



**Matter  
of Focus**  
Evidence. Action. Change.

**Public Health  
Scotland**



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

## **Theory of Change for Making Children's Rights Real in Scotland Evidence Paper no. 4 - Empowerment**

### **Rapid Review of the change process no. 4: "Keeping children's rights real by ensuring a system of information, advocacy, complaints, redress and effective remedy"**

The Scottish Parliament **unanimously passed the UN Convention on the Rights of the Child (UNCRC) (Incorporation) (Scotland) Bill in a landmark vote in March 2021**. Many people and organisations in Scotland have since been considering how best to implement the Bill and ensure children's human rights are respected, protected and fulfilled.

While the 2021 Bill cannot receive Royal Assent in its current form (due to the October 2021 Supreme Court judgment), the Scottish Government remains committed to incorporating the UNCRC into Scots law to the maximum extent possible and as soon as practicable.

To support this transformative change, the [Observatory of Children's Human Rights Scotland](#), [Matter of Focus](#) and [Public Health Scotland](#) were awarded a grant by the Scottish Government, to lead a **collaborative effort to develop a Theory of Change for the process of UNCRC implementation in Scotland**. The work took place between November 2021 and March 2022.

**For further information on the project and to read through the Theory of Change for UNCRC implementation in Scotland, see the [accessible summary](#), [interactive report](#) and [full report](#).**

In February/March 2022, the Theory of Change project team – with the evidence strand led by Public Health Scotland – commissioned **rapid reviews on each of the four change processes making up the Theory of Change**. The reviews examined the evidence on what best effects change and how to apply this to the Scottish context through the Theory of Change.

In addition to informing the development of the Theory of Change, reviewers were tasked with writing **evidence papers providing summaries of the relevant evidence, to support policy-makers and practitioners in making evidence-based decisions towards their next steps** to further UNCRC implementation.

You can find the **four evidence papers** on the Observatory's website, including **Evidence Paper no. 2 on Capacity**, **Evidence Paper no. 3 on Culture** and **Evidence Paper no. 4 on Empowerment**. While each of the four papers is themed around one of the change processes, the interconnectedness of the change processes means that the **papers are interrelated**, with the evidence sometimes crossing over.

**Theory of Change for Making Children's Rights Real in Scotland:  
Rapid review of change process no. 4  
"Keeping children's rights real by ensuring a system of information, advocacy, complaints,  
redress and effective remedy for children"**

*Jean-Frédéric Hübsch\**  
*Interdisciplinary Research Laboratory on the Rights of the Child*  
*University of Ottawa (Canada)*

May 5, 2022

## **Overview**

As part of the development of the Theory of Change for Making Rights Real in Scotland, I have been asked to review evidence related to ensuring a system of information, advocacy, complaints, redress and effective remedy for children. I refer to this as a system of accountability for children's rights. In this review I outline available evidence on each aspect of the system and provide examples of good practices for implementing such a system. The review includes a summary of approaches to a system of accountability for children's rights as well as a list of useful resources.

### Scope and terminology

This review primarily concentrates on evidence available internationally, in English, and empirical research evidence. It also brings in journal articles, research reports by international and national civil society organisations, reports and guidance prepared by human rights and children's rights institutions, as well as resolutions and documentation from the United Nations. Except where provided as examples, legal commentary, interpretation and case law are beyond the scope of this review. Moreover, the review does not provide legal commentary on the proposed UNCRC (Incorporation) (Scotland) Bill<sup>1</sup> nor does it address jurisprudence under the Optional Protocol to the UNCRC on an Individual Communications Procedure.<sup>2</sup>

Throughout this review, I use the expression 'children' when referring to rights holders up to the age of 18. I refer to 'duty bearers' when discussing people and organisations with human rights obligations.<sup>3</sup>

---

\* Ph.D. Student, Faculty of Law, University of Ottawa (Canada). The author thanks the team at the Observatory of Children's Human Rights Scotland for their invaluable feedback on earlier iterations of this review.

<sup>1</sup> On legal issues related to UNCRC incorporation in Scots Law, see for example, Katie Boyle & Aoife Nolan, 'Incorporation of UNCRC: draft working paper' (2019), <https://www.gov.scot/publications/incorporation-of-uncrc-discussion-paper/>; Katie Boyle, 'The Future of Economic, Social and Cultural Rights in Scotland: Prospects for Meaningful Enforcement', *Edinburgh Law Review* 23, no. 1 (January 2019): 110; Katie Boyle, *Models of Incorporation and Justiciability for Economic, Social and Cultural Rights* (Scottish Human Rights Commission, 2018), [http://www.scottishhumanrights.com/media/1809/models\\_of\\_incorporation\\_escr\\_vfinal\\_nov18.pdf](http://www.scottishhumanrights.com/media/1809/models_of_incorporation_escr_vfinal_nov18.pdf).

<sup>2</sup> On case law under the Optional Protocol on an Individual Communications Procedure, see for example, Cristiana Carletti, 'The Third Optional Protocol to the Convention on the Rights of the Child: Preliminary case law assessment for the effective promotion and protection of children's rights', *Global Campus Human Rights Journal* 4, (2020): 114-134, <http://doi.org/20.500.11825/1700>; Ann Skelton, 'International Children's Rights Law: Complaints and Remedies' in Ursula Kilkelly and Ton Liefaard (Eds.), *International Human Rights of Children* (Singapore: Springer, 2019), 65-91.

<sup>3</sup> In international human rights law, duty bearers refer to all who hold obligations under the UNCRC, with the state being the primary duty bearer. Duty bearers must respect, protect and fulfil children's human rights. In the context of UNCRC incorporation in Scotland, this will be the public authorities required to 'act compatibly' with the UNCRC requirements under the UNCRC Incorporation Bill. Further information can be found in the Theory of Change report:

The terms 'advocacy' and 'advocate' are understood broadly to include both informal and formal ways of advocating for children's rights, including self-advocacy. I use 'legal representation' when discussing legally trained professionals who may provide legal advice and advocacy in judicial or other complex proceedings.

The terms 'redress' and 'remedy' are used in different ways in the evidence. The United Nations Committee on the Rights of the Child has said that 'For rights to have meaning, effective remedies must be available to redress violations.'<sup>4</sup> The United Nations and the International Commission of Jurists talk of 'remedy' and 'reparations' to differentiate between processes and outcomes in respect of addressing gross violations of international human rights.<sup>5</sup> Elsewhere, the author of a UNICEF study refers to 'redress' as a form of remedy that rectifies service failures, while the Scottish Human Rights Commission discusses 'mechanisms of redress' to ensure respect for human rights.<sup>6</sup> A briefing on access to justice for social rights notes that remedies are both the available processes for claiming rights as well as the outcomes of such processes.<sup>7</sup> In this review, I discuss the concepts of 'redress and effective remedy' together as a means to review the evidence relating both to processes and to outcomes of claiming children's rights.

As this review draws together evidence from different disciplines, terminology may differ and be used inconsistently across the various sources. Unless otherwise indicated, the terminology used by the related source has been maintained.

### Overarching theme

The overarching theme for this evidence review is accountability. The United Nations Committee on the Rights of the Child General Comment No. 5 on the implementation of the UNCRC sets out how States Parties can best meet and be held accountable for their children's rights obligations.<sup>8</sup> The Committee states the following at paragraph 24:

"States need to give particular attention to ensuring that there are effective, child-sensitive procedures available to children and their representatives. These should include the provision of child-friendly information, advice, advocacy, including support for self-advocacy, and access to independent complaints procedures and to the courts with necessary legal and other assistance. Where rights are found to have been breached, there should be appropriate reparation, including compensation, and, where needed,

---

<https://www.ed.ac.uk/education/rke/our-research/children-young-people/childhood-and-youth-studies-research-group/research/observatory-of-childrens-human-rights-scotland/observatory-outputs>.

<sup>4</sup> United Nations Committee on the Rights of the Child, *General comment no. 5 (2003): General measures of implementation of the Convention on the Rights of the Child*, CRC/GC/2003/5 (27 November 2003).

<sup>5</sup> United Nations General Assembly, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, Resolution 60/147 (16 December 2005), <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation>; International Commission of Jurists, *The Right to a Remedy and Reparation for Gross Human Rights Violations A Practitioner's Guide* (October 2018), xiii, <https://www.icj.org/wp-content/uploads/2018/11/Universal-Right-to-a-Remedy-Publications-Reports-Practitioners-Guides-2018-ENG.pdf>

<sup>6</sup> Elizabeth D. Gibbons, *Accountability for Children's Rights: With special attention to social accountability and its potential to achieve results and equity for children* (United Nations Children's Fund, March 2015), 9, <https://sites.unicef.org/policyanalysis/rights/files/Accountability-for-Childrens-Rights-UNICEF.pdf>; Scottish Human Rights Commission, *Human Rights Based Approach: A Self-Assessment Tool* (December 2018), 4, [https://www.scottishhumanrights.com/media/1814/shrc\\_panel\\_self-assessment\\_tool\\_vfinal.pdf](https://www.scottishhumanrights.com/media/1814/shrc_panel_self-assessment_tool_vfinal.pdf)

<sup>7</sup> Katie Boyle, *Briefing: The Access to Justice Journey* (University of Stirling & Nuttfield Foundation, February 2022), 1 fn 4.

<sup>8</sup> UN Committee on the Rights of the Child, *General measures of implementation*.

measures to promote physical and psychological recovery, rehabilitation and reintegration.”

Accountability can be understood in many ways.<sup>9</sup> The Scottish Human Rights Commission includes accountability as part of its PANEL principles for taking a human rights-based approach to policy and practice: Participation, Accountability, Non-discrimination, Empowerment and Legality.<sup>10</sup> The Commission describes accountability as being about monitoring human rights standards and ensuring that appropriate mechanisms are available to secure human rights. The principle of accountability works alongside the other PANEL principles.

According to a study of accountability mechanisms related to children's rights,<sup>11</sup> accountability means that duty bearers supply environments, services and processes necessary to realise children's rights, and rights holders are afforded the opportunity to demand that these environments, services and processes meet established standards. Accountability can therefore take various forms:

- judicial accountability through enforcement of rights by the legal system;
- quasi-judicial accountability through independent international, regional and national monitoring and complaint bodies and human rights institutions;
- political accountability through elections, parliamentary committees, and local government;
- administrative accountability through internal mechanisms of control such as separation of political and executive decision-making, financial audits, and codes of conduct; and,
- social accountability through citizen-led participatory engagement to ensure services are available, accessible, acceptable and of good quality such as voluntary oversight committees, scorecards, public hearings, and contact with local media.

## **Summary of approaches to a system of accountability for children's rights**

### Individual approaches

#### *Information*

- Provide children with information about their rights so they can make informed decisions about how to pursue accountability.<sup>12</sup>
- Provide children with process information that explains what is likely to happen, what should happen, and the child's role and choices, including potential outcomes.
- Provide information to children at the first opportunity and on an ongoing basis.
- Provide information in ways that are meaningful to children and their individual circumstances.
- Communicate decisions to children.

#### *Advocacy*

- Let children decide how they want to participate.
- Let children decide whose help they want when they participate.
- Provide children with information about available advocacy options.

---

<sup>9</sup> Further discussion on the definitions and meanings of accountability can be found in the Theory of Change report: <https://www.ed.ac.uk/education/rke/our-research/children-young-people/childhood-and-youth-studies-research-group/research/observatory-of-childrens-human-rights-scotland/observatory-outputs>.

<sup>10</sup> Scottish Human Rights Commission, *Human Rights Based Approach*.

<sup>11</sup> Gibbons, *Accountability for Children's Rights*.

<sup>12</sup> See other change processes for more on ensuring children's access to information about their rights.

- Foster respectful dialogue with children through supportive listening, open conversation, and fluid interactions.

#### *Complaints*

- Set clear expectations about processes and potential outcomes.
- Provide ongoing information about the status of complaints and explain any delays.
- Require all adults who interact with children to provide relevant referrals to services and processes without delay.

#### *Redress and effective remedy*

- Let children offer suggestions for effective remedies.
- When considering remedies, ensure children are able to maintain the relationships that matter to them.

#### *Feedback loops*

- Provide children with information about how their participation affected the outcome of a process.
- Provide children opportunities to reflect on their experience with a service or process.

#### Systemic approaches

##### *Information*

- Develop child-centred communications plans that meet children where they are.
- Collect disaggregated data about children who are accessing services to ensure non-discrimination and to ensure proper allocation of resources.
- Develop mechanisms that allow for children's individual and collective participation.

##### *Advocacy*

- Plan for children to have consistent contact with a single trusted adult over the course of their engagement with a service or process.
- Develop mechanisms that give children the time they need to prepare for, contribute to, and provide feedback on a service or process.
- Provide adequate training about children's rights to all adults who interact with children, including specialised training where relevant.
- Provide adequate training about systems and processes, including roles and responsibilities, to all adults who interact with children.
- Offer various types of advocacy services, from informal advice and support through to legal representation.
- Offer one-stop children's rights information and advocacy services.

##### *Complaints*

- Develop mechanisms to ensure that complaints lead to sustained change and not only one-off resolutions.
- Develop mechanisms to engage with children on a regular basis to guide improvements to complaints processes.
- Ensure institutions responsible for monitoring children's rights are able to receive individual complaints and are given adequate resources to investigate and monitor compliance.

### *Redress and effective remedy*

- Make rights claims justiciable.
- Make time constraints flexible.
- Ensure access to legal representation for children in judicial and other complex proceedings.
- Develop mechanisms that allow for individual and collective claims.
- Develop mechanisms that allow for individual, collective, and structural remedies.
- Ensure remedies can be implemented quickly to stop ongoing rights violations.
- Develop mechanisms to ensure accountability for children's rights extends to private actors who are delegated authority by public actors.
- Ensure mechanisms are available to children outside of school hours.

### *Feedback loops*

- Train adults who interact with children to treat feedback as beneficial and to encourage feedback from children.
- Develop mechanisms to ensure that feedback is communicated to all relevant duty bearers.
- Develop mechanisms to ensure that the findings of complaints, quasi-judicial or judicial processes are communicated to all relevant duty bearers.
- Develop mechanisms to ensure feedback and findings are acted upon in ways that respect children's rights, including ensuring remedies in individual situations are applied to others in analogous situations.

## **Key evidence**

A system of accountability for children's rights requires meaningful access to information and advocacy, and effective mechanisms for complaints, redress and remedy. These elements are relevant throughout the continuum of children's experience with services and institutions, from initial service provision through to, as a last resort, judicial proceedings. Moreover, a child-friendly system of accountability is not sufficient on its own. It must be accompanied by a culture of respecting rights in everyday interactions and decisions, which includes a culture of children and young people's participation and of accepting and acting on feedback.

The evidence review that follows explores each aspect of the system: information, advocacy, complaints, and redress and effective remedy. Throughout, I point to evidence with respect to both systemic change and individual experience within the system. I conclude the review with a brief discussion of sequencing and feedback loops.

## **Information**

Meaningful information is a precondition for an effective accountability system for children's rights. Meaningful information is timely, targeted, provided in child-friendly language across multiple media and formats, and transparent about processes and the roles of system actors.

### Key issues

Discussing a study involving young people in Ireland and England, Stalford, Cairns and Marshall argue that information for children has three layers: practical and procedural (what is likely to happen); foundational rights-based information (what should happen); and agency asserting information (a child's

role and choices, and potential outcomes).<sup>13</sup> They suggest that “the right to information is understood not merely as conveying facts to the child, but as a process of contextualising that information, presenting genuine choices, defining what support is available to enable the child to exercise those choices, calibrating expectations in the light of other factors that influence decisions about the child, and presenting realistic and clear projections as to what outcomes might arise from different courses of action.”<sup>14</sup> They propose five components for developing child-friendly resources:

1. Start with children's views and lived experiences.
2. Make the resource easy to follow.
3. Focus on facilitating understanding not just conveying information, for example through concrete examples and explanations of next steps.
4. Make resources appealing, not lengthy or complicated, and include multiple media formats.
5. Make resources immediately available online to children, families, and professionals.<sup>15</sup>

The authors note, however, that children also want to be able to speak with someone and receive ongoing information. Finally, access to meaningful information means ensuring that information provided to children offers a full picture of what they can expect from engaging with a process, including potential outcomes.

An international study of children's access to justice found that information should be provided at the first opportunity and on an ongoing basis throughout a child's participation, and the information should be relevant to the child's specific situation, in particular for children experiencing marginalisation.<sup>16</sup> Information should be adapted to meet children where they are. This means ensuring information is made available in languages and formats that meet the needs of children with different characteristics. In their study of child migrants and child-friendly administrative procedures in six European countries, Beauthier, Gangneux and Buvens write that children experiencing marginalisation need targeted resources that are sensitive to their culture, gender, and other social factors, including, for example, free, personalised and relevant information from the front-line system actors they may interact with.<sup>17</sup> Disaggregated data about the children who engage with services and institutions can help duty bearers meet their obligation of non-discrimination by better understanding whom they serve and where to focus their efforts.<sup>18</sup>

Complex and overlapping institutional mandates or overly bureaucratic processes can create barriers to meaningful information. For example, a wide-ranging study of children's access to justice for the International Bar Association raised concerns about multiple institutions with overlapping mandates making the accountability landscape difficult to navigate.<sup>19</sup> Similarly, in a 2020 study of child migrants

---

<sup>13</sup> Helen Stalford, Liam Cairns, and Jeremy Marshall, 'Achieving child-friendly justice through child-friendly methods: let's start with the right to information', *Social Inclusion* 5, no. 3 (2017): 207, <https://doi.org/10.17645/si.v5i3.1043>

<sup>14</sup> Ibid, 212.

<sup>15</sup> Ibid, 207.

<sup>16</sup> Julinda Beqiraj and Lawrence McNamara, *Children and access to justice: national practices, international challenges*, Bingham Centre for the Rule of Law Report 02/2016 (International Bar Association, 2016), [https://www.biicl.org/documents/1355\\_childrenandaccesstojusticenationalpractices\\_finaloctober2016.pdf?showdocument=1](https://www.biicl.org/documents/1355_childrenandaccesstojusticenationalpractices_finaloctober2016.pdf?showdocument=1)

<sup>17</sup> Laurent Beauthier, Eva Gangneux, and Vanessa Buvens, *Child migrant and Child-friendly administrative justice procedures: Report of the "Child-Friendly Justice In Action" project focusing on six European countries* (Defence for Children International, 2020), [https://www.cfjnetwork.eu/files/ugd/053c39\\_a6b740c16b0740cf83a0c4fae5c90d3f.pdf](https://www.cfjnetwork.eu/files/ugd/053c39_a6b740c16b0740cf83a0c4fae5c90d3f.pdf)

<sup>18</sup> UN Committee on the Rights of the Child, paras 12, 48-50; Gibbons, *Accountability for Children's Rights*, 4.

<sup>19</sup> Beqiraj and McNamara, *Children and access to justice*.

and child-friendly administrative justice procedures, the authors found that system actors often believe others are responsible for providing relevant process information thereby 'passing the buck.'<sup>20</sup>

### Examples of good practice

The Association des Ombudsmans et Médiateurs de la Francophonie, which includes national human rights institutions serving children, proposes making information available to children where they are already present, such as through a combination of online and other media, public information in schools and other places where children gather, open houses to connect child service organisations with system actors, and widely advertised toll-free telephone lines to support children seeking to claim their rights.<sup>21</sup> Children themselves have identified access to free telephone lines as a helpful means to raise concerns directly with specialized authorities.<sup>22</sup> Communication strategies should target both children and adults to account for evolving capacities and differential legal and social status of children.<sup>23</sup>

In terms of communicating the outcome of a process, Stalford and Hollingsworth, writing in 2020 about judgments for children, suggest that decisions should not merely be communicated in ways that can be understood by the affected children, but also by other children as members of society. They recommend that decision-makers should consider their decisions as communicating developmentally beneficial information about the potential benefits of the process and as legally transformative since writing for children "necessitates deeper ... engagement with children's rights-based norms, principles and methods throughout the process."<sup>24</sup>

### **Advocacy**

A system of accountability for children's rights means having advocacy services available for children. According to a 2016 report by Who Cares? Scotland regarding the experiences of children who are care experienced, "Young people suggested that information on advocacy should be clearly presented, actively offered and easily accessible so that young people can choose whether they want advocacy, rather than the decision being made by adults in their life."<sup>25</sup>

Advocacy ensures that children are able to meaningfully participate in matters affecting them, either on their own or with the assistance of a trusted adult. Advocacy also works to ensure that children's rights are at the forefront of decisions about matters affecting children, both individually and collectively.

### Key issues

As set out in the "Top tips" regarding children's participation of the 2022 *State of Children's Rights* report by Together (Scottish Alliance for Children's Rights) and consistent with the United Nations

---

<sup>20</sup> Beauthier, Gangneux and Buvens, *Child migrant and Child-friendly administrative justice procedures*.

<sup>21</sup> Association des Ombudsmans et Médiateurs de la Francophonie, *Comment faire connaître les médiateurs / ombudsmans par les enfants* (2014), [https://www.aomf-ombudsmans-francophonie.org/wp-content/uploads/2017/12/FICHE-faire-connaître-les-médiateurs-ombudsmans-par-les-enfants\\_14158133290.pdf](https://www.aomf-ombudsmans-francophonie.org/wp-content/uploads/2017/12/FICHE-faire-connaître-les-médiateurs-ombudsmans-par-les-enfants_14158133290.pdf).

<sup>22</sup> Laura Lundy and Michelle Templeton, *Children human rights defenders: the views and perspectives of children* (Child Rights Connect, 2018), 17, [https://www.childrightsconnect.org/wp-content/uploads/2018/09/DGD-REPORT\\_WEB\\_en\\_def\\_web.pdf](https://www.childrightsconnect.org/wp-content/uploads/2018/09/DGD-REPORT_WEB_en_def_web.pdf); Gerison Lansdown, *Every child's right to be heard: A resource guide on the UN Committee on the Rights of the Child General Comment No. 12*, (Save the Children UK, 2011), 57, <https://resourcecentre.savethechildren.net/pdf/5259.pdf/>.

<sup>23</sup> Beqiraj and McNamara, *Children and access to justice*.

<sup>24</sup> Helen Stalford and Kathryn Hollingsworth, "This case is about you and your future": Towards judgments for children', *The Modern Law Review* 83 (2020): 1030, 1045, <https://doi.org/10.1111/1468-2230.12536>.

<sup>25</sup> Who Cares? Scotland, *Advocacy matters: an analysis of young people's views* (2018), 25, <https://www.whocarescotland.org/wp-content/uploads/2019/06/WCS-Advocacy-Matters-an-analysis-of-young-peoples-views-Oct-2016.pdf>

Committee on the Rights of the Child's General Comment No. 12 on the child's right to be heard, for children's participation to be meaningful processes must be transparent, voluntary, respectful, relevant, child-friendly, inclusive, supported by training, safe and sensitive to risk, and accountable.<sup>26</sup>

According to McCall-Smith, UNCRC incorporation in Scotland "demands that children are not only present, but that they are allowed to speak and engage with different issues and formulate opinions that are demonstrably considered in decision-making processes."<sup>27</sup> She explains that children's participation may be individual or collective, where individual participation occurs in relation to matters in a child's personal life and collective participation occurs when children are included in decision-making around social and political issues. A system of accountability for children's rights makes room for children's individual and collective participation, whether on their own or through an advocate.

Beqiraj and McNamara, the Children's Commissioner for England, as well as Liefwaard all write that an effective system of accountability for children's rights requires children to have access to trusted adults and institutions as informers, supporters or advocates, depending on the child's needs and desires.<sup>28</sup> The Ombudsman for Children's Office in Ireland, moreover, explains that children should be able to choose who their advocate may be (sibling, parent, teacher, social worker, legal professional, etc.).<sup>29</sup>

Advocacy is important since many children do not want to have to interact with multiple system actors and thereby repeat their story over and over again. Consistent with the report on advocacy by Who Cares? Scotland, Boylan and Dalrymple in their 2011 article on social workers as advocates as well as Morrison, Tisdall and Callaghan in their 2020 article about child participation in the family law context find that children want to be able to rely on stable and trusting relationships when participating in decision-making.<sup>30</sup> A Scottish study of the experiences of children who are care experienced similarly found that advocacy by trusted adults is beneficial.<sup>31</sup> However, advocacy needs to be actively offered since children will not know to seek it out and the role of the advocate must be explained so that children can make informed choices about whether to rely on advocacy services.

Once a child has chosen to participate in a process, they must be afforded the necessary time and space to understand, prepare for the process, contribute to, and provide feedback on the process.<sup>32</sup> A study of social work professionals found that children who work with an advocate find it easier to express their

---

<sup>26</sup> Together (Scottish Alliance of Children's Rights), *State of Children's Rights in Scotland 2022 Report* (Edinburgh: Together, 2022), [https://www.togetherscotland.org.uk/media/2204/socrr-22\\_final.pdf](https://www.togetherscotland.org.uk/media/2204/socrr-22_final.pdf); United Nations Committee on the Rights of the Child, *General comment No. 12 (2009) The right of the child to be heard*, 20 July 2009, CRC/C/GC/12.

<sup>27</sup> Kasey McCall-Smith, 'Entrenching children's participation through UNCRC Incorporation in Scotland', *The International Journal of Human Rights* (2021), <https://doi.org/10.1080/13642987.2021.1969920>.

<sup>28</sup> Beqiraj & McNamara, *Children and access to justice*; Children's Commissioner for England, *Children's social care: Putting children's voices at the heart of reform* (2022), [https://www.childrenscommissioner.gov.uk/wp-content/uploads/2022/01/cco\\_childrens\\_social\\_care\\_putting\\_childrens\\_voices\\_at\\_the\\_heart\\_of\\_reform.pdf](https://www.childrenscommissioner.gov.uk/wp-content/uploads/2022/01/cco_childrens_social_care_putting_childrens_voices_at_the_heart_of_reform.pdf); Ton Liefwaard, 'Access to justice for children: towards a specific research and implementation agenda', *The International Journal of Children's Rights* 27, no 2 (2019): 195, <https://doi.org/10.1163/15718182-02702002>.

<sup>29</sup> Ombudsman for Children's Office (Ireland), *A guide to child-centered complaints handling* (2018), [https://www.oco.ie/app/uploads/2018/02/14665\\_OCO\\_child-centred-complaints\\_Update\\_Web-1.pdf](https://www.oco.ie/app/uploads/2018/02/14665_OCO_child-centred-complaints_Update_Web-1.pdf)

<sup>30</sup> Who Cares? Scotland, *Advocacy matters*; Jane Boylan and Jane Dalrymple, 'Advocacy, Social Justice and Children's Rights', *Practice* 23, no. 1 (2011): 19, <https://doi.org/10.1080/09503153.2010.536212>; Fiona Morrison, E. Kay M. Tisdall, and Jane E. M. Callaghan, 'Manipulation and domestic abuse in contested contact – threats to children's participation rights', *Family Court Review* 58 (2020): 403, <https://doi.org/10.1111/fcre.12479>

<sup>31</sup> Who Cares? Scotland, *Advocacy matters*.

<sup>32</sup> Gerison Lansdown, 'Promoting Children's participation in democratic decision-making', *Innocenti Insights* 6 (2001), <https://www.unicef-irc.org/publications/pdf/insight6.pdf>

views and interests, and may better understand their rights and their role in a process, as “advocacy relationships focus on creating the space to listen and put forward the views of young people.”<sup>33</sup>

Likely the greatest barrier to accessible systems of redress and remedy is inadequate training for adults who interact with children. Duty bearers will require comprehensive initial and ongoing training and mentoring on children's rights to ensure effective advocacy for children and their rights. As noted in a study of 12 countries' implementation of the UNCRC, “at every level, from legislation to case law and policy development to service provision for children, effective implementation [is] contingent upon awareness of children's rights.”<sup>34</sup> Effective advocacy requires more than simple knowledge that the rights exist, however. Awareness must be accompanied by an understanding of what the rights mean to children and how children engage with their rights. Training should, moreover, ensure system actors treat all children, including children experiencing marginalisation, with respect and sensitivity. As the United Nations Committee on the Rights of the Child notes, “The purpose of training is to emphasise the status of the child as a holder of human rights, to increase knowledge and understanding of the Convention and to encourage active respect for all its provisions. The Committee expects to see the Convention reflected in professional training curricula, codes of conduct and educational curricula at all levels.”<sup>35</sup> Promotion of children's rights should also be part of parenting education, and all training should be evaluated periodically for effectiveness.<sup>36</sup>

As with access to meaningful information, the complexity of systems and processes also creates barriers to effective advocacy. Complexity can be mitigated by ensuring matters affecting children are given priority<sup>37</sup> and by ensuring properly trained professionals act as advocates.<sup>38</sup> Depending on the nature of the issue, access to a legal representative may be essential to effectively claim rights.<sup>39</sup> A recent study on professional perspectives on access to justice in the UK supports the proposition that advocacy through legal representation can help rights holders learn about their rights and access relevant resources, mitigate concerns about retribution for claiming rights, navigate the complexity of accountability systems, and ensure process outcomes are effective and sustained.<sup>40</sup>

### Examples of good practice

Braun, in a chapter reviewing guidance for professionals on communicating with children, proposes that child-friendly communication involves supportive listening, open conversation, and fluid interaction.<sup>41</sup> Such techniques can help to foster dialogue with children to ensure that their participation in meaningful.

---

<sup>33</sup> Boylan and Dalrymple, ‘Advocacy, Social Justice and Children's Rights’.

<sup>34</sup> Laura Lundy, Ursula Kilkelly, Bronagh Byrne and Jason Kang, *UN Convention on the Rights of the Child, A study of legal implementation in 12 countries*, (UNICEF: 2012), 102, [https://www.unicef.org.uk/wp-content/uploads/2012/11/UNICEFUK\\_2012CRCImplementationreport-FINAL-PDF-version.pdf](https://www.unicef.org.uk/wp-content/uploads/2012/11/UNICEFUK_2012CRCImplementationreport-FINAL-PDF-version.pdf).

<sup>35</sup> UN Committee on the Rights of the Child, *General measures of implementation*, para 53.

<sup>36</sup> Ibid, paras 54-55.

<sup>37</sup> Child Rights International Network, *Rights, remedies and representation: a global report on access to justice for children* (2016), [https://archive.crin.org/sites/default/files/crin\\_a2j\\_global\\_report\\_final\\_1.pdf](https://archive.crin.org/sites/default/files/crin_a2j_global_report_final_1.pdf)

<sup>38</sup> Liefwaard, ‘Access to justice for children’

<sup>39</sup> Caterina Tempesta, ‘Legal Representation as a Necessary Element of Children's Access to and Participation in Family Justice’ in Mona Paré, Mariëlle Bruning, Thierry Moreau and Caroline Siffrein-Blanc (Eds.), *Children's Access to Justice: A Critical Assessment* (Cambridge: Intersentia, 2022), 197–210.

<sup>40</sup> Boyle, ‘Access to Justice’.

<sup>41</sup> Marine Braun, ‘The Transition Towards Child-friendly Communication in the Justice System: “And You, Are You Listening to Me?”’ in Paré, Bruning, Moreau and Siffrein-Blanc, *Children's Access to Justice*, 183–185.

The Scottish Government has prepared guidance on what good children's advocacy looks like.<sup>42</sup> Broadly, child-friendly advocacy means putting the children who use it first, ensuring advocates understand their roles and responsibilities, avoiding conflicts of interest, and being accessible. It must also be understood that practice will vary depending on whether advocacy is directed at supporting an individual child following a potential breach of their rights, or at a group of similarly situated children as a means of guarding against future breaches or understanding barriers to their rights.

Child legal protection centres are a model of co-located children's rights advocacy services.<sup>43</sup> The mandates of such centres in Africa, Asia, Europe, Latin America include: promoting accountability for children's rights through draft legislation, strategic litigation, and supporting the development and application of children's rights impact assessments; capacity building, networking, and knowledge dissemination; acting as network nodes with families, media, pro bono lawyers, ombudsman, civil society organisations, and child practitioners; and, developing resources, publishing professional and academic articles, and working with local media.

### **Complaints**

Complaints mechanisms are an entry point for claiming rights within a system of accountability for children's rights. Such processes may offer quasi-judicial, political, administrative or social accountability depending on the context. If complaints mechanisms do not ensure effective outcomes, judicial accountability may be sought through legal proceedings. Potential outcomes of complaints processes are considered below, under Redress and effective remedy.

Complaints can take many forms. A complaint may be made in response to a poor front-line service interaction, may allege that a professional failed to meet a standard of conduct, or point to systemic issues in the implementation of policy by a public or private body. Complaints can also be brought to the attention of different authorities. They may be made by using an internal complaints mechanism, by bringing them to an industry- or profession-specific regulator, or bringing them to an independent body such as an ombudsman or commission.

### Key issues

In addition to providing meaningful information and effective advocacy as discussed above, effective complaints handling means setting clear expectations and standards, providing regular updates on the progress of a complaint and explaining any delays, ensuring respect for privacy through proper records management, and ensuring staff are empowered to respond effectively to queries and provide relevant referrals.<sup>44</sup> Moreover, those who work directly with children must receive training to be able to explain any system of complaints and provide referrals as appropriate.<sup>45</sup> The Canadian Council of Parliamentary Ombudsman recommends that system actors receive training on available systems of accountability so that they can impart relevant details in a timely fashion.<sup>46</sup>

---

<sup>42</sup> Scottish Government, 'Children's advocacy guidance' (2014), <https://www.gov.scot/publications/childrens-advocacy-guidance/>

<sup>43</sup> African Child Policy Forum, *Children's legal protection: a good practice report* (2009), [https://africanchildforum.org/index.php/en/component/com\\_sobipro/Itemid,158/pid,2/sid,106/](https://africanchildforum.org/index.php/en/component/com_sobipro/Itemid,158/pid,2/sid,106/)

<sup>44</sup> Canadian Council of Parliamentary Ombudsman, *Fairness by design: an administrative fairness self-assessment guide* (2020), [https://www.ombudsman.ab.ca/wp-content/uploads/2020/10/Fairness-by-Design\\_web\\_1.pdf](https://www.ombudsman.ab.ca/wp-content/uploads/2020/10/Fairness-by-Design_web_1.pdf)

<sup>45</sup> Children's Commissioner for England, *Children's social care; Children's Commissioner for England, Speaking up: When children and young people want to complain about school* (2015), <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Speaking-up-full-report.pdf>

<sup>46</sup> Canadian Council of Parliamentary Ombudsman, *Fairness by design*

An effective complaints system works to ensure that outcomes will have long-term benefits as opposed to merely resolving a single issue while leaving others festering. In a Children's Commissioner for England report about school complaints, the Commissioner found that complaints often escalated simply because earlier, smaller, matters had not been properly addressed due to a lack of sustained engagement with the issues underlying the complaint.<sup>47</sup> Similarly, in a report on child protection, the Commissioner found that a lack of sustained interaction with relevant social work professionals due to frequent case reassignments led to unsatisfactory outcomes for children and their families.<sup>48</sup>

In terms of independent bodies, the United Nations Committee on the Rights of the Child in its General Comment No. 2 discusses the essential elements of independent national human rights institutions for children.<sup>49</sup> The Committee recommends that such institutions have the authority to receive complaints, conduct investigations, offer independent advice and advocacy, offer mediation to resolve complaints, be able to support children bringing cases to court, and monitor duty bearers' compliance with children's rights obligations. These bodies are also encouraged to proactively reach out and have direct contact with children, and ensure that children are consulted regularly, such as through children's councils. Related international guidance can also be found in the Paris Principles regarding national human rights institutions and the Venice Principles regarding ombudsman institutions.<sup>50</sup>

In Scotland, despite being given certain expanded authorities as a result of UNCRC incorporation,<sup>51</sup> the Children and Young People's Commissioner Scotland and the Scottish Human Rights Commission do not have explicit authority to receive individual complaints. However, under existing powers, the Children and Young People's Commissioner Scotland can undertake both individual and general investigations under certain circumstances, including regarding the failure to take children's views into account in decision-making processes.<sup>52</sup> Moreover, certain types of complaints may be referred to the Scottish Public Services Ombudsman or other sector-specific complaints bodies.<sup>53</sup> Regardless, the principles set out by the United Nations Committee on the Rights of the Child remain relevant to these bodies to the extent of their respective authorities.

### Examples of good practice

Ireland's Ombudsman for Children Office has developed a guide to child-centred complaints handling, which includes involving children in the development of information materials and asking children how

---

<sup>47</sup> Children's Commissioner for England, *Speaking up*.

<sup>48</sup> Children's Commissioner for England, *Children's social care*.

<sup>49</sup> United Nations Committee on the Rights of the Child, *General comment no. 2 (2002): The role of independent national human rights institutions in the promotion and protection of the rights of the child*, CRC/GC/2002/2 (15 November 2002).

<sup>50</sup> United Nations General Assembly, *Principles relating to the Status of National Institutions (The Paris Principles)*, General Assembly resolution 48/134 (20 December 1993); European Commission for Democracy through Law, *Principles on the Protection and Promotion of the Ombudsman Institution (The Venice Principles)*, CDL-AD(2019)005-e (Strasbourg, 3 May 2019).

<sup>51</sup> Scottish Parliament, *United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill* [as passed], ss 10, 10A, <https://www.parliament.scot/bills-and-laws/bills/united-nations-convention-on-the-rights-of-the-child-incorporation-scotland-bill>.

<sup>52</sup> *Commissioner for Children and Young People (Scotland) Act 2003*, ss 7-9, 11; Kasey McCall-Smith, 'Incorporating the CRC in Scotland' in Ursula Kil Kelly, Laura Lundy, and Bronagh Byrne (Eds.), *Incorporating the United Nations Convention on the Rights of the Child into National Law* (Cambridge: Intersentia, 2021), 303–332.

<sup>53</sup> See, for example, Children and Young People's Commissioner Scotland, 'Help and advice', <https://www.cypcs.org.uk/get-help/young-people/feeling-able-to-contact-us/>.

they would like to be involved in the complaints process.<sup>54</sup> The guide sets out the importance of explaining the types of complaints that can be handled, the complaints process and its potential outcomes, the actors that may be involved in a complaint, expected timelines and regular updates, as well as how children's information will be recorded and protected. A review of European independent children's rights institutions noted that the website of Ireland's Ombudsman for Children Office contains detailed child-friendly information about submitting complaints, illustrative case studies to demonstrate how common issues are handled, audio-visual content targeted at various age groups, and monthly surveys that inform the Office's work.<sup>55</sup>

Canadian ombudsman institutions have also developed guidance with respect to effective complaints handling. The Canadian Council of Parliamentary Ombudsman, which brings together the country's provincial and territorial ombudsman institutions, has developed guidance for public sector bodies on fair process, fair decision, and fair service that is adaptable to complaints processes generally.<sup>56</sup> In terms of complaints specifically from children, the ombudsman and child and youth commissioner of the Province of British Columbia have published joint guidance that sets out a framework for child-centred complaints resolution based on guiding principles from the UNCRC and key elements of responsiveness and effectiveness.<sup>57</sup>

### **Redress and effective remedy**

A complaint may be resolved through various means, from something as basic as improved communication (administrative accountability) to more comprehensive legislative reform, for example following a scathing investigation (social and political accountability). Mechanisms of redress and remedy may broadly be divided into non-legal and legal forms, and further subdivided dependent on whether the complaint is based on an individual child's experience or the experience of groups of children.

Non-legal complaints bodies' findings are generally not binding.<sup>58</sup> For example, while complaints brought to the United Nations Committee on the Rights of the Child through the Optional Protocol on an Individual Communications Procedure are grounded in to the legal rights in the Convention, they are generally viewed as quasi-legal and non-binding.<sup>59</sup> Similarly, depending on the legislation permitting the receipt of complaints by national human rights institutions, the outcome of investigations may be limited to making recommendations.<sup>60</sup>

---

<sup>54</sup> Ombudsman for Children's Office (Ireland), *Guide to child-centered complaints handling*; see also Commissioner for Children and Young People (Western Australia), *Child Friendly Complaint Guidelines* (2021), <https://www.ccpw.wa.gov.au/media/4660/child-friendly-complaints-guidelines.pdf>

<sup>55</sup> Agnes Lux, "'Do My Complaints Matter?' Child Participation and Child-friendliness of Complaint Mechanisms in European Independent Children's Rights Institutions', *Societies Without Borders* 14, no. 1 (2020), 9. <https://scholarlycommons.law.case.edu/swb/vol14/iss1/7>

<sup>56</sup> Canadian Council of Parliamentary Ombudsman, *Fairness by design*

<sup>57</sup> Office of the Ombudsperson & Office of the Representative for Children and Youth (British Columbia, Canada), *Hearing the voices of children and youth: a child-centred approach to complaint resolution* (2010), <https://bcombudsperson.ca/assets/media/Joint-Special-Report-Hearing-the-Voices-of-Children-and-YouthOffice-of-the-Representative-for-Children-and-Youth.pdf>

<sup>58</sup> Lux, 'Child Participation and Child-friendliness of Complaint Mechanisms'.

<sup>59</sup> Carletti, 'Third Optional Protocol'.

<sup>60</sup> Vanessa Sedletzki and Agnes Lux, *Child-friendly complaint mechanisms. National human rights institutions (NHRI) Series: tools to support child-friendly practices* (UNICEF, 2019), [https://www.unicef.org/eca/sites/unicef.org/eca/files/2019-02/NHRI\\_ComplaintMechanisms.pdf](https://www.unicef.org/eca/sites/unicef.org/eca/files/2019-02/NHRI_ComplaintMechanisms.pdf)

If a non-legal complaints mechanism fails to resolve a violation of children's rights, then legal avenues, such as through a court or mediation, may be engaged as a last resort to ensure judicial accountability through binding decisions that deliver effective remedies.

### Key issues

Non-legal approaches to redress and effective remedy stem from those complaints raised through more localised processes where available, such as administrative processes within service providers. Here, redress and remedy is not only the outcome of the process, such as an apology and or a change to procedure, but also the process itself. Parts of redress and effective remedy is the engagement between the child and the duty bearer and communication by the decision-maker about how the child's rights were taken into account. The potential for non-legal options is non-exhaustive and may mirror legal remedies without the need to resort to complex legal processes, which can be cumbersome and offer only delayed resolution.<sup>61</sup>

Examples of non-legal remedies include changing a child's school, an apology, or financing unique therapeutic services, depending on the nature of the complaint. They can also be more creative, which is why understanding what the child aims to achieve through the complaint is important as the remedy can be as simple as explaining how a decision was made in light of a child's participation in the process or reconsidering a decision with a child's effective participation in the process. Communicating potential options for redress and remedy early in a non-legal process is essential on both sides of a dispute.

Non-legal redress and remedy will not always resolve a claim and recourse to legal redress and remedy will be necessary. As discussed by Boyle, international law requires that remedies be "adequate, effective and prompt".<sup>62</sup> Her article discussing elements of effective remedies in incorporating the UNCRC in Scots law provides a wide understanding of what remedies can be:

"Effective remedies can include, among other possibilities: restitution, compensation, rehabilitation, satisfaction, effective measures to ensure cessation of the violation and guarantees of non-repetition. Examples of specific remedies beyond compensation include: public apologies, public and administrative sanctions for wrongdoing, instructing that human rights education be undertaken, ensuring a transparent and accurate account of the violation, providing interim relief where appropriate, reviewing or disapplying incompatible laws or policies, use of delayed remedies to facilitate compliance, including rights holders as participants in the development of remedies and supervising compliance post-judgment."<sup>63</sup>

A comparative review of human rights remedies in South Africa, Colombia, Spain, and Finland by the Scottish Human Rights Commission found that remedies must also be available on a precautionary,

---

<sup>61</sup> See for example, in the context of business-related human rights violations, United Nations High Commissioner for Human Rights, *Improving accountability and access to remedy for victims of business-related human rights abuse through State-based non-judicial mechanisms*, A/HRC/38/20 (17 February 2017); Alex Newton, 'Access to remedy and grievance mechanisms' in *The Business of Human Rights: Best Practice and the UN Guiding Principles* (London: Routledge, 2019), 114–119.

<sup>62</sup> Katie Boyle, 'The Right to an Effective Remedy and Accountability in the Privatisation of Public Services: United Nations Convention on the Rights of the Child (incorporation) (Scotland) Bill', *European Human Rights Law Review* 2020, no. 6: 610, 617, [https://dspace.stir.ac.uk/handle/1893/31907#\\_Yid8hRPMJQJ](https://dspace.stir.ac.uk/handle/1893/31907#_Yid8hRPMJQJ)

<sup>63</sup> Ibid.

provisional or interim basis in order to mitigate any ongoing harm caused by a rights violation.<sup>64</sup> In her briefing on access to justice, Boyle further notes that effective legal remedies should ensure non-repetition and help change poor practice if the issue is systemic. Such remedies can involve judicial supervision to ensure ongoing compliance.<sup>65</sup>

According to Liefwaard, however, few studies have examined the potential scope of remedies for the violation of children's rights specifically.<sup>66</sup> In their review of European children's views on challenges to children's rights, Daly, Ruxton and Schuurman explain that, for children, not only processes but also the outcomes of processes need to be meaningful.<sup>67</sup> They provide the example of children's hearings in Scotland, where the system's design appears to be child-friendly, but the complexity and bureaucracy of the hearing process continue to create barriers to children's access to justice.<sup>68</sup> Recent legislative changes in Scotland should assist in developing more child-friendly processes.<sup>69</sup> In the comparative review by the Scottish Human Rights Commission, mention is made of petition mechanisms in Colombia and Spain that allow individual and collective complaints about rights to be brought directly to the attention of a relevant authority that is empowered to render a decision within days to avoid the continuation of a rights violation.<sup>70</sup>

A review of children's access to justice research criticises recourse to financial compensation as a common remedy for violations of children's rights, offering as an alternative approach the example of the Dutch Council for the Administration of Criminal Justice and Child Protection.<sup>71</sup> The Council seeks to ensure that compensation is of pedagogical significance, is preferably non-financial, and meets the wishes of the affected child. Consideration of children's relationships with siblings, extended family, friends, the community, and even pets also offer ways to ensure more effective outcomes.<sup>72</sup> Children must therefore be heard as part of determining the remedy, as will be required by the incorporation of the UNCRC into Scots Law.<sup>73</sup>

The formality of legal proceedings and rigid rules are barriers to redress and effective remedy. For example, statutes of limitations may place undue time constraints on children claiming their rights.<sup>74</sup> Paired with the complexity of the system, this can mean that the timeline for one form of accountability runs out while attempts are made to address a matter through another form of accountability, for example access to a judicial process becomes barred while attempting to resolve a matter through a complaints process. Similarly, children's lack of standing in legal proceedings and the courts' common

---

<sup>64</sup> Scottish Human Rights Commission, *Adequate and Effective Remedies for Economic, Social and Cultural Rights: Background briefing paper for the National Taskforce on Human Rights Leadership* (December 2020), <https://www.scottishhumanrights.com/media/2163/remedies-for-economic-social-and-cultural-rights.pdf>

<sup>65</sup> Boyle, *Access to Justice Journey*.

<sup>66</sup> Liefwaard, 'Access to justice for children'.

<sup>67</sup> Aoife Daly, Sandy Ruxton, and Mieke Schuurman, *Challenges to Children's Rights Today: What Do Children Think?* (Council of Europe, 2016), <https://edoc.coe.int/en/children-s-rights/7205-challenges-to-children-s-rights-today-what-do-children-think.html>

<sup>68</sup> *Ibid*, 15.

<sup>69</sup> See discussion in McCall-Smith, 'Entrenching Children's Participation'.

<sup>70</sup> Scottish Human Rights Commission, *Adequate and Effective Remedies*.

<sup>71</sup> Liefwaard, 'Access to justice for children'.

<sup>72</sup> Children's Commissioner for England, *Children's social care*; see also Katie Boyle and Nicole Busby, 'Human Rights and Devolution: Devolution as a Vehicle for Human Rights Protection and Progress' (Human Rights Consortium Scotland, 2021), 5, <https://hrcotland.org/wp-content/uploads/2021/09/Final-Devolution-and-Human-Rights-Dev-as-a-vehicle-for-HR-protection-and-progress-Sept-2021.pdf>.

<sup>73</sup> Scottish Parliament, UNCRC Incorporation Bill, s 8A.

<sup>74</sup> Beqiraj and McNamara, *Children and access to justice*.

refrain of the non-justiciability of certain categories of rights create structural barriers to children's access to meaningful participation.<sup>75</sup> The incorporation of the UNCRC into Scots Law is intended to address both the issue of time constraints and justiciability of rights;<sup>76</sup> however, legal representatives and judges will require training to ensure they understand the extent of their roles with respect to upholding children's rights.

Other structural barriers have to do with insufficient allocation of resources,<sup>77</sup> the delegation of state services to private entities,<sup>78</sup> the lack of access to legal aid for certain categories of proceedings<sup>79</sup> and even the simple fact of offices keeping core hours that are not helpful for children in school.<sup>80</sup> Formality and limited assistance can be mitigated by ensuring processes are sufficiently flexible to accommodate children's needs and contexts.<sup>81</sup>

### Examples of good practice

Evidence of effectiveness of complaints, redress and remedies for children's rights is scarce. Child-friendly remedies are the "least explored, legally, practically and academically."<sup>82</sup> Most studies focus on reporting various efforts made by international, regional, national and subnational actors with regard to implementing and respecting children's rights, but do not provide evidence with respect to the effectiveness of these efforts.

Reports from the Scottish Human Rights Commission discuss different approaches to redress and effective remedy in various jurisdictions. This includes, for example, the practice of collective actions and structural remedies in Colombia.<sup>83</sup>

A UNICEF report offers various examples of remedies that combine different forms of accountability. In another example from Colombia, law reform led to a substantive obligation on municipalities to budget for children, including a requirement for annual public hearings with respect to compliance with this obligation.<sup>84</sup>

### **Feedback loops and sequencing**

Feedback loops are part of ensuring that a system of accountability for children's rights is effective in the long run.

In the non-legal context, case studies of Citizen Voice and Action projects involving children in seven countries indicate that pathways to changing institutions and norms emerge when "inclusive, iterative,

---

<sup>75</sup> Boyle, *Access to Justice Journey*; Boyle, *Models of Incorporation*.

<sup>76</sup> Scottish Parliament, UNCRC Incorporation Bill, ss 6, 7.

<sup>77</sup> Daly, Ruxton and Schuurman, *Challenges to Children's Rights Today*.

<sup>78</sup> Boyle, 'Privatisation of Public Services'.

<sup>79</sup> Beqiraj and McNamara, *Children and access to justice*.

<sup>80</sup> European Network of Ombudspersons for Children, *The role and mandate of children's ombudspersons in Europe: safeguarding and promoting children's rights and ensuring children's views are taken seriously*, (2010), <http://enoc.eu/wp-content/uploads/2015/02/201012-ENOC-Malta-survey-Role-of-Ombudspersons-for-Children.pdf>

<sup>81</sup> Ombudsman for Children's Office (Ireland), *Child-centered complaints handling*.

<sup>82</sup> Liefwaard, 'Access to justice for children', 220.

<sup>83</sup> Boyle, *Models of Incorporation*, 16; Scottish Human Rights Commission, *Adequate and Effective*, 15-17.

<sup>84</sup> Gibbons, *Accountability for Children's Rights*, 9.

and dialogical" methods that involve intergenerational dialogue are employed.<sup>85</sup> The findings of a study of school complaints processes in England indicate that a culture of feedback means understanding complaints as opportunities to not only improve processes but strengthen relationships to ensure sustainable rights-respecting outcomes.<sup>86</sup> Similarly, Boyle—taking a broad view of access to justice that includes the many steps that may be taken prior to engaging in legal proceedings—notes that "Access to justice needs to be an iterative process whereby the end of the access to justice journey feeds back into law, policy and decision-making processes as a matter of course."<sup>87</sup> As a participant quoted in the briefing noted, duty bearers need to be "prepared to be a bit more self-critical and analyse decisions, and analyse results."<sup>88</sup> This means improving communications among duty bearers to stop violations from continuing to happen and to provide faster routes to remedies once a violation has been identified as recurring so that others need not go through complex processes to achieve the same result.

In the legal context, the African Child Policy Forum includes providing feedback to children who have been involved in justice systems as part of a children's rights-based approach to access to justice.<sup>89</sup> Children are given feedback about how their participation affected a process and its outcomes, and children are invited to reflect on how they experienced the process and outcomes to help system actors continually improve their services to children. Another example of how children might receive feedback about the impact of their participation in legal processes is the emerging practice of children's judgments in England and Wales.<sup>90</sup>

In terms of sequencing, there is no explicit mention in the evidence of how processes should be ordered. Several authors note the benefits of meaningful information and child participation throughout processes and of proactive efforts to ensure the children's rights are meaningfully considered. For example, Boyle and Nolan discuss children's rights impact assessments and child participation in budgeting as ways to get things right from a children's rights perspective early in any planning or design process.<sup>91</sup>

### **Where to find further information**

African Child Policy Forum, *Children's legal protection: A good practice report* (2009), [https://africanchildforum.org/index.php/en/component/com\\_sobipro/Itemid,158/pid,2/sid,106/](https://africanchildforum.org/index.php/en/component/com_sobipro/Itemid,158/pid,2/sid,106/)

Katie Boyle, *Briefing: The Access to Justice Journey* (University of Stirling & Nuttfield Foundation, February 2022)

Canadian Council of Parliamentary Ombudsman, *Fairness by design: an administrative fairness self-assessment guide* (2020), [https://www.ombudsman.ab.ca/wp-content/uploads/2020/10/Fairness-by-Design\\_web\\_1.pdf](https://www.ombudsman.ab.ca/wp-content/uploads/2020/10/Fairness-by-Design_web_1.pdf)

---

<sup>85</sup> Bill Walker, Patricio Cuevas-Parra, and Besinati Phiri Mpepo, 'From injustice to justice: participation of marginalised children in achieving the Sustainable Development Goals', *Journal of Global Ethics* 15, no. 3 (2019): 382, 399, <https://doi.org/10.1080/17449626.2019.1690552>

<sup>86</sup> Children's Commissioner for England, *Speaking up*.

<sup>87</sup> Boyle, *Access to Justice Journey*, 14.

<sup>88</sup> *Ibid*, 15.

<sup>89</sup> African Child Policy Forum, *Spotlighting the invisible: justice for children in Africa* (2018), [https://africanchildforum.org/index.php/en/component/com\\_sobipro/Itemid,158/pid,2/sid,201/](https://africanchildforum.org/index.php/en/component/com_sobipro/Itemid,158/pid,2/sid,201/)

<sup>90</sup> Stalford and Hollingsworth, 'Towards judgments for children', 1045.

<sup>91</sup> Boyle and Nolan, 'Incorporation of UNCRC'.

Child Friendly Justice European Network, *Child-friendly justice in action toolkit for professionals* (2020), [https://www.cfjnetwork.eu/files/ugd/053c39\\_9f641a0d8aa64c2d9c468ac9940a6136.pdf](https://www.cfjnetwork.eu/files/ugd/053c39_9f641a0d8aa64c2d9c468ac9940a6136.pdf)

Children and Young People's Commissioner Scotland, '7 golden rules for participation' (2016) <https://www.cypcs.org.uk/resources/7-golden-rules-for-children/>

Commissioner for Children and Young People (Western Australia), *Child Friendly Complaint Guidelines* (2021), <https://www.ccyp.wa.gov.au/media/4660/child-friendly-complaints-guidelines.pdf>

Gerison Lansdown, *Every child's right to be heard: A resource guide on the UN Committee on the Rights of the Child General Comment No. 12* (Save the Children UK, 2011), <https://resourcecentre.savethechildren.net/pdf/5259.pdf/>

Office of the Ombudsperson & Office of the Representative for Children and Youth (British Columbia, Canada), *Hearing the voices of children and youth: a child-centred approach to complaint resolution* (2010), <https://bcombudsperson.ca/assets/media/Joint-Special-Report-Hearing-the-Voices-of-Children-and-YouthOffice-of-the-Representative-for-Children-and-Youth.pdf>

Ombudsman for Children's Office (Ireland), *A guide to child-centered complaints handling* (2018), [https://www.oco.ie/app/uploads/2018/02/14665\\_OCO\\_child-centred-complaints\\_Update\\_Web-1.pdf](https://www.oco.ie/app/uploads/2018/02/14665_OCO_child-centred-complaints_Update_Web-1.pdf)

Scottish Government, 'Children's advocacy guidance' (2014), <https://www.gov.scot/publications/childrens-advocacy-guidance/>

Scottish Human Rights Commission, *Human Rights Based Approach: A Self-Assessment Tool* (December 2018), [https://www.scottishhumanrights.com/media/1814/shrc\\_panel\\_self-assessment\\_tool\\_vfinal.pdf](https://www.scottishhumanrights.com/media/1814/shrc_panel_self-assessment_tool_vfinal.pdf)

Vanessa Sedletzki and Agnes Lux, *Child-friendly complaint mechanisms. National human rights institutions (NHRI) Series: tools to support child-friendly practices* (UNICEF, 2019), [https://www.unicef.org/eca/sites/unicef.org.eca/files/2019-02/NHRI\\_ComplaintMechanisms.pdf](https://www.unicef.org/eca/sites/unicef.org.eca/files/2019-02/NHRI_ComplaintMechanisms.pdf)

Helen Stalford, Liam Cairns, and Jeremy Marshall, 'Achieving child-friendly justice through child-friendly methods: let's start with the right to information', *Social Inclusion* 5, no. 3 (2017): 207, <https://doi.org/10.17645/si.v5i3.1043>

Together (Scottish Alliance of Children's Rights), *State of Children's Rights in Scotland 2022 Report* (Edinburgh: Together 2022) [https://www.togetherscotland.org.uk/media/2204/socrr-22\\_final.pdf](https://www.togetherscotland.org.uk/media/2204/socrr-22_final.pdf)

United Nations Committee on the Rights of the Child, *General comment no. 5 (2003): General measures of implementation of the Convention on the Rights of the Child*, CRC/GC/2003/5 (27 November 2003).

## List of references

African Child Policy Forum, *Children's legal protection: a good practice report* (2009), [https://africanchildforum.org/index.php/en/component/com\\_sobipro/Itemid,158/pid,2/sid,106/](https://africanchildforum.org/index.php/en/component/com_sobipro/Itemid,158/pid,2/sid,106/)

African Child Policy Forum, *Spotlighting the invisible: justice for children in Africa* (2018), [https://africanchildforum.org/index.php/en/component/com\\_sobipro/Itemid,158/pid,2/sid,201/](https://africanchildforum.org/index.php/en/component/com_sobipro/Itemid,158/pid,2/sid,201/)

Association des Ombudsmans et Médiateurs de la Francophonie, *Comment faire connaître les médiateurs / ombudsmans par les enfants* (2014), [https://www.aomf-ombudsmans-francophonie.org/wp-content/uploads/2017/12/FICHE-faire-connaître-les-médiateurs-ombudsmans-par-les-enfants\\_14158133290.pdf](https://www.aomf-ombudsmans-francophonie.org/wp-content/uploads/2017/12/FICHE-faire-connaître-les-médiateurs-ombudsmans-par-les-enfants_14158133290.pdf)

Laurent Beauthier, Eva Gangneux, and Vanessa Buvens, *Child migrant and Child-friendly administrative justice procedures: Report of the "Child-Friendly Justice In Action" project focusing on six European countries* (Defence for Children International, 2020), [https://www.cfjnetwork.eu/files/ugd/053c39\\_a6b740c16b0740cf83a0c4fae5c90d3f.pdf](https://www.cfjnetwork.eu/files/ugd/053c39_a6b740c16b0740cf83a0c4fae5c90d3f.pdf)

Julinda Beqiraj and Lawrence McNamara, *Children and access to justice: national practices, international challenges*. Bingham Centre for the Rule of Law Report 02/2016 (International Bar Association, 2016), [https://www.biicl.org/documents/1355\\_childrenandaccesstojusticenationalpractices\\_finaloctober2016.pdf?showdocument=1](https://www.biicl.org/documents/1355_childrenandaccesstojusticenationalpractices_finaloctober2016.pdf?showdocument=1)

Jane Boylan and Jane Dalrymple, 'Advocacy, Social Justice and Children's Rights', *Practice* 23, no. 1 (2011): 19, <https://doi.org/10.1080/09503153.2010.536212>

Katie Boyle, *Models of Incorporation and Justiciability for Economic, Social and Cultural Rights* (Scottish Human Rights Commission, 2018), [http://www.scottishhumanrights.com/media/1809/models\\_of\\_incorporation\\_escr\\_vfinal\\_nov18.pdf](http://www.scottishhumanrights.com/media/1809/models_of_incorporation_escr_vfinal_nov18.pdf)

Katie Boyle, 'The Future of Economic, Social and Cultural Rights in Scotland: Prospects for Meaningful Enforcement', *Edinburgh Law Review* 23, no. 1 (January 2019): 110-116

Katie Boyle, 'The Right to an Effective Remedy and Accountability in the Privatisation of Public Services: United Nations Convention on the Rights of the Child (incorporation) (Scotland) Bill', *European Human Rights Law Review* 2020, no. 6: 610, 617, <https://dspace.stir.ac.uk/handle/1893/31907#.Yid8hRPMJQJ>

Katie Boyle, *Briefing: The Access to Justice Journey* (University of Stirling & Nuttfield Foundation, February 2022)

Katie Boyle and Nicole Busby, 'Human Rights and Devolution: Devolution as a Vehicle for Human Rights Protection and Progress' (Human Rights Consortium Scotland, 2021), <https://hrcscotland.org/wp-content/uploads/2021/09/Final-Devolution-and-Human-Rights-Dev-as-a-vehicle-for-HR-protection-and-progress-Sept-2021.pdf>

Katie Boyle, Diana Camps, Kirstie English and Jo Ferrie, *The Practitioner Perspective on Access to Justice for Social Rights: Addressing the Accountability Gap* (University of Stirling & Nuttfield Foundation, February 2022)

Katie Boyle and Aoife Nolan, 'Incorporation of UNCRC: draft working paper' (2019), <https://www.gov.scot/publications/incorporation-of-uncrc-discussion-paper/>

Cristiana Carletti, 'The Third Optional Protocol to the Convention on the Rights of the Child: Preliminary case law assessment for the effective promotion and protection of children's rights', *Global Campus Human Rights Journal* 4, (2020): 114, <http://doi.org/20.500.11825/1700>

Canadian Council of Parliamentary Ombudsman, *Fairness by design: an administrative fairness self-assessment guide* (2020), [https://www.ombudsman.ab.ca/wp-content/uploads/2020/10/Fairness-by-Design\\_web\\_1.pdf](https://www.ombudsman.ab.ca/wp-content/uploads/2020/10/Fairness-by-Design_web_1.pdf)

Child Rights International Network, *Rights, remedies and representation: a global report on access to justice for children* (2016), [https://archive.crin.org/sites/default/files/clin\\_a2j\\_global\\_report\\_final\\_1.pdf](https://archive.crin.org/sites/default/files/clin_a2j_global_report_final_1.pdf)

Children's Commissioner for England, *Speaking up: When children and young people want to complain about school* (2015), <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Speaking-up-full-report.pdf>

Children's Commissioner for England, *Children's social care: Putting children's voices at the heart of reform* (2022), [https://www.childrenscommissioner.gov.uk/wp-content/uploads/2022/01/cco\\_childrens\\_social\\_care\\_putting\\_childrens\\_voices\\_at\\_the\\_heart\\_of\\_reform.pdf](https://www.childrenscommissioner.gov.uk/wp-content/uploads/2022/01/cco_childrens_social_care_putting_childrens_voices_at_the_heart_of_reform.pdf)

Commissioner for Children and Young People (Western Australia), *Child Friendly Complaint Guidelines* (2021), <https://www.cryp.wa.gov.au/media/4660/child-friendly-complaints-guidelines.pdf>

Aoife Daly, Sandy Ruxton, and Mieke Schuurman, *Challenges to Children's Rights Today: What Do Children Think?* (Council of Europe, 2016), <https://edoc.coe.int/en/children-s-rights/7205-challenges-to-children-s-rights-today-what-do-children-think.html>

European Commission for Democracy through Law, *Principles on the Protection and Promotion of the Ombudsman Institution (The Venice Principles)*, CDL-AD(2019)005-e (Strasbourg, 3 May 2019), [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2019\)005-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2019)005-e)

European Network of Ombudspersons for Children, *The role and mandate of children's ombudspersons in Europe: safeguarding and promoting children's rights and ensuring children's views are taken seriously*, (2010), <http://enoc.eu/wp-content/uploads/2015/02/201012-ENOC-Malta-survey-Role-of-Ombudspersons-for-Children.pdf>

Elizabeth D. Gibbons, *Accountability for Children's Rights: With special attention to social accountability and its potential to achieve results and equity for children* (United Nations Children's Fund, March 2015), 9, <https://sites.unicef.org/policyanalysis/rights/files/Accountability-for-Childrens-Rights-UNICEF.pdf>

International Commission of Jurists, *The Right to a Remedy and Reparation for Gross Human Rights Violations A Practitioner's Guide* (October 2018), xiii, <https://www.icj.org/wp-content/uploads/2018/11/Universal-Right-to-a-Remedy-Publications-Reports-Practitioners-Guides-2018-ENG.pdf>

Ursula Kilkelly and Ton Liefaard (Eds.), *International Human Rights of Children* (Singapore: Springer, 2019)

Gerison Lansdown, 'Promoting Children's participation in democratic decision-making', *Innocenti Insights* 6 (2001), <https://www.unicef-irc.org/publications/pdf/insight6.pdf>

Gerison Lansdown, *Every child's right to be heard: A resource guide on the UN Committee on the Rights of the Child General Comment No. 12*, (Save the Children UK, 2011), <https://resourcecentre.savethechildren.net/pdf/5259.pdf/>

Ton Liefaard, 'Access to justice for children: towards a specific research and implementation agenda', *The International Journal of Children's Rights* 27, no 2 (2019), <https://doi.org/10.1163/15718182-02702002>

Laura Lundy, Ursula Kilkelly, Bronagh Byrne and Jason Kang, *UN Convention on the Rights of the Child, A study of legal Implementation in 12 countries*, (UNICEF: 2012), 102, [https://www.unicef.org.uk/wp-content/uploads/2012/11/UNICEFUK\\_2012CRCImplementationreport-FINAL-PDF-version.pdf](https://www.unicef.org.uk/wp-content/uploads/2012/11/UNICEFUK_2012CRCImplementationreport-FINAL-PDF-version.pdf)

Laura Lundy and Michelle Templeton, *Children human rights defenders: the views and perspectives of children* (Child Rights Connect, 2018), [https://www.childrightsconnect.org/wp-content/uploads/2018/09/DGD-REPORT\\_WEB\\_en\\_def\\_web.pdf](https://www.childrightsconnect.org/wp-content/uploads/2018/09/DGD-REPORT_WEB_en_def_web.pdf)

Agnes Lux, "'Do My Complaints Matter?' Child Participation and Child-friendliness of Complaint Mechanisms in European Independent Children's Rights Institutions', *Societies Without Borders* 14, no. 1 (2020), 9. <https://scholarlycommons.law.case.edu/swb/vol14/iss1/7>

Kasey McCall-Smith, 'Entrenching children's participation through UNCRC Incorporation in Scotland', *The International Journal of Human Rights* (2021), <https://doi.org/10.1080/13642987.2021.1969920>

Ursula Kilkelly, Laura Lundy, and Bronagh Byrne (Eds.), *Incorporating the United Nations Convention on the Rights of the Child into National Law* (Cambridge: Intersentia, 2021)

Fiona Morrison, E. Kay M. Tisdall, and Jane E. M. Callaghan, 'Manipulation and domestic abuse in contested contact – threats to children's participation rights', *Family Court Review* 58 (2020): 403, <https://doi.org/10.1111/fcre.12479>

Alex Newton, *The Business of Human Rights: Best Practice and the UN Guiding Principles* (London: Routledge, 2019)

Office of the Ombudsman & Office of the Representative for Children and Youth (British Columbia, Canada), *Hearing the voices of children and youth: a child-centred approach to complaint resolution* (2010), <https://bcombudsperson.ca/assets/media/Joint-Special-Report-Hearing-the-Voices-of-Children-and-YouthOffice-of-the-Representative-for-Children-and-Youth.pdf>

Ombudsman for Children's Office (Ireland), *A guide to child-centered complaints handling* (2018), [https://www.oco.ie/app/uploads/2018/02/14665\\_OCO\\_child-centred-complaints\\_Update\\_Web-1.pdf](https://www.oco.ie/app/uploads/2018/02/14665_OCO_child-centred-complaints_Update_Web-1.pdf)

Mona Paré, Mariëlle Bruning, Thierry Moreau and Caroline Siffrein-Blanc (Eds.), *Children's Access to Justice: A Critical Assessment* (Cambridge: Intersentia, 2022)

Scottish Government, 'Children's advocacy guidance' (2014), <https://www.gov.scot/publications/childrens-advocacy-guidance/>

Scottish Human Rights Commission, *Adequate and Effective Remedies for Economic, Social and Cultural Rights: Background briefing paper for the National Taskforce on Human Rights Leadership* (December 2020), <https://www.scottishhumanrights.com/media/2163/remedies-for-economic-social-and-cultural-rights.pdf>

Scottish Human Rights Commission, *Human Rights Based Approach: A Self-Assessment Tool* (December 2018), [https://www.scottishhumanrights.com/media/1814/shrc\\_panel\\_self-assessment\\_tool\\_vfinal.pdf](https://www.scottishhumanrights.com/media/1814/shrc_panel_self-assessment_tool_vfinal.pdf)

Scottish Parliament, *Commissioner for Children and Young People (Scotland) Act 2003* [as amended], <https://www.legislation.gov.uk/asp/2003/17/contents>

Scottish Parliament, *United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill* [as passed], <https://www.parliament.scot/bills-and-laws/bills/united-nations-convention-on-the-rights-of-the-child-incorporation-scotland-bill>

Helen Stalford, Liam Cairns, and Jeremy Marshall, 'Achieving child-friendly justice through child-friendly methods: let's start with the right to information', *Social Inclusion* 5, no. 3 (2017): 207, <https://doi.org/10.17645/si.v5i3.1043>

Helen Stalford and Kathryn Hollingsworth, "'This case is about you and your future": Towards judgments for children', *The Modern Law Review* 83 (2020): 1030, <https://doi.org/10.1111/1468-2230.12536>

Together (Scottish Alliance of Children's Rights), *State of Children's Rights in Scotland 2022 Report* (Edinburgh: Together, 2022), [https://www.togetherscotland.org.uk/media/2204/socrr-22\\_final.pdf](https://www.togetherscotland.org.uk/media/2204/socrr-22_final.pdf)

United Nations Committee on the Rights of the Child, *General comment no. 2 (2002): The role of independent national human rights institutions in the promotion and protection of the rights of the child*, CRC/GC/2002/2 (15 November 2002), [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fGC%2f2002%2f2&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fGC%2f2002%2f2&Lang=en)

United Nations Committee on the Rights of the Child, *General comment no. 5 (2003): General measures of implementation of the Convention on the Rights of the Child*, CRC/GC/2003/5 (27 November 2003), [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fGC%2f2003%2f5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fGC%2f2003%2f5&Lang=en)

United Nations Committee on the Rights of the Child, *General comment No. 12 (2009) The right of the child to be heard*, CRC/C/GC/12 (20 July 2009), [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f12&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f12&Lang=en)

United Nations General Assembly, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, Resolution 60/147 (16 December 2005), <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation>

United Nations General Assembly, *Principles relating to the Status of National Institutions (The Paris Principles)*, General Assembly resolution 48/134 (20 December 1993), <https://www.ohchr.org/en/instruments-mechanisms/instruments/principles-relating-status-national-institutions-paris>

United Nations High Commissioner for Human Rights, *Improving accountability and access to remedy for victims of business-related human rights abuse through State-based non-judicial mechanisms*, A/HRC/38/20 (17 February 2017), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/132/70/PDF/G1813270.pdf>

Bill Walker, Patricio Cuevas-Parra, and Besinati Phiri Mpepo, 'From injustice to justice: participation of marginalised children in achieving the Sustainable Development Goals', *Journal of Global Ethics* 15, no. 3 (2019): 382, <https://doi.org/10.1080/17449626.2019.1690552>

Who Cares? Scotland, *Advocacy matters: an analysis of young people's views* (2018), <https://www.whocarescotland.org/wp-content/uploads/2019/06/WCS-Advocacy-Matters-an-analysis-of-young-peoples-views-Oct-2016.pdf>