

Dear House of Lords Covid-19 Committee,

Life Beyond Covid
Evidence of the Children and Young People's Commissioner Scotland

The COVID-19 pandemic has impacted on every aspect of children's lives in Scotland and across the world. 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.

The Scottish and UK Governments responded to the pandemic by enacting emergency legislation intended to protect public health, but which also impacted significantly on a wide range of children's human rights. It was concerning therefore that much of the emergency legislation was passed by the Scottish and UK Parliaments at speed and without the opportunity for robust or detailed scrutiny.

Parliaments play critical roles as human rights guarantors and as such need the time, capacity, and evidence to hold governments to account. Children's Rights Impact Assessments (CRIAs) are a key part of that accountability model¹ and give parliamentarians the information they need to question and challenge the exercise of executive power.

In the absence of a comprehensive approach to ensuring human rights compliance by the Scottish Government, we commissioned an [independent children's rights impact assessment](#) of what the legal and policy response to the coronavirus pandemic meant for children's human rights in Scotland.

We have drawn out several key high-level recommendations in response to the issues raised in the CRIA.

1. One of the most important ways of ensuring children's human rights are protected is through the incorporation of the UNCRC (UN Convention on the Rights of the Child) into domestic law.

¹ United Nations Committee on the Rights of the Child (2003) [General Comment No.5: General Measures of Implementation of the Convention on the Rights of the Child](#) (paras 45, 46 and 47).

2. The gaps in data and evidence identified by this independent assessment mean that it is hard for the Scottish Government to be confident that its decisions are delivering on human rights obligations, and the limited use of tools such as CRIA restricts the ability of parliamentarians or wider society to understand and scrutinise those decisions effectively.
3. Most strikingly, despite the need to ensure that the best interests of children are a primary consideration in all actions concerning them (art 3 (1) and the UNCRC's recognition that participation in decision making (art 12) is an enabling right, children have been largely absent from the decisions that have so profoundly impacted their lives. One of the greatest failings during the pandemic response has been the lack of recognition of children as rights holders rather than as passive objects of care or charity. The structures within which we make decisions need to be fundamentally rethought to enable children to take an active role in their own lives and communities.

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