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Llywodraeth Cymru
Welsh Government

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Welsh Government

Consultation Document

Draft Children's Rights Scheme 2014

Arrangements for having due regard to the United Nations Convention on the Rights of the Child (UNCRC) when Welsh Ministers exercise any of their functions



Date of issue: 7 January 2014

Action required: Responses by 3 March 2014



Overview

The 'Rights of Children and Young Persons (Wales) Measure' 2011, received unanimous cross party support when it was passed at the National Assembly for Wales on the 18 January 2011.

The Measure strengthened and built on the rights based approach of the Welsh Government to making policy for children and young people in Wales. It placed a duty on Welsh Ministers to have due regard to the substantive rights and obligations within the UNCRC and its optional protocols.

Section 2 of the Measure requires Welsh Ministers to publish a Children's Rights Scheme which sets out the arrangements Ministers will have in place to have due regard to the UNCRC.

Welsh Ministers published their first Children's Rights Scheme in May 2012 which set out the arrangements for complying with the due regard duty when considering proposed new legislation, proposed new policies and a review of or change to an existing policy and/or legislation. In light of the extension of the due regard duty to all Ministerial functions from May 2014, Ministers decided to review the Children's Rights Scheme and utilise the opportunity to evaluate and revise the arrangements in place.

Within this document is the proposed revised version of the current Children's Rights Scheme to ensure compliance with the extended duty on Welsh Ministers.

The revised Children's Rights Scheme will be laid for approval before the National Assembly for Wales before 30 April 2014. It will set out the arrangements Ministers will have in place to have due regard to the UNCRC when they exercise any of their Ministerial functions.

How to respond

Consultation responses should be completed using the form at page 26 of this document and returned to:

By post to:
Steve Owen
Welsh Government
Sarn Mynach
Llandudno Junction
LL31 9RZ

By e-mail to:
childrenandyoungpeoplesrights@wales.gsi.gov.uk

By using the online response form:
This is available on our webpage.

Further information and related documents

Large print, Braille and alternate language versions of this document are available on request.

Related documents:

The *Rights of Children and Young Persons (Wales) Measure 2011* can be found at:
<http://www.legislation.gov.uk/mwa/2011/2/contents>

Other sites for information also include:

UNCRC Lets Get it Right
<http://www.uncrcletsgetitright.co.uk/>

Children's Commissioner
<http://www.childcomwales.org.uk/>

Contact details

For further information:

e-mail:
childrenandyoungpeoplesrights@wales.gsi.gov.uk

telephone: 0300 062 5587/5552

Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think

this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Executive Summary

The Rights of Children and Young Persons (Wales) Measure 2011 (referred to as “the Measure” in the rest of this document) places a duty on Ministers to have due regard to the United Nations Convention on the Rights of the Child (UNCRC). From 1st May 2014 this duty will be in place whenever Welsh Ministers are exercising any of their functions. This means carrying out Ministerial functions.

Prior to May 2014 the Measure required Ministers to have due regard to the UNCRC when making:

- proposed new legislation
- proposed new policies
- a review of or change to an existing policy and/or legislation

From May 2014 Ministers must have due regard to the UNCRC when they exercise any of their functions. What is meant by this and the implications is explained further in section 3.

The Welsh Government currently has a Children’s Rights Scheme (referred to as “the Scheme” in the rest of this document) in place which sets out the arrangements that Ministers have in place to ensure they comply with the duty. The Scheme was tested through consultation and was passed by the National Assembly for Wales (NAfW).

Because the duty on Ministers will extend to any of their functions from May 2014 they have decided to revisit the practical arrangements that are in place to enable appropriate consideration and weight to the UNCRC and ensure compliance with the duty. In doing so, Ministers have revised the Scheme to again make certain that the arrangements in place are robust and ensure compliance.

It is an opportunity to review the implementation of the Measure generally and also to take into account the early learning and feedback from the first two years of the Measure being in force.

Ministers are committed to listening and in developing the revised Scheme have made considerable efforts to incorporate where possible the comments and suggestions made by those both within and outside Welsh Government.

To this end, Ministers have ensured that consideration has been given in particular to:

- Feedback on the content of the first compliance report¹;
- The NAFW CYP Committee scrutiny of the Measure and in particular the submissions by the Children's Commissioner for Wales and the UNCRC Monitoring Group²;
- Feedback from Welsh Government staff internally and an internal audit of processes associated with the Measure;
- Detailed discussion from a policy seminar organised by Welsh Government in which the Getting it Right Network, an expert stakeholder group, advised on how to further improve the implementation of the Measure and the revision of the Scheme.

Changes in this revised Scheme

There are a number of revisions we have made as a result. They include:

- A revision of the roles of Ministers and Welsh Government staff.
- A revision of the membership and terms of reference of the Children's Rights Scheme Implementation Group;
- A revised Child Rights Impact Assessment (CRIA) process with an increased emphasis on analysing the impact decisions have on children and young people;
- A commitment to produce an interim compliance report once every 2.5 years;
- A commitment to report on the duty on Welsh Ministers to take appropriate steps to promote knowledge and understanding amongst the public (including children) of the UNCRC and its Optional Protocols, in accordance with Section 5 of the Measure, in the next compliance report;
- An explicit reference to Section 6 of the Measure which relates to amending legislation to give greater effect to the UNCRC; and
- The withdrawal of references to the requirement to consult on Section 7 of the Measure as the consultation on whether the UNCRC should be applied to young people aged 18–25 in Wales has been undertaken and a decision that this should not be the case has been taken. A [Written Statement](#) was issued on this matter.

¹ [Section 4 of the Rights of Children and Young Persons \(Wales\) Measure 2011 states that Welsh Ministers must publish a report detailing how Ministers complied with the due regard duty](#)

² The Wales UNCRC Monitoring Group is a national alliance of non-governmental and academic agencies. The group monitors and promotes the United Nations Convention on the Rights of the Child in Wales.

Consultation

The Measure states that the Welsh Government must, when preparing any Scheme, new or revised:

- Involve children and young people;
- Involve the Children's Commissioner for Wales;
- Involve other persons or bodies as the Welsh Ministers consider appropriate;
- Consider any suggestions or recommendations made by the UN Committee following the State Party Report submitted by the UK Government. As it is not envisaged the UK Government will receive recommendations by the Committee prior to 1st May 2014, this revised scheme cannot take those into account; and
- Consider any other reports, suggestions, general recommendations or other document published by the UN Committee on the Rights of the Child.

Ministers are now seeking the views of stakeholders on this revised Scheme and in particular on the questions set out at pages 23-25.

The Welsh Government is inviting you to tell us whether or not the proposed arrangements as set out in this Scheme are sufficient to ensure compliance with the new duty and ensure that children and young people, and their rights as set out in the UNCRC, are at the heart of the Welsh Government's work.

Your views will be taken into account before we lay the draft revised Scheme with the NAFW for approval. Following approval we will then publish the approved Children's Rights Scheme 2014.

Children's Rights Scheme 2014

1. Introduction

The 'Rights of Children and Young Persons (Wales) Measure 2011' (referred to as "the Measure" in the rest of this document), was passed by the National Assembly for Wales (NAfW) on 18th January 2011 and approved by Her Majesty in Council on 16th March 2011. The Measure embeds consideration of the United Nations Convention on the Rights of the Child (UNCRC), and the Optional Protocols, into Welsh law. This is the first time that any government in the United Kingdom has been under a duty to have due regard to children's rights.

2. What is the UNCRC?

The UNCRC³ is an international convention setting out the civil, political, economic, social and cultural rights of children. The text of the Convention on the Rights of the Child was approved by the Member States of the United Nations on 20th November 1989.

On the 16th December 1991, the Government of the United Kingdom of Great Britain and Northern Ireland ratified the UNCRC and it came into force in respect of the United Kingdom on 15th January 1992. The United Kingdom has also ratified two 'Optional Protocols'⁴ to the UNCRC.

States that have ratified the UNCRC are required by article 44(1) (b) to report to, and may appear before, the United Nations Committee on the Rights of the Child ("the Committee") providing details of their progress towards full implementation of the Convention and its Optional Protocols.

In 2002 the NAfW, set up by the Government of Wales Act 1998, developed the Seven Core Aims for children and young people which summarised the UNCRC as a basis for planning, decisions on priorities and objectives nationally and on a local level.

In January 2004 the NAfW adopted the Convention as the underpinning basis for its policies concerning children and young people aged 0 to 25 (including those aged 25). For the purposes of this Scheme, "children" refers to children and young people up to the age of 18 years.

Following the Government of Wales Act 2006, when the NAfW was separated from the Welsh Government, the commitment to the UNCRC became a commitment of the Welsh Ministers. The Welsh Ministers form the Welsh Government.

³ <http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx>

⁴ <http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx>

3. What is the duty on Ministers?

The Measure states:

Welsh Ministers must, when exercising any of their functions, have due regard to the requirements of -

- (a) *Part I of the Convention,*
- (b) *Articles 1 to 7 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, except article 6(2), and*
- (c) *Articles 1 to 10 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.*

The "functions" of Ministers means all the things the Ministers may do (because legislation has given the Ministers the power to do it), and all the things they must do (because legislation has placed a duty on the Ministers to do them). This means the duty applies whenever Ministers use any of their powers to make a decision, or there is a duty upon them to make a decision.

All actions of the Welsh Government are taken using powers or duties of the Ministers.

If the decision being taken by the Ministers is one that has an impact on children and young people, the Ministers must give the appropriate consideration and weight to the UNCRC in taking their decision. They will need to weigh up all the issues which are relevant to the decision they are making.

4. What is a Children's Rights Scheme?

A Children's Rights Scheme is made under Section 2 of the Measure, which states that Ministers must make such a scheme to set out the arrangements they have in place to ensure compliance with their duty to have due regard to the UNCRC. It is to provide transparency about the processes that are being followed to comply with the duty, and that those processes are robust having been tested through consultation and approved by the NAFW.

On the 27 March 2012 the NAFW approved the Welsh Government's first Scheme.

This revised Scheme sets out the arrangements that Ministers have in place to make sure that they comply with the duty placed on them by the Measure from 1 May 2014 – to have due regard to the UNCRC when exercising any of their functions. An important element of this is to enable Welsh Government staff⁵ to sufficiently support the Ministers to comply with the duty.

⁵ A person employed in the civil service; a government employee.

5. How will we make sure that we comply with the duty to have due regard to the UNCRC?

Ministers will ensure that Welsh Government staff are supported to apply the due regard duty in a number of ways. As well as the more structured arrangements and processes detailed in the Scheme, there is an ongoing commitment to raise awareness and expertise as the Measure continues to be implemented.

Given the complexity of setting arrangements for such a wide ranging duty and the fact that Wales is breaking new ground, it is likely that Ministers will be faced with new scenarios which may not necessarily fit precisely with any arrangements. Staff will therefore be required to adapt accordingly. As the extended duty is implemented, there will be a learning process undertaken where staff will develop their understanding of issues such as the proportionality in the level of analysis and evidence required for particular decisions. It is critical that the due regard duty is meaningfully applied. The fundamental purpose of the duty is to improve Minister's decision making.

The amount of information that will evidence "due regard" will vary from a simple statement that no impact has been identified when this is the case, to a full and ongoing record, depending on the nature of the topics and decisions involved. In the same manner, Ministers will consider when it would be appropriate and meaningful to publish the assessments of impact on children and young people.

Ministers will consider the ways in which publication of the assessments can assist in informing the decision(s) making process and utilising the publication as part of a consultative and participatory process. Ministers are also aware that publication will often directly assist in the application of the due regard duty as it helps to reflect an open mind in undertaking their function. It is possible for instance, for stakeholders to respond to the content of an assessment which could, in turn, further inform the decision making process.

In addition to the potential function of improving the decision making process, Ministers are also aware that it will be important to be able to evidence the application of the duty to have due regard. In many instances, this will mean publishing the assessment. Whether or not to publish, as well as at which point within a decision making process publication is advised, are matters which Ministers will continually assess as the Measure is implemented.

The Children's Rights Impact Assessment (CRIA) is a tool which has been developed to help Ministers comply with the duty to have due regard. It should be noted that the duty on Ministers is to have due regard to the UNCRC, not to undertake a CRIA. If, however, it is believed that a decision has the potential to have an impact on children and young people, either directly or indirectly, a CRIA would assist Ministers to have due regard.

It is vital that the duty to have due regard to the UNCRC is rooted alongside the wider arrangements of all impact assessments within the Welsh Government to ensure that the policy and legislation Ministers develop is lawful, of good quality and delivers good outcomes for the everyone in Wales.

It may well be the case that Welsh Government will change the practical arrangements in place so that CRIAs can be completed within a wider exercise to assess the impact of proposals.

Welsh Government staff will require sufficient awareness of and apply the due regard duty in order to advise Ministers on whether or not a CRIA is appropriate and necessary. It is possible, indeed a requirement, to apply due regard to the UNCRC in order to conclude that a CRIA isn't required.

Staff who may be unsure are able to contact specific members of staff for advice.

If it is considered that a CRIA is required, Welsh Government has developed a six step model that gives guidance on how to have due regard to the UNCRC in decisions which impact on children's lives and how to record this.

The CRIA must be used consistently across all business areas.

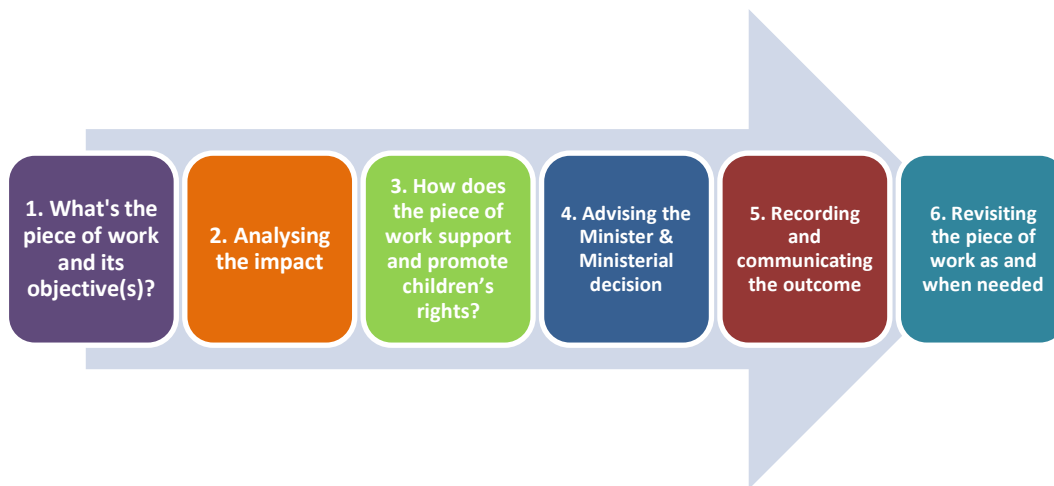
The process is aimed at encouraging the user to think about the potential relevance and impact of their piece of work on children and young people and considering this within the context of children's rights as set out in the UNCRC. This should enable Welsh Government staff to judge the appropriate consideration and weight required as they advise Ministers.

Within the CRIA there are many prompts to evidence that children's rights have been considered and that every opportunity has been taken to identify ways of realising the relevant rights before Ministers make decisions.

6. The Children's Rights Impact Assessment (CRIA) - Six Step model

The CRIA is a tool to both ensure that Ministers comply with their duty to have due regard to the UNCRC and to ensure that children and young people are at the heart of all that we do as a Government. Whilst the CRIA provides a process, it is very much about the consideration of impact and outcomes of our work on children and young people.

A copy of the CRIA template is available at annex 2. Below is a summary of the six steps that Welsh Government staff are required to consider at various times in the development and progress of their legislation, policy or piece of work.



Step 1 – What’s the piece of work and its objective(s)?

In this section Welsh Government staff must give a brief description of the piece of work and outline the overall objective(s). The beneficiaries of the piece of work should be identified and if there are specific groups to take into consideration e.g. Disabled young people, young carers, looked after children; they should be recorded here.

Step 2 - Analysing the impact

This step allows Welsh Government staff to think about the impact that the piece of work will have on children and young people. They will need to assess the primary objectives but also examine any potential wider impacts, intended or otherwise.

If there is going to be any negative impact, staff will need to consider the compensatory measures that can be taken to limit this.

If there is an outcomes framework linked to the piece of work, consideration must be given to linking this to the outcomes as set out in the UNCRC.

Other statutory duties will need to be considered, such as equality and weighted consideration will need to be given to the UNCRC and other factors.

This step should be an opportunity to consider if the wider impact of any decision taken and whether it involves any other policy areas. This is also the step at which staff can consider whether it would be beneficial to engage with children and young people to inform the work, and how this could be done effectively.

Step 3 – How does the piece of work support and promote children’s rights?

Here Welsh Government staff must identify the UNCRC articles which are most relevant to their piece of work. Rather than trying to evidence as many of the articles as possible, they should select the ones which relate the most to the intended impact and outcomes of their piece of work and reflect on any potential unintended impacts.

There is an opportunity here to consider if any amendments to the piece of work can result in children’s rights being increasingly realised.

Step 4 - Advising the Minister & Ministerial decision

In providing options and advice in order to enable Ministers to take decisions, staff will need to confirm that all relevant impact assessments have been completed and that due regard to the articles of the UNCRC has been considered.

Step 5 - Recording and communicating the outcome

Welsh Government Staff will need to provide the background here and ‘tell the story’ as to how they considered the UNCRC in reaching their recommendations to the Minister(s), including any options that have been considered and the analysis carried out.

Records / evidence must be kept of how the due regard duty has been complied with. The Final version of the CRIA should be retained on the Welsh Government data base and shared with the Implementation Team and the relevant operations team.

Step 6 - Revisiting the piece of work as and when needed

The CRIA process is not just a ‘one off’ analysis and should be ongoing throughout the development of the proposal and its implementation. Welsh Government staff should consider when and how they may need to revisit their CRIA.

In revisiting, they should consider whether their piece of work has had the intended or expected impact, for example, How is the policy working? Have the outcomes/targets been met? Is the outcomes framework fit for purpose?

They should also consider any changes that have been made to the piece of work as a result of, for example, a consultation and the impact these may have.

7. Who is involved in ensuring Ministers comply with this duty?

In this section the specific arrangements to make sure that Ministers comply with the duty to have due regard to the UNCRC when exercising any of their functions, and the roles of different groups within and outside Welsh Government, are set out.

The Responsibilities and Roles of the Ministers

- The Measure places the duty on Ministers. They must have due regard to the UNCRC when exercising any of their functions and must be fully aware of the duty when they make their decisions;
- Ministers are responsible for making sure that they comply with the duty. The law does not allow them to pass this responsibility on to someone else, such as Welsh Government staff;
- Ministers are also responsible for the arrangements set out in this Scheme, and for making sure that those arrangements work effectively;
- Ministers are accountable to the NAfW in respect of the duty, as they must present the Welsh Government's report on their compliance with the duty to the NAfW. Minister may also be called to give evidence to NAfW committees to explain what they have done and can also be asked to respond to questions from Assembly Members; and
- Ministers will expect that their staff will have properly considered and have had due regard to the UNCRC before they provide information, advice, options and recommendations. Welsh Government staff will be provided with training and other resources as required to ensure that they provide appropriate Ministerial information and advice and in turn Ministerial decisions will ultimately have due regard to the UNCRC.

The Responsibilities and Roles of the Children's Rights Scheme Implementation Group

The group contains representatives from Operations Teams* from all the Director General (DG) Areas within the Welsh Government, and its primary role is to oversee the implementation of this Scheme across those areas. The group's role includes:

- Providing advice and guidance to the Implementation Team to help them to improve the processes to implement the Measure and help steer their work, as well as bring feedback from their area as to how the Measure is being implemented and if there is any good practice to share or any difficulties to address;

- Working together on behalf of DGs to take forward the implementation of the Measure and the Scheme and feedback on how the Scheme is being implemented across each DG area;
- Working together to support and advise on the effective awareness raising of the Measure and its implications across each DG area;
- Acting as 'Champions' of children's rights and to raise awareness of the Measure across DG Areas;
- Monitoring uptake and participation of the face to face and e-learning training on the UNCRC and due regard - advising the implementation team on ways to increase uptake if necessary;
- Working together to share best practice and difficulties encountered in order to improve the implementation process and develop the processes to enable and ensure compliance and address any issues relating to implementation;
- Assisting in providing evidence to demonstrate compliance with the due regard duty and the key controls in place which will assist in providing information to the Ministers for reports required on compliance;
- To assist in the formulation and dissemination of any related policies, practices and procedures relating to the Scheme; and
- To input on the development of any further Scheme.

***Operations Teams**

Each department within Welsh Government has an operations team. The role of these teams is to ensure that the quality of information that is provided to Ministers is robust and compliant with a range of requirements, including procedural and financial.

The Responsibilities and Roles of the Measure Implementation team

A team of Welsh Government staff is in place within the Children, Young People and Families Division who lead on the implementation of the Measure. Their work includes developing internal processes that will make sure Ministers comply with the duty. This includes providing information and advice, developing tools and recording mechanisms to help Welsh Government staff to consider the UNCRC in their work and in their options and advice to Ministers.

They are responsible for:

- Raising awareness and understanding of the UNCRC, the Measure and the duties within it;
- Advising on implementing the Measure and the Scheme;
- Commissioning, co-ordinating and supporting training;
- Advising Welsh Government staff and directing them to relevant sources of information;
- Advising staff if they are unsure if the CRIA process is required for a particular decision or piece of work;
- Taking samples of decisions about policy and legislation development, as part of monitoring whether the Welsh Government is complying with the due regard duty;
- Producing reports on Minister's compliance with the due regard duty;
- Facilitating the Children's Rights Scheme Implementation Group;
- Commissioning and initiating developmental work such as options for monitoring and evaluation;
- Advising Departments on the application of Section 6 of the Measure and ensuring that any proposed changes to legislation which could give greater effect to the UNCRC are incorporated into the compliance report; and
- Leading on the promotion of knowledge and understanding of the UNCRC under Section 5 of the Measure.

The Implementation Team will continue to develop and input into resources and templates which assist staff throughout the process, for example, a legislation handbook for those involved in developing new pieces of legislation.

The Responsibilities and Roles of Heads of the Divisions within Welsh Government Departments

They will be responsible for ensuring that the options and advice that their staff put to Ministers, so that Ministers can make decisions, is of good quality and has paid due regard to the UNCRC. Their responsibility includes ensuring that all staff, including themselves, have a suitable level of knowledge of the UNCRC and the implications of the Measure on their work

The Responsibilities and Roles of Welsh Government Staff

The duties within the Measure apply to all Ministers and cover all Ministerial areas. Welsh Government staff are employed to support Ministers in developing policy and legislation and in taking other decisions. They also implement the decisions of the Welsh Government and are under the ultimate direction of Ministers.

Welsh Government staff support Ministers in having due regard to the UNCRC when Ministers make decisions, as they provide options and advice in relation to Ministerial functions.

It is very important that staff give balanced consideration to the UNCRC, before they begin to develop legislation, policies or other pieces of work and then at critical times throughout the process in order to give advice to Ministers. They must be clear about how they should have due regard and the process they have followed for this to be applied before giving options and advice to Ministers.

They will consider the extent to which the UNCRC is relevant to the decision that a Minister is being asked to make and whether a CRIA is required. If staff believe there is an impact on children, they will be:

- Undertaking assessments using the Welsh Government's Children's Rights Impact Assessment (CRIA);
- Considering how to reflect the CRIA process and the outcome/s when presenting options and advice to Ministers and subsequently asking them to make a decision; and
- Ensuring records of the CRIA, the options and advice provided to Ministers and the subsequent Ministerial decision are kept on file which show that the duty to have due regard to the UNCRC was complied with.

Training will be given to staff to help them understand and carry out their role.

Other people outside the Welsh Government

Welsh Government staff work closely with experts on children's rights and the UNCRC. This includes the Getting it Right Network. Membership includes representation from the Children's Commissioner's office, various children's charities, Universities and local government. The Network's terms of reference includes:

- Suggesting ways of working together and exploring opportunities to be innovative in a joint approach to help support positive outcomes for children and young people;
- Providing expertise and advice;
- Identifying and helping to resolve any potential and arising difficulties;
- Identifying responsible lead organisations to work with the Welsh Government;
- Advising the Welsh Government on the practicalities, including identification of potential obstacles and methods for overcoming them; and
- Working with officials on monitoring and reviewing.

Staff are also observers on the Non-Governmental UNCRC Monitoring Group who have a role in monitoring how Wales is complying with implementing the UNCRC. This group is able to provide recommendations on how things can be done differently or better.

8. Raising Awareness and Training

The Welsh Government is committed to continuing to educate and train Welsh Government staff using the resources that we have developed. A range of training is available for Welsh Government staff to provide them with knowledge and understanding of the UNCRC and to help them to understand the process they need to follow to comply with the due regard duty.

There is an internal Raising Awareness and Training Strategy within Welsh Government that brings together the different training tools and methods, and prioritises groups of staff. The Implementation Team lead on progressing this strategy and ensuring Welsh Government staff are kept up to date on developments, as and when they happen.

A dedicated UNCRC web resource is available on the intranet for colleagues to access; this includes Frequently Asked Questions (FAQs), information

sheets, the full legislation documentation and the full articles of the UNCRC, alongside a variety of external children's rights websites.

On-line packs have also been sent to all Heads of Divisions across the Welsh Government. We also promote Universal Children's Day internally as an opportunity to raise the profile of the Measure.

9. Online training for Welsh Government Staff

The online training has played an important role in providing adequate and systematic training to aid staff to gain a better understanding of the UNCRC. Two interactive online training tools have been developed:

- A ten minute training tool which provides a quick introduction to the UNCRC and the way it has been embedded into Welsh domestic law. This has been put in place for all Welsh government staff; and
- A more detailed package which involves an overview and history of the UNCRC and a detailed analysis of the process of compliance with the new due regard duty.

The training aims to ensure that Welsh Government staff give balanced consideration to how their work can impact on the outcomes for children and young people, as set out in the UNCRC, and advise Ministers accordingly.

10. Face to Face training

Formal presentations about the Measure delivered across Welsh Government Departments by the Measure Implementation team members are held to advise staff and direct them to relevant sources of information.

More informal sessions are also offered either to teams or individuals and tailored accordingly.

11. Expert training for targeted staff

Welsh Government will continue to provide targeted and specialised training for staff leading on or involved in development of policy and legislation.

Specific training has been and will continue to be provided to Welsh Government lawyers.

12. Accountability and Compliance

Ministers are accountable to the NAfW in respect of the duty, as they must present the Welsh Government's report on their compliance with the duty to the NAfW. It is also important to note that the NAfW must approve the Scheme. Ministers may also be called to give evidence to NAfW committees to explain what they have done and can also be asked to respond to questions from Assembly Members.

The Getting It Right group operate as a critical friend on the application of the Measure and they will be able to question Welsh Government staff in line with the terms of reference for the group.

From an external perspective, the UNCRC Monitoring Group has a clear role in assessing the application of the UNCRC by Ministers and is able to make representation to relevant parties both within and outside Welsh Government within the context of the Measure.

As a result of the scrutiny associated with operating the arrangements for complying with the duty, Ministers may identify further actions which the Welsh Government needs to take.

13. Reporting on Compliance with the duty

The Measure requires Ministers to publish a report every 5 years explaining how they have complied with the duty to have due regard to the UNCRC.

We published our first Compliance report on 31 January 2013.

Ministers have reviewed the reporting cycle and have committed to producing mid-term reports. In essence therefore; the compliance report will be published every 2.5 years.

Publishing a mid term report will provide stakeholders with the opportunity to express their observations on the progress being made which in turn will then enable Welsh Government staff to re-evaluate the Children's Rights Scheme and the arrangements that are in place.

As part of the commitment to transparency and constructive engagement, Ministers will secure a plenary debate on the content of the next compliance report.

Outcomes

Ministers are examining options to develop and build on the evaluation arrangements for the Measure. Ministers will update on this work as part of the next compliance report.

Section 5 – Promoting knowledge and understanding of the UNCRC

Section 5 of the Measure places a duty on the Ministers to take appropriate steps to promote knowledge and understanding amongst the public (including children and young people) of the UNCRC and its Optional Protocols. This duty is intended to give effect to obligations which are in article 42 of the UNCRC.

The Implementation Team lead on this area of work on behalf of Ministers. However, other organisations are also committed to raising awareness and promoting knowledge and understanding of the UNCRC, such as the

Children's Commissioner for Wales and the UNCRC Monitoring Group. Welsh Government will continue to explore opportunities, where appropriate, to work with others to secure the greatest impact.

Whilst there is no obligation on Ministers to do so, there will be an update on compliance with the Section 5 duty included in future compliance reports.

14. What can children and young people (or their representatives) do if they think Ministers have not had due regard to the UNCRC?

If children and young people feel that the Welsh Government has not considered children's rights when making decisions that affect their lives, they may, individually or in a group, wish to:

- Contact the Welsh Government to raise the issue. The Welsh Government has developed a summary version of its corporate complaints procedure for children, young people or their representatives to use. The Complaints Procedure informs the public how to potentially challenge Ministers if it is considered that Ministers have not complied with the duty. The summary Complaints Procedure can be found at: [Summary Version Complaints Procedure](#);
- Contact their Assembly Member. Assembly Members can raise issues affecting children and young people with the Welsh Government or in the Assembly. Information on Assembly Members can be found at: [Assembly Members](#);
- Send a petition to the NAfW. If ten or more people have signed a petition, children can use this to draw the Assembly's attention to a decision affecting their lives where they think the UNCRC has not been considered. The Assembly has powers to call Welsh Ministers before it and ask them about how they have had due regard to the UNCRC in exercising any of their functions. This is a link to more information about petitions to the NAfW: [Petitions to the National Assembly for Wales](#);
- Apply to the court to ask them to rule on whether the Welsh Ministers have complied with the due regard duty. This is called a Judicial Review. Applications for a Judicial Review should be made as soon as possible, and usually no later than three months after a Ministerial decision has been made. Sometimes a court will allow a person to make a late application if the person can show a very good reason for not applying earlier. While children and young people are completely within their rights to apply for a Judicial Review, we would hope that the matter could be resolved through the other arrangements listed previously.

That is why we are seeking to ensure that practical arrangements are put in place which will ensure appropriate consideration and weight to the UNCRC are given. If however, children and young people choose to follow this option,

then the organisations below are able to provide advice and assistance. Clicking on the following link provides further explanation about Judicial Reviews: Judiciary.gov.uk.

To pursue a Judicial Review, you would need legal advice. This is a link to further information: The Law Society.

15. Support for children who want to complain about or challenge the Welsh Ministers

When children and young people, as an individual or as a group, want to challenge the Minister when they feel that Ministers have not complied with the due regard duty when making decisions that affect their lives, they can be supported by:

- Any adult that they trust and who is able to spend time supporting them. This could be a relation, a friend or a professional who works with them. They should be considered an advocate for children and young people;
- At a local level, a number of advocacy providers currently exist that could provide support and advice to children and young people. In the main these tend to focus on providing information and advocacy for children and young people who are considered to be vulnerable. However, they could support children and young people within these categories to challenge Ministerial decisions. The following link provides advice on which advocacy providers are in which area: [Advocacy links in your area](#);
- CLIC – This is the National Information and Advice service for Young People (11-25) in Wales. It is an online channel offering information, news and advice for all young people aged 11 to 25 in Wales on a wide range of subjects and issues, including where to get support in their local area. The following link takes you to the CLIC website: [CLICOnline](#);
- Meic – This is the Advocacy and Advice helpline for children and young people in Wales. The advocates at Meic help children and young people to be heard by others. Meic is available to advise and provide information to children and young people wishing to challenge Ministers. They can even contact others on their behalf. The following is a link to the Meic website: [Meic Cymru](#);
- The Children’s Commissioner for Wales has power to provide advice, representation and assistance to children and young people who may wish to challenge Ministers. The Children’s Commissioner for Wales has the power to review how the Welsh Government’s work has affected children and young people in Wales. The following is a link to the Commissioner’s website: [Children's Commissioner for Wales](#).

16. How does the duty to have due regard to the UNCRC fit in with the other Welsh Government legal duties and assessments?

Compliance with the duty to have due regard to the UNCRC has been firmly embedded alongside other legal duties on Ministers such as the Public Sector Equality Duty under the Equality Act 2010⁶, the Welsh Language Act 1993 and the duty to be compatible with the European Convention on Human Rights.

There are also treaties which have been ratified by the UK Government and are therefore legally binding. Some of the provisions within those treaties are relevant to children and contain more detailed provisions on certain rights than the UNCRC (e.g. on disabilities) and are therefore relevant.

A list of relevant international treaties can be found at annex 3.

17. Changing this Scheme and Future Schemes

The Measure requires Ministers to involve and consult children and young people, the Children's Commissioner for Wales and other appropriate people, when preparing a new Scheme⁷ or changing this existing one. It also requires them to obtain the approval of the NAW before they publish a new or changed Scheme⁸.

The Measure requires Ministers to have regard to certain documents when preparing a new Scheme or changing an existing one⁹. These include the views of the UN Committee on the Rights of the Child on the progress made by the UK in implementing the UNCRC.

The Committee's last concluding observations¹⁰ about the UK were issued in 2008¹¹ and we had regard to those in preparing this revised Scheme. The next set of concluding observations by the Committee will be issued after the UK submits its next report to the Committee in 2014 on its progress in implementing the UNCRC.

The Welsh Government will need to consider whether the Scheme in place at that time needs to be changed in the light of those observations. This is a requirement of the Measure¹².

⁶ <http://www.legislation.gov.uk/wsi/2011/1064/made>

⁷ Sections 3(4) and 3(5), Rights of Children and Young Persons (Wales) Measure 2011.

⁸ Section 3(6), Rights of Children and Young Persons (Wales) Measure 2011.

⁹ Section 3(1), Rights of Children and Young Persons (Wales) Measure 2011.

¹⁰ Formally called Consideration of Reports submitted by State Parties under article 44 of the UNCRC: Concluding Observations.

¹¹ <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.GBR.CO.4.pdf>.

¹² Section 2(4), Rights of Children and Young Persons (Wales) Measure 2011.

In reviewing the Scheme, Ministers must also consider any other reports, suggestions, general recommendations or other document published by the UN Committee on the Rights of the Child.

In preparing this Scheme we had regard to the UN Committee's General Comment No 14¹³ (2013) on the right of the child to have his or her best interest taken as a primary consideration. The Welsh Government believes that the Children's Rights Scheme links directly and gives greater effect to the relevant articles of the UNCRC. Further detail on the General Comment and how Welsh Government believes it is implementing the General Comment can be found at annex 1.

We will continue to have regard to relevant documents as we develop further guidance for Welsh Government staff on the meaning of the rights within the UNCRC.

The Measure allows us, when preparing a new Scheme or changing an existing one, to have regard to other documents and matters we consider relevant¹⁴. This is a broad category, and can potentially include any document if its subject matter is relevant to the Ministers' arrangements for having due regard to the UNCRC. For example, it could include reports by the Children's Commissioner for Wales or Estyn (Her Majesty's Inspectorate for Education and Training in Wales).

Ministers will welcome any suggestions on the application of the arrangements to secure due regard which could assist in developing the content of Children's Rights Schemes in the future.

18. Ministers' powers to change legislation under the Measure

Section 6 of the Measure contains a power for Ministers to amend legislation to give further effect to the rights and obligations in the UNCRC, provided it is within the legislative competence of the NAW.

This power applies if, as a result of any report under the Measure the Ministers conclude that it would be desirable for the purpose noted above.

If, in the course of complying with the due regard duty, Ministers identify a need to amend legislation to give further effect to the UNCRC, the Measure Implementation Team will make the relevant department aware of the Minister's ability to refer to this in the compliance report under the Measure and to conclude in the report that the legislation should be amended. That would then mean that Ministers could utilise the power in Section 6 of the Measure to make the amendment.

¹³ <http://www2.ohchr.org/english/bodies/crc/comments.htm>.

¹⁴ [Section 3\(2\), Rights of Children and Young Persons \(Wales\) Measure 2011.](#)

19. Glossary of Terms

Advocacy – Advocacy is about speaking up for children and young people. Advocacy is about empowering children and young people to make sure that their rights are respected and their views and wishes heard at all times. Advocacy is about representing the views, wishes and needs of children and young people to decision makers, and helping them navigate the system.

Any Functions - The "functions" of Ministers means all the things Ministers may do (because legislation has given Ministers the power to do them), and all the things Ministers must do (because legislation has placed a duty on Ministers to do them). In practice, this means whenever Ministers use any of their powers to make a decision, or there is a duty upon them to make a decision.

General Measures of Implementation – General Measures refers to the basic tools States can use for implementing all the provisions in the UNCRC.

The tools are legislation, the establishment of co-ordinating and monitoring bodies, data collection, awareness-raising and training, the monitoring of budgets and the development and implementation of appropriate policies, services and programmes.

These should be a high priority for implementation in all States. States must do all they can to implement the rights contained in the Convention.

Getting it Right – This is a rolling action plan which was developed for Wales to identify actions that will take forward implementation of the UNCRC in Wales over the next five years.

Legislation – Laws

Optional Protocols – These are called “optional” because it is optional for States who have agreed to be bound by the UNCRC to agree to be also bound by the rights and obligations in the Protocols. The first of these relates to the involvement of children in armed conflict, and the second relates to the sale of children, child prostitution and child pornography. The UK has agreed to be bound by both of these.

Policy – A plan or course of action intended to influence and determine decisions, actions, and other matters.

Seven Core Aims – The Welsh Government’s seven core aims for children and young people summarise the United Nations Convention on the Rights of the Child (UNCRC) and form the basis for decisions on priorities and objectives nationally. They should also form the basis for decisions on strategy and service provision locally. The seven core aims state that all children and young people:

1. Have a flying start in life;
2. Have a comprehensive range of education and learning opportunities;
3. Enjoy the best possible health and are free from abuse, victimisation and exploitation;
4. Have access to play, leisure, sporting and cultural activities;
5. Are listened to, treated with respect, and have their race and cultural identity recognised;
6. Have a safe home and a community which supports physical and emotional wellbeing;
7. Are not disadvantaged by poverty.

UN Committee – The Committee is established under article 43(1) of the Convention for the purpose of examining the progress made by State Parties towards its implementation. The Committee is composed of ten experts in the areas covered by the Convention, who are elected to the Committee by the States which are parties to the Convention.

UNCRC – The United Nations Convention on the Rights of the Child is an International Convention developed and agreed by the United Nations. 190 out of 192 states have ratified it, making it very important internationally. It has two Optional Protocols which have also been ratified by the UK. In the convention and the two protocols there are approximately 58 rights of children and obligations placed on Government and others. It recognises the development and vulnerabilities of children and places obligations on states and their agents to enable children to realise their rights.

Consultation Questions

1. Do you think that the arrangements set out in this revised Children's Rights Scheme are sufficient to ensure that Welsh Ministers have due regard to children's rights according to the UNCRC, when exercising any of their functions?

Yes

Please tell us why:

No

How do you think these could be strengthened?

2. Do you think that the arrangements set out in this revised Children's Rights Scheme will deliver the desired impact i.e. that Welsh Ministers will have due regard and that outcomes for children and young people will improve as set out in the UNCRC?

Yes

Please tell us why:

No

If no, how do you think these could be strengthened?

3. Do you think that the monitoring arrangements, including the roles and working relationships of all those involved, will ensure that Welsh Ministers have due regard to children's rights according to the UNCRC when exercising any of their functions?

Yes

Please tell us why:

No

If no, how do you think these could be strengthened?

4. Do you think that the Children's Rights Impact Assessment is fit for purpose and provides the opportunity for analysis that will lead to positive outcomes for children and young people?

Yes

Please tell us why:

No

If no, how do you think this could be strengthened?

5. Do you think that the arrangements for providing training, information and advice are sufficient to ensure understanding of the UNCRC, and the process needed to be followed to comply with the duty to have due regard?

Yes

Please tell us why:

No

If no, how do you think these could be strengthened?

6. Do you think that the reporting arrangements set out in the revised Children's Rights Scheme are sufficient to ensure transparency on compliance with the duty to have due regard?

Yes

Please tell us why:

No

If no, how do you think these could be strengthened?

7. Do you agree with including an update on how Ministers are complying with the duty to promote knowledge and understanding of the UNCRC, as set out in Section 5 of the Measure, in the next compliance report?

Yes

Please tell us why:

No

If no, for what reason?

8. We have asked a number of specific questions. If you would like to comment on any related issues that we have not specifically addressed, please use the space below.

Annex 1: General Comment 14

Publication of the General Comment by Committee on the Rights of the Children's General Comment No 14 (2013) on the right of the child to have his or her best interest taken as a primary consideration

In the reviewing the Scheme, the Welsh Government has taken into consideration the Committee on the Rights of the Children's General Comment No 14 (2013) on the right of the child to have his or her best interest taken as a primary consideration. The Welsh Government believes that the revised Scheme links directly and gives greater effect to the following sections in particular:

'The right of the child to have his or her best interests assessed and taken as a primary consideration should be explicitly included in all relevant legislation, not only in laws that specifically concern children. This obligation extends also to the approval of budgets, the preparation and development of which require the adoption of a best-interests-of-the-child perspective for it to be child-rights sensitive'.¹⁵

Included within the nature and scope of the obligations under the general commend aimed at state parties is:

'The obligation to ensure that all judicial and administrative decisions as well as policies and legislation concerning children demonstrate that the child's best interests have been a primary consideration. This includes describing how the best interests have been examined and assessed, and what weight has been ascribed to them in the decision.'

Again, the Scheme is a critical mechanism for ensuring this, particularly given the associated reference to Child Rights Impact Assessments below:

'With regard to implementation measures, ensuring that the best interests of the child are a primary consideration in legislation and policy development and delivery at all levels of Government demands a continuous process of child rights impact assessment (CRIA) to predict the impact of any proposed law, policy or budgetary allocation on children and the enjoyment of their rights, and child rights impact evaluation to evaluate the actual impact of implementation'

¹⁵http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&DocTypeID=11



Annex 2 - Children's Rights Impact Assessment (CRIA) Template

Title / Piece of work:	
Related SF / LF number (if applicable)	
Name of Official:	
Department:	
Date:	
Signature:	

Please complete this form and retain it for your records on iShare.

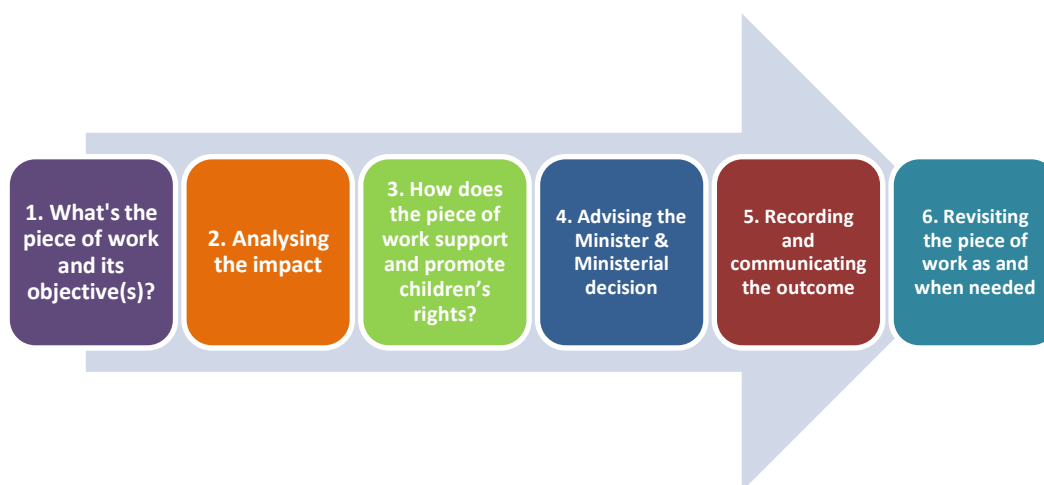
You should also forward a copy of this CRIA to your [Departmental Equality Lead](#) who monitors all the CRIAs undertaken across your department.

You may also be asked to provide this document at a later stage to evidence that you have considered children's rights when developing a policy or legislation.

If you have any questions about children's rights or the impact assessment contact the mailbox childrenandyoungpeoplesrights@wales.gsi.gov.uk

You may wish to cross-reference with other Impact Assessments undertaken.

Six Steps to Due Regard



Step 1. What's the piece of work and its objective(s)?

You may wish to include:

- A brief description of the piece of work
- What is the time frame for achieving this?
- Who are the intended beneficiaries?
- Are there any characteristics that you need to specifically consider e.g. age group, disabled, race?

Step 2. Analysing the impact

- What are the positive or negative impacts for children, young people or their families?
- Where there are negative impacts; what compensatory measures may be needed to mitigate any negative impact?
- How will you know if your piece of work is a success? Have you developed an outcomes framework to measure impact?
- Have you considered the short, medium and long term outcomes?
- Do you need to ask children & young people and/or stakeholders for their views?
- Do you need to produce child friendly versions of proposals/consultations?

Step 3. How does your piece of work support and promote children's rights?

Dependant upon the impact of your piece of work, use balanced judgement to assess:

- Which UNCRC articles are **most** relevant to the piece of work? Consider the articles which your piece of work impacts upon.
<http://uncrcletsgetitright.co.uk/images/PDF/UNCRCRights.pdf>
- How are you improving the way children and young people access their rights?
- What aspects of children's lives will be affected by the proposal?
- What are the main issues the CRIA should focus on?
- Does the piece of work help to maximise the outcomes of the articles of the UNCRC?

Step 4. Advising the Minister and Ministerial decision

When giving advice and making recommendations to the Minister, consider:

- Has any conflict with the UNCRC articles within the proposal been identified?
- Does the proposal affect any other policy areas? What are the wider impacts?
- With regard to negative impacts on economic, social and cultural rights caused by the proposal; can Ministers evidence that they have considered their obligation to use the maximum extent of their available resources to advance the rights?
- What options and advice should be provided to Ministers on the proposal?
- What recommendations should be made?
- Is the advice supported by evidence that children's rights and the UNCRC have been given consideration?
- Have you provided advice to Ministers?

Step 5. Recording and communicating the outcome

Final version to be retained on i-share

Evidence should be retained that supports:

- How the duty has been complied with
- The analysis that was carried out
- The options that were developed and explored
- How have the findings / outcomes been communicated?
- 'Tells the story' of how the assessment has been undertaken and the results

Step 6. Revisiting the piece of work as and when needed

- In revisiting, consider whether your piece of work has had the intended impact as set out in Step 2. This could include engaging with stakeholders to discuss how the policy or practice is working.
- If not, are changes required.
- Identify where improvements can be made to reduce any negative impact.
- Identify any opportunities to promote children's rights.

These records may be requested at any time for Freedom of Information access requests, monitoring purposes or to inform reporting to the NAFW.

Budgets

<p>As a result of completing the CRIA, has there been any impact on budgets? It is important that where any changes are made to spending plans, including where additional allocations have been made, that the CRIA has been assessed and evidenced.</p>	<p>Yes / No</p>
<p>Please give any details:</p>	

Monitoring & Review

<p>Do we need to monitor / review the proposal?</p>	<p>Yes / No</p>
<p>If applicable: set the review date</p>	<p>Month / Year</p>



See next page for a Summary List of the UNCRC articles

THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

www.uncrcletsgetitright.co.uk

The United Nations Convention on the Rights of the Child is an international agreement that protects the human rights of the children under the age of 18. On 16 December 1991, the United Kingdom of Great Britain and Northern Ireland formally agreed to make sure that every child in the UK has all the rights as listed in the convention. The Welsh Government has shown its commitment to the convention by adopting it as the basis for policy making for children in Wales.

Altogether there are 54 articles in the convention. Articles 43-54 are about how adults and governments should work together to make sure all children are entitled to their rights. The information contained here is about articles 1-42 which set out how children should be treated.



Llywodraeth Cymru
Welsh Government

www.cymru.gov.uk

Article 1

Everyone under 18 years of age has all the rights in this Convention.

Article 2

The Convention applies to everyone whatever their race, religion, abilities, whatever they think or say and whatever type of family they come from.

Article 3

All organisations concerned with children should work towards what is best for each child.

Article 4

Governments should make these rights available to children.

Article 5

Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly.

Article 6

All children have the right of life. Governments should ensure that children survive and develop healthily.

Article 7

All children have the right to a legally registered name, the right to a nationality and the right to know and, as far as possible, to be cared for by their parents.

Article 8

Governments should respect children's right to a name, a nationality and family ties.

Article 9

Children should not be separated from their parents unless it is for their own good, for example if a parent is mistreating or neglecting a child. Children whose parents have separated have the right to stay in contact with both parents, unless this might hurt the child.

Article 10

Families who live in different countries should be allowed to move between those countries so that parents and children can stay in contact or get back together as a family.

Article 11

Governments should take steps to stop children being taken out of their own country illegally.

Article 12

Children have the right to say what they think should happen, when adults are making

decisions that affect them, and to have their opinions taken into account.

Article 13

Children have the right to get and to share information as long as the information is not damaging to them or to others.

Article 14

Children have the right to think and believe what they want and to practise their religion, as long as they are not stopping other people from enjoying their rights. Parents should guide their children on these matters.

Article 15

Children have the right to meet together and to join groups and organisations, as long as this does not stop other people from enjoying their rights.

Article 16

Children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes.

Article 17

Children have the right to reliable information from the mass media. Television, radio and newspapers should provide information that children can understand, and should not promote materials that could harm children.

Article 18

Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments should help parents by providing services to support them, especially if both parents work.

Article 19

Governments should ensure that children are properly cared for, and protect them from violence, abuse and neglect by their parents or anyone else who looks after them.

Article 20

Children who cannot be looked after by their own family must be looked after properly, by people who respect their religion, culture and language.

Article 21

When children are adopted the first concern must be what is best for them. The same rules should apply whether the children are adopted in the country where they were born or taken to live in another country.

Article 22

Children who come into a country as refugees should have the same rights as children born in that country.

Article 23

Children who have any kind of disability should have special care and support so that they can lead full and independent lives.

Article 24

Children have the right to good quality health care and to clean water, nutritious food and a clean environment so that they will stay healthy. Rich countries should help poorer countries achieve this.

Article 25

Children who are looked after by their local authority rather than their parents should have their situation reviewed regularly.

Article 26

The Government should provide extra money for the children of families in need.

Article 27

Children have a right to a standard of living that is good enough to meet their physical and mental needs. The Government should help families who cannot afford to provide this.

Article 28

Children have a right to an education. Discipline in schools should respect children's human dignity. Primary education should be free. Wealthy countries should help poorer countries achieve this.

Article 29

Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, and their own and other cultures.

Article 30

Children have a right to learn and use the language and customs of their families, whether these are shared by the majority of people in the country or not.

Article 31

All children have a right to relax and play, and to join in a wide range of activities.

Article 32

The Government should protect children from work that is dangerous or might harm their health or their education.

Article 33

The Government should provide ways of protecting children from dangerous drugs.

Article 34

The Government should protect children from sexual abuse.

Article 35

The Government should make sure that children are not abducted or sold.

Article 36

Children should be protected from any activities that could harm their development.

Article 37

Children who break the law should not be treated cruelly. They should not be put in prison with adults and should be able to keep in contact with their families.

Article 38

Governments should not allow children under 15 to join the army. Children in war zones should receive special protection.

Article 39

Children who have been neglected or abused should receive special help to restore their self respect.

Article 40

Children who are accused of breaking the law should receive legal help. Prison sentences for children should only be used for the most serious offences.

Article 41

If the laws of a particular country protect children better than the articles of the Convention, then those laws should stay.

Article 42

The Government should make the Convention known to all parents and children.

For further information on the United Nations Convention on the Rights of the Child please visit: The Welsh Government's UNCRC Website: www.uncrcletsgetitright.co.uk/

Cic - The National Information and Advice Service for Young People www.ciconline.co.uk/news/



Annex 3

A list of other relevant international treaties (non-exhaustive) ratified by the UK Government:

- UN Convention on the Rights of Persons with Disabilities
- The International Covenant on Civil and Political Rights (1966) and its optional protocols
- The International Covenant on Economic, Social and Cultural Rights (1966);
- The International Convention on the Elimination of All Forms of Racial Discrimination (1965)
- The Convention on the Elimination of All Forms of Discrimination against Women (1979) and its optional protocol (1999)
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (1984)