

Comisiynydd Plant Cymru Children's Commissioner for Wales

Sally Holland

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Concluding Observations: One Year On

12 July 2017 marks one year since the most recent Concluding Observations of the UN Committee on the Rights of the Child were published for the UK.

The UK Government is signed up to the United Nations Convention on the Rights of the Child (UNCRC) and it is also a direct part of the Welsh law making process, through the Rights of Children and Young Persons (Wales) Measure 2011.

The UN Committee on the Rights of the Child monitors whether the UNCRC is having a positive effect in countries that are signed up to it, and they make recommendations or "Concluding Observations" about areas where they believe children's rights could be better protected every five years.

There are some recommendations like raising the age at which a child can be charged with a criminal offence, which sit with the UK Government. Due to devolution, there are other recommendations that sit with the Welsh Government, such as providing support for children in care and care leavers

As Children's Commissioner for Wales I would have liked to have seen a clear response and detailed plan from the UK and Welsh Governments in response to the UN's Concluding Observations. In the absence of these, I am publishing this brief summary of progress made in the last year, and areas still to be tackled.

Young people leaving care

There have been some positive steps taken in the last year by the Welsh Government. There have been recent announcements of increased financial support for care leavers and a commitment to exploring additional support through personal advisors up to the age of 25. There is also work underway aimed at reducing the numbers of children and young people entering care and improving experiences while in care.

Mental health

Some progress has been made on improving access to mental health services for children, with ambitious waiting time targets now in place, although sustained investment and focus will be needed to ensure that children are receiving mental health support and treatment they need, when and where they need it.

Education

The Additional Learning Needs and Education Tribunal (Wales) Bill aims to bring substantial improvements to the educational experiences of children with additional needs.

Participation

Mechanisms for the meaningful participation of children and young people are included in the Committee's observations. Already, proactive steps have already been taken by the National Assembly for Wales in setting up a Youth Parliament and exploring voting reform to allow 16 and 17 year olds to vote. These are important to engage and involve younger people in the political and decision making processes here in Wales.

Despite these positive developments by the Welsh Government and the National Assembly for Wales, there are some key areas highlighted by the UN Committee where children's rights are not being fully implemented in Wales and therefore provide important targets for the Welsh Government to take forward during this Assembly term.

Consideration of children's rights

Giving consideration to children's rights – or due regard to the UNCRC - should not start and end with Welsh Ministers. In order for children to see the difference that due regard to their rights is making in their everyday lives, the duties to actively consider children's rights and promote their best interests should filter down to those working directly with children, through inclusion of the due regard duty into relevant primary legislation such as the Additional Learning Need and Education Tribunal (Wales) Bill. This would comply with the Concluding Observations which calls for all legislation and policy that has an impact on children to integrate the rights of children to have their best interests as a primary consideration.

Equal protection

Children and adults must have equal protection from assault. I note the recently announced consultation on removal of the defence of reasonable punishment in Wales. It remains my view that it is vital that swift progress is made in passing the legislation to remove the defence. As a society there has been a substantial shift in our understanding and acceptance of domestic violence between adults; it is time that the same shift is made for children as there can be no rational justification for hitting a child.

Child poverty

Child poverty is an issue affecting many children in Wales and concerns about Brexit and the removal of community funding sources are a real worry for families and children in Wales. Whilst some levers such as welfare reform sit with the UK Government, the UN Committee expressed concern about the removal of child poverty targets and the statutory child poverty strategies. Concrete targets and a measurable child poverty reduction strategy would maintain focus on this area due to the impact that this can have on a child's development and well-being.

Mental Health

There is a lot of work taking place to reform how mental health services for children are structured and delivered through the T4CYP programme, and alongside this a wholesale reform of the curriculum in Wales. I would like to see greater alignment of these two pieces of work and taking a child rights approach from the outset will ensure that there is a common set of values and language in all of this work, and that children's rights become a reality in their everyday experiences. My recently published guide ["The Right](#)

[Way](#)” gives examples of how a children’s rights approach to public services can be embedded into all areas of policy, decision making and practice to ensure positive outcomes for children. I look forward to working with partners throughout this Assembly term in order to achieve that.

Non-devolved issues

I urge the Welsh Government and Welsh MPs from all parties to work with the UK Government to progress non-devolved Concluding Observations affecting children in Wales, including raising the age of Criminal Responsibility and reversing tax and benefits changes that will disproportionately affect children.

It is important that children’s rights continue to be protected and promoted across Wales. Wales can be proud of its commitments to children’s rights to date but the Welsh Government must ensure that laws and policies are developed with these rights to the fore. The routine and systematic use of Children Rights Impact Assessments in all policy areas will ensure compliance with the Concluding Observations but will also bring children’s rights to the forefront of policy and practice, fulfilling the ongoing commitment to protecting and promoting those rights for all children in Wales.



Sally Holland
Children’s Commissioner for Wales