

# **Response from the Wales UNCRC Monitoring Group to the 2013 update to the Welsh Government National Action Plan for Children's Human Rights 'Getting it Right'.**

## **1. Introduction**

The Wales UNCRC Monitoring Group is a national alliance of non-governmental and academic agencies coordinated and chaired by Save the Children's Wales programme. The group is tasked with monitoring and promoting the United Nations Convention on the Rights of the Child in Wales.

Group membership includes: Aberystwyth University Centre of Welsh Legal Affairs, Barnardo's Cymru, Cardiff University Department of Child Health, Children in Wales, Funky Dragon, Nacro Cymru, NSPCC Cymru, Save the Children Wales (Chair & Coordinator), Swansea University, School of Law.

Observers include: Children's Commissioner Office for Wales, Equality and Human Rights Commission, Welsh Government, Welsh Local Government Association, UNICEF UK.

The Monitoring Group has produced this response both for the Welsh Government and to be used as part of our written evidence to the National Assembly for Wales Children and Young People's Scrutiny committee meeting on 9<sup>th</sup> May 2013, which is scrutinising both the National Action Plan update report and the Children's Rights Scheme compliance report 2013. Written evidence regarding the compliance report is sent separately.

## **2. Overview**

The purpose of this response is to review the national action plan update as a tool for monitoring compliance with children's rights and the improvement of the position of children in Wales. It is not the object of the response to comment on the substance of particular policies. The response is designed as a constructive response which focuses on how to build on what is positive in the national action plan and improve things further. So, it is in that spirit that we make our comments.

In November 2009, just over a year after the Concluding Observations were issued, 'Getting it Right 2009: United Nations Convention on the Rights of the Child' was published. Described as a 5-year rolling action plan, it set out Welsh Government's priorities in responding to the UN Committee's recommendations. It contained 16 priority areas and 90 proposed time-bound actions. The 16 priorities were based on Welsh Government's response to the UN Committee's request (during the reporting process) for its priorities for children, which were developed following some limited consultation with NGOs in summer 2008. In addition to the 16 priority areas, the action plan also included activities relating to breast feeding, Gypsy and Traveller children and health and health services. In 2009, very positively, Welsh Government acknowledged that 'Getting it Right 2009' was only 'the start of the journey' and described it as a base from which to move forward - a 'living document' which would be reviewed regularly. The Monitoring Group views the development of a rolling national action plan as an extremely positive move by the Welsh Government towards addressing the human rights of children in Wales. However, we are now 4 years on and concerns about the

report raised by the Monitoring Group repeatedly since 2009 still do not appear to have been addressed.

### **3. Concerns of the Monitoring Group**

We recognise that the Welsh Government have taken significant steps towards implementing the UNCRC in Wales, not least through the Rights of Children and Young Persons (Wales) Measure 2011. However, the national action plan, though an encouraging first step in the development of such a document, has not progressed over time and in some ways, as a plan, has gone backwards.

In 2010 the Monitoring Group raised the following issues with the Welsh Government regarding deficiencies in the 2009 plan:

- a. the lack of a budget linked clearly to future actions;
- b. an impression that it was sometimes a narrative of current activity;
- c. a lack of clarity as to how it linked to the 'Seven Core Aims', the national well-being monitor or the UK Concluding Observations 2008;
- d. the absence of a clear monitoring framework and clear outcomes for children and young people;
- e. a sometimes inaccurate picture of where Wales was in implementing the UNCRC;
- f. disquiet that 'Getting it Right 2009' was developed in a silo without firm buy-in from all parts of government or an adequate link to other relevant government strategies and proposals.

The Wales UNCRC Monitoring Group is a representative on the Welsh Government Getting it Right stakeholder reference group and consistently since 2010 has advised that the above concerns be addressed. However in the update report published January 2013 it appears that few of these concerns have been addressed. In addition the update report has raised a number of additional concerns:

- g. its format is much less clear and is more difficult to read than the original 2009 document;
- h. it contains no reference at all to the UN Concluding Observations or the Articles of the UNCRC relevant to each priority;
- i. it is no longer a '5-year rolling action plan' and has become a summary of past achievements and an outline of already planned activities for a limited period of 12 months or so.

### **4. Guidance from the UN on developing national action plans**

A national action plan on children's human rights should be a document that helps to increase awareness and understanding of the UNCRC across government and it should provide a useful tool with which NGOs and the Children's Commissioner for Wales can hold Welsh Government to account. Key to the action plan's success is buy-in from local government and other public bodies to reduce the policy implementation gap that was identified by all stakeholders during the UNCRC reporting process 2008 as one of the principal barriers to achieving children's rights.

In section 9 of the Handbook on National Human Rights Action Plans<sup>1</sup>, produced by the Office for the UN High Commissioner for Human Rights in 2002, it sets out that:

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<sup>1</sup> <http://www.ohchr.org/Documents/Publications/training10en.pdf>

## 9.1 General issues

*Determining and expressing the content of the plan are probably the most important parts of the national action plan process. Other elements such as consultation and implementation are of course also important, but it is the content that embodies the government's commitment to take action and that provides the basis for implementation. Moreover, the commitments described will constitute benchmarks by which the degree of success is measured.*

*The plan should have a clear, systematic and logical structure. This will facilitate its acceptance and understanding by the general public, its incorporation in the planning of specific implementing agencies and the process of monitoring and evaluation.*

It goes on in section 9.4 to state that:

*Some of the countries that have adopted plans have found it useful to work on the basis of a set of headings applicable to each area considered, which give a clear indication of the current state of affairs and proposals for change. Such headings may include:*

- *International obligations and national legislation;*
- *What has been done to date;*
- *Present situation (drawing on the baseline study);*
- *Proposed action within various time frames – short, medium and long;*
- *Institutional responsibility for the proposed action and identification of resources;*
- *Monitoring and evaluation.*

*It is important to make clear the commitment of government to the achievement of the plan's objectives. Directions from the head of State or government should be specifically included. To ensure that it can serve as a working document, it may be useful to include relevant contact details of key organizations in each sector. This will enable civil society organizations and the general public to become engaged more readily in implementation of the plan. It may also serve to foster a better partnership between government and civil society. The document should also include appropriate references to international human rights norms and national legislation.*

## 5. Key recommendations

### **Welsh Government should:**

- Consider the advice of the Office of the High Commissioner on Human Rights regarding the development and delivery of National Human Rights Action Plans.
  - Review the 'action plan' to ensure it is fit for purpose and includes an improved monitoring framework with clear, resourced, time-bound actions as well as clear outcomes for children and young people.
  - Develop better links between "Getting it right" and reporting on children's rights budget information, the data collated as part of the Children and Young People's Wellbeing Monitor, the UK Concluding Observations 2008 and the Rights of Children and Young Persons (Wales) Measure.
  - Work with local authorities and other public bodies to effectively implement "Getting it right" as soon as possible.
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