



PLANT YNG NGHYMRU  
CHILDREN IN WALES

# The State of Children's Rights in Wales

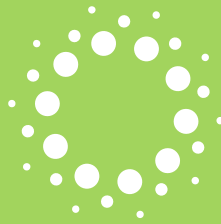
**2 March 2023**  
**10am – 11am**

**Format:**  
**50 mins presentation, followed by audience questions**

**Chair: Helen Mary Jones, Chair, Children in Wales**

**Presenters: Sean O'Neill, Children in Wales; Rhian Croke, Children's Legal Centre/Swansea University; Arthur Issac, Young Wales and Ruth Coombs EHRC Wales**





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# Housekeeping

- Your camera and microphone will not be active
- The event will be recorded and available to view on our website
- The Chat facility will be used for **QUESTIONS ONLY**

[www.childreninwales.org.uk](http://www.childreninwales.org.uk)





## Wales Civil Society interaction with

- United Nations Convention on the Rights of the Child (UNCRC) Monitoring & Reporting process
  
- Our engagement with the current UNCRC Reporting Round (2020-23)
  
- Key priorities & cross-cutting points
  
- Next steps, reflections and actions



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Wales UNCRC Monitoring Group



Grŵp Monitro CCUHP Cymru

The Wales UNCRC Monitoring Group is a national alliance of non-governmental and academic agencies, tasked with monitoring and promoting the United Nations Convention on the Rights of the Child in Wales. (est. 2002)

### **Steering Group members (inc. observers)**

Children in Wales, Barnardo's Cymru, NSPCC Cymru-Wales, Children's Legal Centre Wales - Observatory on Human Rights of Children, Play Wales, Save the Children Wales, UNICEF UK (OB), National Deaf Children's Society, Welsh Local Government Association (OB), Children's Commissioner for Wales (OB), and the Equality & Human Rights Commission (OB)

Alternative Reports to the UN on behalf of Civil Society Organisations in Wales

2002, 2008, 2016 and in 2022/3.



## Overview: Reporting Process 2019-23

**Article 44** “States Parties undertake to submit to the Committee..... reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights.....every five years”

United Nations introduced a new way of reporting to UN Committees called the **Simplified Reporting Process (SRP)**

This new reporting process is designed to

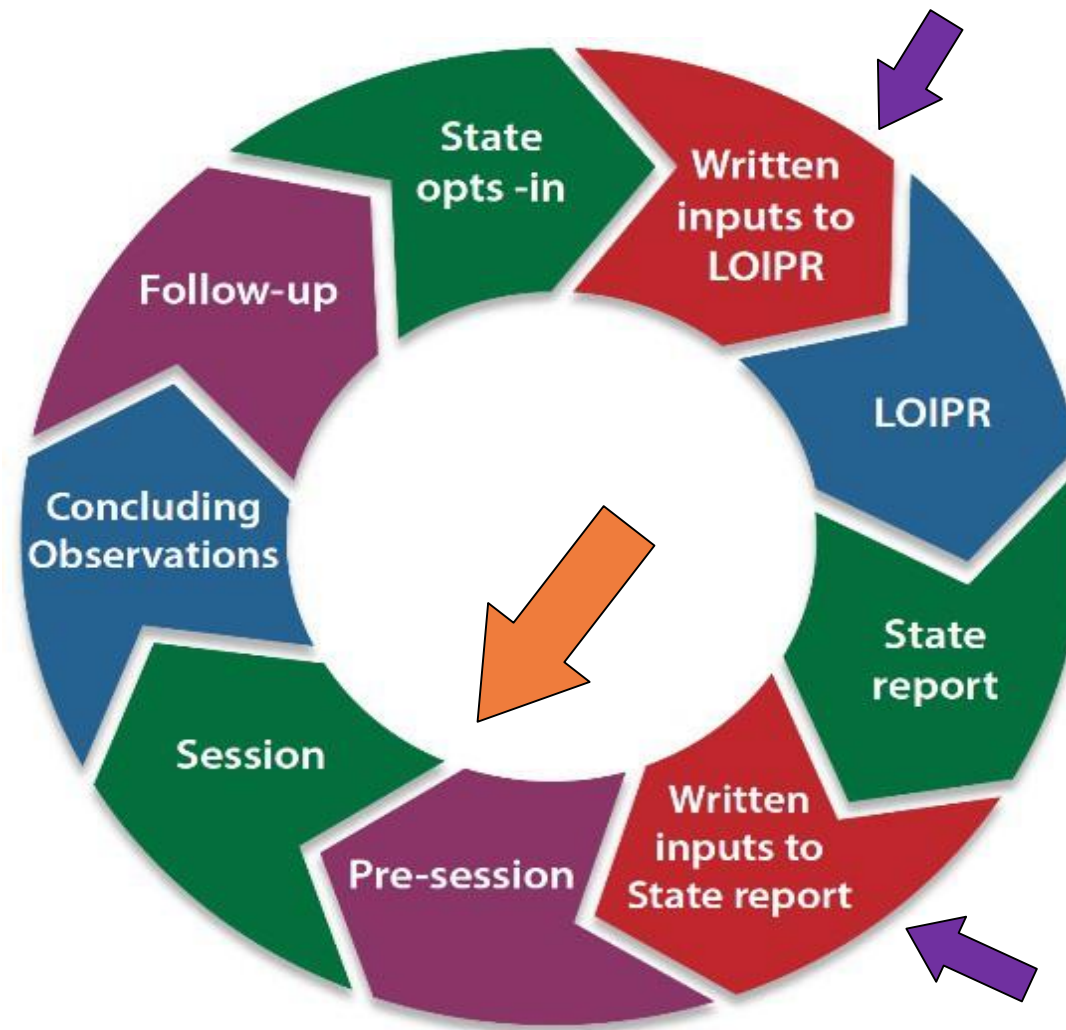
- Streamline the review process
- Make it more focused and effective
- Provide more opportunities for Civil Society to influence.

### PROCESS

- **Priority areas are identified at the very beginning** = Civil society/NHRIs submit reports of the key priorities to the UN
- UN consider reports and develop questions for the Government to respond to (**‘List of Issues’**)
- Governments publish & submit their report to the UN for scrutiny



# Simplified Reporting Process



**LOIPR** = List of issues prior to reporting



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# State of Children's Rights in Wales Project

## PHASE ONE – REPORT 1 – IDENTIFY THE PRIORITIES

- **Capacity Building and Consultation Events (August 2020)**  
(8 Thematic workshops / 2 keynote speakers / 60+ attendees)
- **Call for Evidence (Aug – Sept 2020)**  
(72 written responses + secondary sources)
- **'List of Issues' joint priorities report (Sept – Dec 2020)**  
(30 priorities / 77 questions / 90+ contributions / Launch event [60 attendees])

## PHASE TWO – 'Influencing & Campaigns' *(some examples)*

- Promote the **State of Children's Rights Report & Recommendations** through various meetings with Welsh Government ministers and officials; Senedd events, Committee's, Consultations, Manifesto's and engagement with other UK Child Rights alliances
- Influence Draft UK Government **'State Party' Report** – with UK officials
- Lobbied Welsh Government for a Welsh Government report & commented on draft



## Legislation

Disaggregated data

Ending Physical Punishment

## Violence and Abuse

## Care Experienced Children

Young Carers

Breastfeeding

## Child Poverty

## Digital Learning Inequalities

Brexit

Asylum Seekers, Refugees and Migrant Children

## Inequalities

## Child Participation

Family Support

Childcare and Early Years

## Health inequalities

## Disabled Children

## Mental Health

## Play & Leisure

## Education Attainment

Schools Exclusions

CRIA

Youth Justice

## Resources





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## PHASE THREE – REPORT 2 – Civil Society Report

- Produce our follow-up report as a **response to State Party (Gov.) report and the UN List of Issues.**
- 2<sup>nd</sup> Call for Evidence (September 2022)
- Build upon our 1<sup>st</sup> report – updating information / lengthier / new developments
- Timescales - Submitted December 2022
- Evidence - Pre-session, Geneva February 2023
- Government scrutiny - State Party Hearing, Geneva May 2023



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# State of Children's Rights in Wales Report



134 Recommendations across 38 policy areas

6 Priority Themes

- **Incorporation of the CRC into Welsh Law**
- **No Child Experiences Poverty**
- **Make Children a Priority**
- **All Children are Safeguarded and Protected**
- **Positive Mental and Emotional Health**
- **Supported Care-experienced children and those at risk**



**UK Pre-Session with UN CRC Committee  
Civil Society - Children's Commissioners - NHRIS  
- Children & Young People**

7<sup>th</sup> February 2023

Palais Wilson

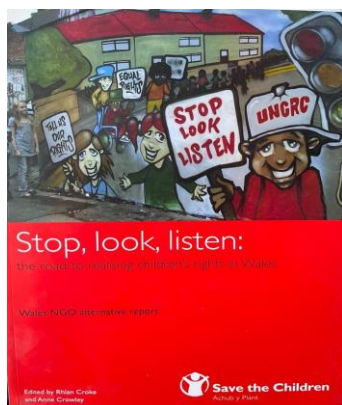
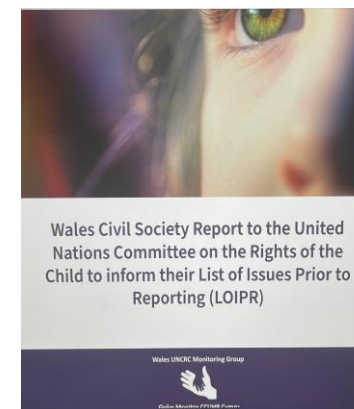
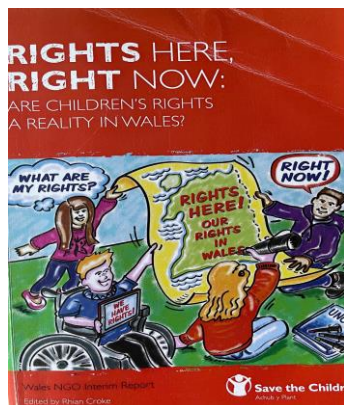
Geneva





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## Dynamics of the UNCRC reporting process: unparalleled tool for promoting policy/legislative change on children's rights in Wales





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## Legislative change on children's rights in Wales

### Rights of Children and Young Persons (Wales) Measure 2011

Sec 1: Welsh Government Ministers must have due regard to the United Nations Convention on the Rights of the Child in the exercise of all their functions.

Sec 2: The Welsh Ministers must make a scheme ("the children's scheme") setting out the arrangements they have made, or propose to make, for the purpose of securing compliance with the duty under section 1.



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## Continued legislative change on children's rights in Wales

Social Services and Well-Being (Wales) Act 2014 must have due regard to Part 1 of the United Nations Convention on the Rights of the Child.

Additional Learning Needs, Education and Tribunal Act 2018, with a duty to have due regard to the UNCRC.

Curriculum and Assessment Act 2021, with a duty of due regard for educators to promote knowledge of the UNCRC and the UNCRPD.

Defence of Reasonable Punishment abolished March 2022.



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## UK Government's regressive approach to human rights

- UK Government's proposal to reform the Human Rights Act 1998 – will weaken children's human rights.
- UK Nationality and Borders Act 2022 – continuation of hostile environment to asylum seekers.
- UK Police, Crime, Sentencing and Courts Act 2022 – discrimination to Gypsy Travellers
- Continued resistance to raising the minimum age of criminal responsibility.



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## Welsh Government's commitment to Human Rights

Strengthening Equalities and  
Human Rights Research 2020-  
2021

Continued opposition to reform  
of Human Rights Act 1998

Continued opposition to  
regressive UK government  
legislation.

Welsh Government accepts in  
principle, proposal to  
incorporate international  
human rights treaties and a  
Welsh Human Rights Bill.





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## A Children's Rights Approach Observatory on Human Rights of Children Model

Based on five principles, a Children's Rights Approach helps organisations and institutions to understand and fulfil children's rights.

Embedding Children's Rights	Equality And Non-Discrimination	Empowering the Child	Participation	Accountability
Children's rights must be at the core of planning and service delivery.	Every child must have an equal opportunity to make the most of their lives and develop to their fullest potential. No child should have their opportunities limited through adverse discrimination.	Enhance children's capabilities so they can access their rights, and influence and hold accountable organisations and institutions that affect their lives.	Listen to children and take their views meaningfully into account when decisions or actions are taken that affect their lives.	Organisation and institutions must be accountable for decisions and actions which affect children's lives, in particular to children themselves.



Professor  
Simon Hoffman



Dr. Rhian Croke







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## Children's Rights Impact Assessments (CRIA)

- Commitment to undertake CRIA as part of the Welsh Government's [Children's Scheme](#)
- But weaknesses:
  - application of CRIA too late in the policy process to make any difference,
  - lack of relevant expertise during CRIA completion,
  - failure to fully apply CRIA to some critical policies affecting children,
  - ongoing failure to undertake a [CRIA on the Welsh Government draft budget](#)

Recommend that CRIA is a mandatory requirement, and that there is sufficient resources and expertise to be able to do it effectively.



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## Make Children a Priority

- Minister for children with clear oversight of children's rights.
- Coordinated governance at all levels.
- National Action Plan for Children with child rights indicators, data, costed budgets and clear timeline.
- Transparent monitoring and accountability.



## Full and Direct Incorporation of the UNCRC

- Acknowledge that due regard to the UNCRC has progressed a commitment to the embedding of children's rights.
- BUT as an example of indirect incorporation, it has done little to enhance judicial accountability.
- Welsh Government to prioritise and expedite steps to give further effect to the UNCRC into Welsh law.



## Stubborn and persistent challenges in fulfilling children's rights

Children's health inequalities e.g., child mortality rates are 70% higher amongst most deprived groups and the gap in life expectancy between least and most deprived population is widening.

■  
34% of children live in poverty in Wales.

Educational inequalities, pupils from poorer backgrounds are around two years behind their peers and are more likely to be excluded.



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## Children's mental health

- Pandemic and the cost-of-living crisis has had a devastating impact.
- More than two thirds (68%) of children reported their mental health getting worse since the first national lockdown.
- Three children in every classroom have a diagnosable mental health condition.
- Suicide as a leading cause of death amongst children 15+ is also increasing.



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**Strong focus on early intervention and social determinants of mental health**

Senedd Children Mind Over Matter Reports

Whole School Approach to Mental Health

Senedd Health Connecting the Dots Report

Children Commissioner No Wrong Door approach

NEST/NYTH programme



## Pace of implementation too slow

- Too many children experience fragmented pathways.
- For children with more acute needs, priority should be given to building CAMHS capacity.
- Significant concerns regarding transitions to adult services.
- Children with particularly complex needs who are deemed too challenging to be placed in a secure children's home are being deprived of their liberty.



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## No Child Experiences Poverty

“Ensure the maximum level of available resources to deliver urgent priorities set out in a revised Strategy and Delivery Plan, with measurable milestones and targets, subject to robust monitoring and transparent reporting arrangements.”





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## All Children are Safeguarded and Protected

“Work in collaboration with the public sector and specialist services to prioritise tackling peer-on-peer sexual harassment for all children, including online. This should include using all levers to press the UK/Government to pass a strong Online Safety Bill without delay, that delivers on children’s right to be safe online.

W/Government should commit to hearing the voices of lived experience groups and children when developing its work on peer-on-peer sexual harassment. This must be done in a trauma informed way, which does not cause further harm and is accessible and inclusive of all needs”



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## Supported Care-experienced children and those at risk

“Ensure that specialist edge of care services – particularly those that work pre-and post-birth with vulnerable parents – are available in all parts of Wales. Pursue means to ensure parity of support for care-experienced children across the country, which should be a key feature of the transforming children’s policy agenda.”



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## Next Steps

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Policy influencing with civil servants and Welsh and UK Government Ministers.

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UK State Party examination in May.

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UK Concluding Observations from UN Committee on Rights of Child published in June.

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Call on Welsh Government to publish a comprehensive national action plan to implement the UK Concluding Observations.

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Civil society event to share further evidence and dialogue on their implementation.

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Opportunities for children's rights strategic litigation.



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## Final Reflections: promoting change for children

- Strong advocates for children both inside and outside of government and on the parliamentary side of governance.
- Strong children's rights legislative and policy frameworks.
- Using the UNCRC reporting process as a requirement, to gather evidence on children's rights violations.
- Children as experts on their own lives reporting on their own experiences.
- Ensuring that children, who are not always able to sit around the decision-making table, are not forgotten and their human rights are always considered.
- Better embedding of children's rights into the practice of public bodies.