



Starcatchers' response to the Scottish Government's consultation on incorporating the United Nations Convention on the Rights of the Child into Scots law.

About the consultation

In line with the Programme for Government 2018/19, the consultation is seeking views on how a new Act could incorporate the UNCRC into domestic law to deliver the best outcomes for children, young people and families in Scotland.

It incorporates a series of questions under three themes:

- legal mechanisms for incorporating the UNCRC into domestic law
- embedding children's rights in public services
- enabling compatibility and remedies.

[Read the full consultation here.](#)

Starcatchers' response

Starcatchers has responded to Question 16 in Section 2 'Embedding children's rights in public services':

Question 16.

Do you think additional non-legislative activities, not included in the Scottish Government's Action Plan and described above, are required to further implement children's rights in Scotland? Please explain your views.

Yes, we believe additional, non-legislative activities are essential to further implement children's rights in Scotland. There is a particular gap around the representation of under 5s, and babies and young children age 0-3 in particular, which is not adequately addressed in current plans.

Much of the Scottish Government's Action Plan builds on the legacy of the Year of Young People, engaging young people in unconferences, citing the use of digital technology and local discussion groups. All of these methods of engagement are unsuitable for under 5s, and without longer running engagement that develops the skills and agency of children and young people, these approaches also run the very real risk that only the most confident, engaged and empowered children and young people will be heard. Partnering with Education Scotland will engage some young children age 3-5 accessing early years settings, but does not address the needs of 0-3s.



There is a current lack of resources and knowledge around children's rights for under 5s, which is perhaps unsurprising given that co-production and consultation with pre and non-verbal children requires specific skills and approaches, and by its very nature relies on small-scale, personal interactions. The voices of babies and young children were completely excluded by the parameters and methodology of YOYP, which elevated the voices of older children and young people and widened the age related gap in terms of representation. Urgent investment is needed to further develop the conversations, research and resources around the rights of under 5s, and under 3s in particular.

It is important to recognise that under 5s experience their rights primarily through experiences and their relationships with the adults who care for them. Projects and training for the ELC workforce that share approaches which develop a sense of agency and empowerment in under 5s need to be prioritised, particularly approaches that give a voice to pre and non-verbal children.

The expressive arts are a particularly effective way of developing agency and sense of voice, and improving access to rights-based approaches to the expressive arts takes an early intervention approach to children's rights in Scotland.

By ensuring all children in Scotland are able to access rights-based approaches to the expressive arts, not only will we ensure we listen to Scotland's youngest citizens, we will also build the skills and capacity for every child to be able to meaningfully engage in decision-making, co-production and strategic development opportunities throughout their lives.

Making My Mark

Starcatchers' campaign **Making My Mark** is a celebration of the role that arts and creative experiences can play in helping our youngest citizens learn about their rights.

Through this campaign we want to inspire grown-ups to put arts and creative experiences at the heart of interactions with babies and young children 0-5.

Watch our [short film](#)

Join us [@StarcatchersUK](#) on Facebook, Twitter and Instagram with **#MakingMyMark**.

We'll be sharing:

Everyday ideas for artistic and creative activities with babies and young children

Moments when babies and young children are exploring, experimenting, getting stuck in and expressing themselves. We'll do this through our performances, community projects and work with early years settings.

Contribute your own observations and ideas!

[@StarcatchersUK](#)

www.starcatchers.org.uk/making-my-mark

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