodies and have different ways of working, different break points in contracts, differing needs in relation to their operations and differing mandates to fill. Shared services must not negatively impact on the independence, or public perception of independence, of the office.

There is a continued willingness on our part, and all the officeholders, to continue to explore if further shared services can bring increased efficiencies and support. One barrier is capacity to assess this thoroughly to ensure that any change is considered in-depth with short- and long-term benefits considered. There are costs involved in undertaking feasibility work, planning for any change and ongoing management and maintenance of any shared service contracts.

Sharing services may not always create efficiencies and may inadvertently lead to the dilution of the quality of that service or function. We must prioritise being as child-friendly as possible, through all of our work. That isn't necessarily a priority focus for others.

Where there are multiple joint collaborations, officeholders require management of these which is a human resource cost. It is our view that it would be appropriate and prudent to fully assess the impact of any further cost saving measures before a blanket approach is pursued.

We have focused our response to this question on the way in which we work with other public bodies and services in relation to business related operational matters. We would be very happy to provide additional examples about the way we work with officeholders and other public bodies. These include co-commissioning research; regular meetings to share insights and avoid duplication; providing children's rights advice; contributing to working groups and collaboration to maximise use of complementary powers.

Criteria were developed by the Session 2 Finance Committee to help guide decisions on whether to create a new commissioner². These criteria (Clarity of Remit, Distinction between functions, Complementarity, Simplicity and Accessibility, Shared Services and Accountability) are considered by the Scottish Government and Members when proposing Commissioner related Bills. Are these criteria currently adequate and how could they be improved?

We recommend that enhancements are made to the existing criteria for agreeing new 'Commissioner' bodies. These suggestions are intended to improve the scrutiny of alternative options to the creation of a new Parliamentary Supported Body.

² <https://digitalpublications.parliament.scot/ResearchBriefings/Report/2024/4/19/c9c7f428-dd50-4ad5-842b-8e14e9886406 - Appendix-A>

Additional considerations:

- determine whether the role requires a direct relationship with parliament, either because of the nature of the role or to comply with international standards.
- evidence what other options for achieving independence from government have been explored and why are they not suitable.
- demonstrate what gap in service or oversight the role will address.
- enhance the powers and resources of existing officeholders, rather than creating new ones.
- detailed focus on the legislation that creates these new bodies to ensure that any new duties do not duplicate or inhibit the essential independence of existing bodies.
- robust financial modelling and sufficient resource to enable meaningful delivery of the statutory remit and functions of new bodies, ensuring they also represent an effective use of public resources.

In our view, the rapid increase in calls to create new policy, interest-group or rights-based Commissioners highlight serious failings in the way people currently experience their rights within public services. There are clear implementation gaps in Scotland between policy and practice. We have a collective responsibility to better understand and address ineffective policy implementation.

What should the optimal model and structure for commissioners look like, and what key features should it include?

We believe that there is no one size fits all model for SPCB supported bodies. Distinct remits and differing functions require flexibility rather than consistency across their structures.

We will answer this question focusing primarily on the optimal model for the Children and Young People's Commissioner Scotland, as an Independent Children's Rights Institution (ICRI).

We believe that the current structure of our office works well.

The most important features of our model:

- independence
- child-centred specialist organisation with ability to involve children and young people in all aspects of our work
- priorities informed by the views of children and young people
- delivery of our statutory functions, allowing us to be proactive as well as reactive

- our work is grounded in the UNCRC
- multidisciplinary staff team with skills to deliver the functions and remit

Our functions are broad and are listed at the start of this document. Promoting human rights requires CYPCS to be critical of existing practices, policies and legislation which means being able to challenge those who make them, including the Government, Local Authorities and other Public and Private Bodies. It is of paramount importance that we are able to maintain our independence.

“Independence is the defining feature of human rights institutions for children. It is their main strength and their source of legitimacy and authority. It is the quality that allows them to keep child rights front and centre regardless of political trends. The degree of independence is pivotal in determining the success or failure of institutions”. - UNICEF³

An important and unique aspect of the way our office operates is the way we embed children and young people’s participation within our work, across all our functions, including our governance and the recruitment of staff. We prioritise the agenda of children and young people. All our staff are expected to work in child friendly ways, with participation skills mainstreamed throughout our office. Children and young people tell us they often find their voices drowned out in adult-centred organisations.

The Nolan principles of public life are the standards that all holders of public office should follow. Our office is also guided by another set of values, developed from the office’s work with children and young people across Scotland:

- leadership,
- participation,
- independence,
- bravery, and
- respect.

Our role within the UK

Within the UK, the Children’s Commissioners for England, Scotland, Wales and Northern Ireland work closely together. The UK Commissioners share learning across the jurisdictions, collaborate and discuss issues of mutual concern which affect the rights of children and young people. The Children’s Commissioner for England has a UK-wide remit regarding non-devolved issues and her team liaises with our office,

³ Unicef – Championing Children’s Rights A global study of independent human rights institutions for children – summary report- [championing2_eng.pdf \(unicef-irc.org\)](https://www.unicef-irc.org/publications/2019/07/20190701_championing2_eng.pdf)

helping to ensure representation of the interests and experiences of Scottish children in their work.⁴

The UK Children's Commissioners have offered the following comments to share with members of the SPCB Support Bodies Landscape Review Committee:

Dame Rachel de Souza, Children's Commissioner for England:

"As Children's Commissioner for England, I know how vital it is that children have a specialist, independent office to listen to and represent their views. That is particularly true for the most vulnerable children in society – those living away from home, in care, in the justice system, or relying on health services.

My office works in close collaboration with the Children and Young People's Commissioner Scotland, Nicola Killean. This has given me the chance to see firsthand how vital the role of her office is to all children across Scotland. In particular, the vital role she and her office played in supporting the implementation of the UNCRC in Scotland. I strongly encourage this review to acknowledge the Commissioner's vital role in upholding children's rights in Scotland and ensuring their voices influence policy development. As an office with expertise in children's rights, the Children and Young People's Commissioner Scotland must play a central role in advocating for the full implementation of the United Nations Convention on the Rights of the Child. It is crucial that the Commissioner's office retains its full capacity and remit to continue advocating for children's rights across Scotland."

Chris Quinn, Northern Ireland Commissioner for Children and Young People:

"You will be aware that for more than 20 years all four regions of the UK have had dedicated, independent Children's Commissioners. These were established in recognition of the importance of an independent, specialist office focussing on children and young people, providing advice and challenge to government in relation to their rights. While our remits vary slightly across the jurisdictions, our independence from government, according to the Paris Principles is critical, as well as the participation of children and young people in informing and advising the work of the office. Over the past two decades, offices of Children's Commissioners or Children's Ombudsmen have become accepted best practice in terms of ensuring children's rights implementation by governments.

I am alarmed at the potential for this Review to take retrogressive steps in relation to the Children and Young People's Commissioner in Scotland. Any steps to merge the office with other offices is likely to, at best, distract from the focus on the rights of children and young people. Many of us working to progress children's rights in other jurisdictions, and indeed internationally, have been drawing on the example of Scotland leading the way in relation to the incorporation of the UN Convention on the Rights of the Child, and other key progressive steps over recent years. However, any downgrading of the

⁴ A current example of this collaborative approach is our work on the UK Government's Poverty Taskforce.

Children and Young People’s Commissioner in Scotland would be a move in the wrong direction, and would raise concerns at the commitment of the Scottish Government and Scottish Parliament to promote and protect children’s rights.”

Rocio Cifuentes MBE, Children’s Commissioner for Wales:

“In Wales the Commissioner is appointed by the First Minister and funded solely by the Welsh Government. It has always been our position that the Commissioner should be appointed by the legislature and not the Executive, in line with international best practice, as this has the potential to compromise independence when holding the Government to account on their delivery and actions.

Wales was the first country in the UK to have a Children’s Commissioner, and children have a direct input into our work and priorities, which is a vital safeguard to hear and protect the voices who are otherwise not represented and cannot cast their own votes in the democratic process. There is also huge value for us in working collaboratively with Children’s Commissioners across the UK and beyond, to learn from each other and share good practice to make sure children’s rights are respected and realised to the fullest extent; the Scottish Commissioner’s office are a regular collaborator and contributor for us and we hope that they also benefit from the work here in Wales.”

Our international role

The Commissioner is a full member of the European Network of Ombudspersons for Children (ENOC). To hold this membership, the Commissioner must fulfil certain criteria as an independent children’s rights institution (ICRI). These criteria mandate that:

- The institution is established through legislation approved by parliament, which provides for its independence.
- The institution has the function of protecting and promoting children’s rights. This function is established through legislation.
- There are no provisions in the legislation which limit the institution’s ability to set its own agenda in relation to this function, or which prevent it carrying out significant core functions suggested in the Paris Principles and ENOC’s Standards.

ICRIs serve an important function to stand ‘in the middle’ between local and global human rights perspectives – a two-way process which translates global rights into local systems and ensures the local to the global transfer of knowledge and experiences. One important way in which ICRIs facilitate this is by working so closely

with children and young people and feeding back to a global level on those experiences and voices.⁵

The Commissioner has a recognised role within the UN treaty body reporting cycles, particularly the UN Committee on the Rights of the Child, ensuring that the voices and experiences of children in Scotland are considered and rights issues identified. We regularly engage with the UN Committee when new General Comments are being created. The Convention on the Rights of the Child is a living instrument, guidance on its interpretation and implementation evolves over time. Through incorporation the UNCRC is recognised and will increasingly be drawn upon within Scotland's courts, it is important to continue to influence the convention's international development.

⁵ Independent Children's Human Rights Institutions 'In the Middle' between Local and Global Perspective Roberta Ruggiero PhD University of Geneva, Roberta.Ruggiero@unige.ch Karl Hanson PhD University of Geneva, Karl.Hanson@unige.ch