



Rights of the Child UK
Working together to bring children's rights into UK law

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Rights of the Child UK (ROCK)

Annual Conference 2018

12 December, Cardiff

#Rightschild2018



Post-conference summary report released to coincide with the 30th Anniversary celebrations of the United Nations Convention on the Rights of the Child (1989 – 2019)



Children in Wales
Plant yng Nghymru

Working in partnership with

Wales UNCRC Monitoring Group



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Children's
Rights Alliance
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together

Scottish Alliance for
Children's Rights



About ROCK

The [Rights of the Child UK](#) (ROCK) is a coalition of voluntary organisations and individuals from across the UK pushing for the full incorporation of the United Nations Convention on the Rights of the Child (UNCRC) into UK and devolved law.

Successive governments at a UK and devolved level have asserted their desire to make the UK the best place in the world for children to grow up. The Rights of the Child UK coalition believes this can only be achieved by making the UNCRC part of domestic law, bringing the rights enshrined in the Convention within the reach of all children and young people living across the UK, regardless of their background or circumstances.

Our aims are:

1. To achieve the active recognition and realisation of children's rights in the UK through the incorporation of the UNCRC into UK, Scots and Welsh law
2. To identify and act upon opportunities for the incorporation of the UNCRC into UK, Scots and Welsh law. To develop a detailed position as to how incorporation may be achieved and a strategy to achieve it, taking into account international developments
3. To work together to maximise the opportunities to strengthen children and young people's rights in any proposals from the UK and devolved governments, whilst also guarding against any threats to children and young people's rights that are posed

About the ROCK Steering Group

The work programme of the ROCK coalition is governed by a Steering Group made up of representative child rights alliances from each of country as set out below. The role of the Steering Group is to identify UK wide priorities which reflect the aims of the ROCK coalition and to agree an annual work programme.

Membership of the ROCK Steering Group is

[Children's Rights Alliance for England \(CRAE\)](#), part of Just for Kids Law, works with over 100 members to promote children's rights and monitor UK Government implementation of the United Nations Convention on the Rights of the Child in England. We believe that human rights are a powerful tool in making life better for children.

[Together \(Scottish Alliance for Children's Rights\)](#) is an alliance of over 380 members – including national and local charities and other professionals - that which works towards the vision of all children and young people in Scotland having their human rights respected, protected and fulfilled.

The [Wales UNCRC Monitoring Group](#) is a national alliance of nongovernmental and academic agencies, tasked with monitoring and UNCRC in Wales. The alliance is facilitated by Children in Wales.

[UNICEF UK](#), the United Nations Children's Fund, is mandated by the UN General Assembly to uphold the Convention on the Rights of the Child and promote the rights and well-being of every child.

Working in partnership with the [Children's Law Centre](#) in Northern Ireland and [Centre for Children's Rights](#) at Queens University, Belfast.

FOREWORD

Welcome to the report of the **Rights of the Child (ROCK) Annual Conference 2018** which took place in Cardiff on the 12th December. Held at the iconic Welsh National Temple of Peace, the conference brought together almost 100 delegates and speakers from Wales, Scotland, England, Northern Ireland and parts of Europe to explore developments taking place in each country to embed the United Nations Convention on the Rights of the Child (UNCRC) into law and policy. The event was organised by Children in Wales in partnership with members of the ROCK Steering Group - Together (Scottish Alliance for Children's Rights), the Children's Rights Alliance for England, UNICEF UK, and the Wales UNCRC Monitoring Group.

The programme provided a timely opportunity for a range of child rights experts and commentators, including notable academics, third sector organisations and representatives from human rights institutions (NHRI), to highlight progress and future opportunities for further legal protections for children. Delegates from across a range of sectors with a keen interest in furthering children's rights, were informed of developments currently taking place in the UK and abroad, including threats to existing legal protections. Through facilitated roundtable discussion, delegates were invited to outline what steps their respective Governments should be taking to progress children's rights, alongside what actions they could take as civil society organisations to embed children's rights in all of their work.


The ROCK coalition were delighted to welcome Professor Kirsten Sandberg, from the University of Oslo and previous Chair of the UN Committee on the Rights of the Child (UN Committee), to deliver a keynote address at the conference. As well as outlining the benefits and challenges of incorporating the UNCRC into domestic legislation, drawing on the example of Norway, Professor Sandberg also set out ways in which UN Concluding Observations and complementary tools can be utilised to promote positive change within countries.

The now former Minister for Children, Older People and Social Care from the Welsh Government Huw Irranca-Davies AM provided the opening keynote video address, alongside complementary updates from lead officials in both the Scottish and UK Government. These were followed by civil society updates from representative of the ROCK steering group across the UK. The afternoon session, included an opening keynote address from the Children's Commissioner for Wales followed by four presentations and a panel session which showcased examples of models and approaches of UNCRC incorporation in Jersey, Sweden and Wales. The conference was drawn to a close by young members of the UK Youth Parliament and an announcement from the team who led the creation of the first national Welsh Youth Parliament. (See Appendix 1 for a copy of the full Programme).

In closing, the ROCK Steering Group would wish to thank all of the speakers who contributed to the success of the conference, and to Dr. Mike Shooter who guided us through the programme for the day as our adult Chair. We would also like to thank our sponsors Amitech for their generous contribution, and to UNICEF UK and Together for additional financial support. Final thanks are appropriately reserved to both Bethany Roberts and Bryani-Jean Kelly from the Young Wales Project Board who expertly co-chaired the event and helped ensure that the conference proved to be a huge success.

ROCK Steering Group

February 2019

 We've got a fantastic day ahead of us at the [#RightsChild2018](#) conference with some brilliant speakers from across the UK and Europe exploring how children's rights can be progressed through law.

 Good to be [@ChildreninWales](#) Rights of the Child (Rock) Annual Conference 2018 [#RightsChild2018](#) excellent line up of speakers and video presentations and as usual excellent organisation by the staff of Children in Wales.



Incorporation of the CRC into domestic law – why?

CRC Art. 4: States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention.

General Comment No. 5 on general measures:

1. Ensuring that the Convention's principles and provisions can be **directly applied and appropriately enforced** is fundamental.

19. The Committee welcomes the **incorporation of the Convention into domestic law**



RECOMMENDATIONS

Incorporation

- ❖ That the UK, Scottish, Northern Ireland and Welsh Governments fully incorporate the UNCRC and its protocols into domestic law at the earliest opportunity, and ensure that measures are taken to bring existing legislation in line with the Convention. This means for

England - The UK Government should take immediate steps to incorporate the UNCRC and its two Optional Protocols. It should also ratify the 'third' Optional Protocol to a communications procedure. As an interim step, the Government should bring the UK in line with developments taken by the devolved administrations, and place a statutory child rights duty on UK Ministers

Scotland –The Scottish Government should take forward its commitment to fully incorporate the UNCRC into Scots law before 2021.

Wales - The Welsh Government should give further effect to implementing the UNCRC through a revised implementation scheme ('Children's Scheme') and by realizing those general measures of implementation which are within its competence, e.g. child budgeting.

Northern Ireland – That the UK Government give effect to their obligations under the Good Friday Agreement and urgently legislate for a Bill of Rights for Northern Ireland, to include as a minimum the incorporation of the UNCRC

National Implementation

- ❖ That the UK, Northern Ireland and Welsh Governments each conduct a mid-term review and publish national Children's Rights Action Plans that take account of the progress being made to implement the UN Committee's Concluding Observations, and which outlines the steps being taken towards further compliance with the Convention. The Scottish Government has already achieved this. Action plans should be subject to robust monitoring, reporting and evaluation arrangements, with the maximum extent of available resources allocated to support their effective delivery.

Local Implementation

- ❖ That local authorities, public bodies and civil society organisations prioritise and integrate children's rights into their day-to-day functions, forward planning and decision making processes, including by providing information and meaningful opportunities for the participation of children and young people

Cooperation

- ❖ That the UK, Scottish, Northern Ireland and Welsh Governments have adequately resourced mechanisms in place to engage NGO child rights alliances and civil society organisations to enable effective working with governments to monitor the implementation of the Convention

Participation

- ❖ That the UK, Scottish, Northern Ireland and Welsh Governments develop a comprehensive, strategic and systematic approach to children's participation, and fully resource and support the further development of existing national participation structures for the effective and inclusive engagement of children and young people, including those who are less likely to have their voices heard. Governments should demonstrate how children's participation has influenced its decision making and actively take steps to enhance knowledge and understanding of the UNCRC amongst all children and young people.

SPEAKERS



@CatrionaWales and conference chairs Dr Mike Shooter, Bethany Roberts and Bryani-Jean Kelly are opening the #Rightschild2018 conference, being held on the eve of the 30th anniversary of the UNCRC

MORNING KEYNOTE ADDRESS

Incorporation of the CRC into domestic law: views from the UN Committee and experiences from Norway

Professor Kirsten Sandberg, Professor of Law, University of Oslo. Member and previous Chair of the UN Committee on the Rights of the Child



After introducing the role, function and membership of the UN Committee, Kirsten outlined the reporting process and the requirements placed on State Parties to report on progress every 5 years. The role of civil society was critical and there are many opportunities for non-government organisations (NGOs), national human rights institutions (NHRI) and children to be directly involved in the review process. Civil society reports submitted to aid the committee in their scrutiny of the state provided a healthy balance to the Government reports and supported the UN Committee in their dialogue with the state. Civil society could also participate in the pre-session hearings, support children and young people in their engagement, and could engage informally with UN Committee members during the review stages. Kirsten also made reference to the new Simplified Reporting Procedure, designed to ease the reporting burden on governments, and related opportunities for civil society engagement with UN structures, such as Days of General Discussion.

The UN Committee welcomed incorporation of the CRC into domestic law as states were expected to undertake all appropriate legislative measures for the implementation of children's rights in line with Article 4 of the UNCRC and General Comment 5. Delegates were reminded that the 2016 Concluding Observations recommended that the UK and devolved governments should bring domestic legislation in line with the UNCRC and that action in respect of this be accelerated. The text of the UNCRC could be incorporated directly into domestic law which would strengthen existing obligations and accountability mechanisms, as well as sending a strong message of commitment to children's rights more broadly. It was recognised that challenges remain in the pursuit of full incorporation, including the fear of increased litigation and budgetary implications.

Kirsten discussed the benefits and challenges for the incorporation of the UNCRC into domestic law, drawing on the experience of Norway as a case example and the journey the Norwegian Government took toward incorporation in 2003. Whilst the UNCRC is increasingly used in litigation, incorporation has not led to more cases being brought before the courts, with benefits far outweighing any resistance. Incorporation has increased public awareness, enhanced knowledge and understanding amongst lawyers and commitment amongst authorities at a national and local level. The role of NGOs and NHRIs has proved invaluable in monitoring post incorporation developments.

Kirsten's presentation also cited ways in which the Concluding Observations and complementary UN instruments, such as General Comments, could be used as effective tools for change. Government was responsible for translating and disseminating Concluding Observations, which civil society could make use of in their daily work at all levels, through for example promoting and monitoring their implementation. Children also had a role in their implementation and should be supported to play an active role as considered most appropriate.



Fascinating talk by Professor Kirsten Sandburg @UniOslo about the incorporation of the UNCRC into Domestic law "incorporation is most loyal way to bring #childrensrights into law and sends a strong message!" #RightsChild2018



"Speed up the process and just get it done!" Professor Kirsten Sandberg of the UN Committee on the Rights of the Child reflecting on the 2016 recommendation made to the UK and devolved nations around the incorporation of the UNCRC into law. #RightsChild2018



Incorporation of #UNCRC does not necessarily lead to more litigation, just more mentions of UNCRC in litigation. Interesting insight from experience in Norway. #RightsChild2018



"Incorporation has given the UNCRC much greater attention in the public in Norway. The authorities seem to feel more committed - both at a local and central level." #RightsChild2018



Civil society has an important role to play in the implementation of the UNCRC. Children should also be able to participate fully in upholding rights #RightsChild2018

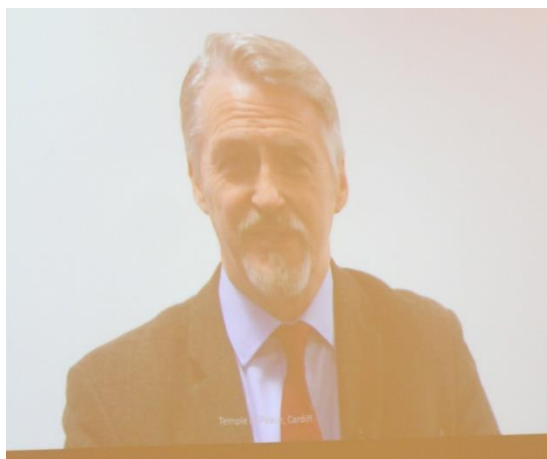


Professor Sandberg from the University of Oslo says that incorporating children's rights into domestic law sends a clear message that a country takes children's rights seriously. In Norway, the UNCRC was fully incorporated into law 2003 #RightsChild2018

Ministerial and Government address (UK & devolved governments)

The UK, Welsh and Scottish Governments outlined the key priorities for each of their countries in respect of giving further effect to the UNCRC through current and future legislation, as well as notable policy and practice developments.

Huw Irranca Davies AM, Minister for Children, Older People and Social Care, Welsh Government (video address)




The Welsh Government sent a message of support to the conference through a keynote address delivered by Huw Irranca Davies, Minister for Children, Older People and Social Care through a pre-recorded film. The Minister expressed his regret at not being able to address the conference in person, explaining that the vote to elect a new First Minister had prevented his attendance today.


The Minister reinforced the Welsh Government's long established commitment to children's rights and to sharing best practice across the four nations, and gave a number of examples

to support this assertion. The Assembly adopted the UNCRC as a basis for its work in the very first term and was the first UK nation to establish a children's commissioner. More recently, children's rights have been enshrined in law through the Rights of Children and Young Person's Measure 2011 and there are current commitments to remove the defence of reasonable punishment through law and extend the franchise to 16 and 17 year olds.

The participation of children and young people in shaping legislation, policies and programmes was considered to be essential. The Minister referenced the engagement work on Brexit which was undertaken in partnership with Young Wales, and new opportunities emerging to hear the voice of children through the new Youth Parliament. Brexit as well as austerity were identified as significant challenges to overcome. The Minister was looking forward to celebrating the 30th Anniversary of the UNCRC next year.

 Listening to @wgmin_csc opening address #Rightschild2018 "Proud working together and sharing practice to fulfil children's rights in Wales. Ministers giving due regard to children in policy making, developing an active voice from children in Welsh Government"

 The day has begun with a presentation from @wgmin_csc ensuring that he sees WALES as a leader in Children's Rights. #Rightschild2018

 This morning @wgmin_csc addresses #RightsChild2018 restating the @WelshGovernment's commitment that children's rights are a fundamental entitlement

Christina Banks & Julie Laughton, Deputy Directors for Children's Rights and Children in Care & Permanence, Department for Education, UK Government (video address)



The UK Government were represented by the Deputy Directors for children's rights at the Department for Education through a pre-recorded video address. Delivered by Christine Banks, the message began by emphasising the value that the UK Government places on children's rights and the UNCRC, quoting Minister Zahawi. In his written ministerial statement on universal children's day, he emphasised that *'the UNCRC sets out an enduring vision for all children to grow up in a loving, safe and happy environment where they can develop their full potential, regardless of their background (and that the Government) is dedicated to providing the best possible opportunities for all children but especially those who have the hardest start in life'*

All areas of Government are expected to give due consideration to the UNCRC when making policy and legislation, and a new children's rights training package for all civil servants has recently been launched alongside a child rights impact assessment template. Both have been developed with the advice and support of the UNCRC Action Group and informed by the training package in use by the Welsh Government.

Other important achievements identified included the strengthening of reference to children's rights in statutory guidance, and delivery of the child rights training to civil service fast stream entrants. Next year's 30th anniversary of the UNCRC will provide an opportunity to continue this work across Government and with partners to promote and implement the UNCRC.

Scottish Government (*written address*)

The Scottish Government provided a written address, which conveyed their commitment to the UNCRC as a vehicle to enabling children and young people to thrive, to improve their life experiences and chances, and to be able to take advantage of future opportunities.

The recently published Programme for Government (2018-19) includes a commitment to incorporating the principles of the UNCRC into domestic law and to consult on proposals in 2019. Children and young people, along with families and other stakeholders, will be provided with an opportunity to help shape legislation and determine the right model of incorporation. The Scottish Government are presently considering different models of incorporation from other countries and say they are examining how best to overcome particular complexities in relation to incorporation in the context of Scotland's devolution settlement. An audit is underway, and the output from this work will be published in the spring.

The Minister will shortly publish a three-year action plan on children's rights, and has already consulted on a number of strategic priorities. An evaluation of the current Children's Rights and Wellbeing Impact Assessments will be undertaken, with activity to raise awareness of children's rights across all sectors forming part of the 2018 Year of Young People

CIVIL SOCIETY UPDATES FROM THE FOUR NATIONS CHILD RIGHTS ALLIANCES

This section of the programme considered the progress being made to further children's rights by the UK and devolved governments from a civil society alliances perspective.

Louise King, Director, Children's Rights Alliance for England, part of Just for Kids Law



The Children's Rights Alliance for England (CRAE) is a membership body and part of Just for Kids Law. CRAE has over 100 members, including all major children's organisations alongside academics and individuals with a keen interest and commitment in furthering children's rights in England.


Louise informed of the creation of the UNCRC Action Group by the UK Government which is co-chaired by CRAE and a senior UK Government official in the Department for Education. This advisory body has been established to bring together all the major voices working on children's rights issues in England, to inform and provide direction to the UK Government's activities. A new training package on children's rights for civil servants has recently been launched which was developed in partnership with the UNCRC Action Group. It is anticipated that UK Government officials will positively engage with this training to help enhance their knowledge and understanding of the UNCRC and to further embed children's rights into policy and law making. A Children's Rights Impact Assessment (CRIA) template has also been produced for officials


to help inform the advice given to Ministers when laws and policies are being developed or revised. The UK Government has issued a Written Statement to mark Universal Children's Day in November.


Despite many positive developments, it was fully recognised that the UK Government continue to fall behind developments in both Scotland and Wales to fully incorporate the UNCRC into law. Each year CRAE publishes a State of Children's Rights report which provides an opportunity to assess the progress being made to further children's rights in England and implement the Concluding Observation. In the latest report, CRAE have highlighted that incorporation of the UNCRC is some distance away; that there is no statutory due


regard duty as there is in Wales, and there is inadequate cross government monitoring and implementation arrangements.

The presentation closed with consideration of the main issue which continues to dominate UK Government activity – Brexit. Louise highlighted the involvement of CRAE in UK child rights alliance activity and calls to incorporate the Charter of Fundamental Rights into UK law through the EU (Withdrawal) Act 2018, with the frustrations and concerns which remain now that this proposal was rejected.

 Louise King says that the UK government has reaffirmed its commitment to children's rights but is falling behind Wales and Scotland. There is no statutory due regard duty on Ministers and incorporation into law is a long way off **#Rightschild2018**

 The EU (Withdrawal) Act 2018 may cause children's rights to go backwards in the UK. The Charter of Fundamental Rights won't be retained after Brexit, and there will be greater use of statutory instruments without parliamentary scrutiny **#brexitcypwales #Rightschild2018**

 Louise King sets out positive developments UK government has taken to ensure **#ChildRights** embedded in policy making but stresses there is much more to do to catch up with progress in Wales and Scotland **#Rightschild2018**

 **#Rightschild2018** Conference listening to Louise King Director **@CRAE_official** sharing her concerns around Brexit in terms of protecting Children's Rights and the challenges of this goes ahead **#Childrensrights #UNCRC**

Juliet Harris, Director, Together (Scottish Alliance for Children's Rights)




Together (Scottish Alliance for Children's Rights) is a NGO alliance with over 380 members working to promote and help to integrate the UNCRC into law, policy and practice, alongside activity to monitor and evaluate progress being made by the Scottish and UK Governments.

Juliet outlined the current legislative duties in respect of children's rights provisions as set out in the Children and Young People (Scotland) Act 2014, and a timeline of actions taken since this law was enacted. Whilst this legislation includes duties on Ministers to promote and consider children's rights, and to report on how the UNCRC is being furthered, it stops considerably short of full incorporation into Scots law. Online training for civil servants has been developed; Child Rights and Wellbeing Impact Assessment are undertaken and guidance for public bodies to support their reporting duty has been published.


Encouragingly, the SG's Programme for Government 2018-19, outlines a commitment to incorporate the principles of the UNCRC into domestic law and to *"consider where it may be possible for Scots law to go further than the Convention requires"*. Alongside a commitment to conduct an audit on UNCRC implementation, the First Minister and majority of the Scottish Parliament's support for legislative change has been warmly welcomed and has received international support, encouragement and interest.

In order to ensure that a bill is passed to incorporate the UNCRC within this Parliamentary session (before May 2021), there must be a public consultation in the first half of 2019 with a bill introduced to the Scottish Parliament before November 2020. The Scottish Government have so far not set out any timescale and there

are concerns that this opportunity might be missed. As such, Together have been pro-active in working with the Children and Young People’s Commissioner Scotland and a range of child rights experts to develop a draft Bill which sets out the model they would wish to see the Scottish Government adopt. The draft Bill contains both ‘upstream’ and ‘downstream’ interventions to secure compatibility with the UNCRC. This includes a due regard duty placed on Scottish ministers and public authorities, which also includes placing CRIA on a statutory basis; a requirement to publish a Children’s Scheme and parliamentary scrutiny through reporting requirements. It also includes a duty that prevents acts that are incompatible with the UNCRC and sets out unlawful acts, enforcement, remedies and redress. These proposals have received support from young people. For example, members of the Scottish Youth Parliament, in an address to mark Human Rights Day 2018, gave a passionate speech urging the First Minister to grasp the opportunity now presented and incorporate the UNCRC fully into Scots Law. 2019 promises to be a significant year in Scotland’s journey towards full incorporation

 @Ulgrid shares children's views on #UNCRC incorporation obtained in 2011. "We've be talking about incorporation for so long that these children are now eligible to vote! But incorporation hasn't happened yet" #Rightschild2018

 The fabulous @Ulgrid @together_sacr telling #RightsChild2018 about progress in Scotland- “in Scotland we are good at talking about children’s rights, but do we deliver?” Highlights consultation with children in 2011 supporting incorporation, yet we still don’t have incorporation

 "At the moment, children tell us that some rights feel like clouds in the sky, they're out of reach. That's why we want incorporation of the #UNCRC - to bring rights within reach for all CYP and make these rights real" @Ulgrid #Rightschild2018

 Juliet @together_sacr outlines the ‘Children’s Rights Scotland Bill’ drafted with support of @Bromebyd drawing on the ‘due regard’ duty in Wales Measure but taking it further - providing redress! The carrot & stick! This will be consulted on next year in Scotland #Rightschild2018

Sean O’Neill, Policy Director, Children in Wales and Co-ordinator of the Wales UNCRC Monitoring Group



The Wales UNCRC Monitoring Group is a national alliance of non-government and academic agencies, tasked with monitoring and promoting the UNCRC in Wales. Established in 2002 and now facilitated by Children in Wales, it steering group reports to the UN and monitors UNCRC implementation in Wales.


Sean set out some of the positive legislative advances around incorporation in Wales with due regard duties placed on Welsh Government Ministers and some public bodies through key legislation, most notably the Rights of Children and Young Persons (Wales) Measure 2011. The legislative journey from adoption of the UNCRC in 2004 to the most recent Compliance Report published earlier this year was set out, as was the main issues most pertinent to Wales raised by the UN Committee in the Concluding Observations.

Since 2016, the Wales UNCRC Monitoring Group have been active in prompting the Concluding Observations and child rights priorities

through raising awareness opportunities with professionals and policy related activities, including two meetings with UN rapporteurs and engagement in other UN treaty processes.


The so called 'midterm' reporting stage, now offers a further opportunity to reflect on current progress the Welsh Government is making in respect of greater realisation of children's rights. Sean outlined a number of areas where progress has been most evident, in respect of a commitment to equal protection by removing the current defence of reasonable punishment; the creation of a Children's Rights Advisory Group; plans to lower the voting age to 16 and enhanced engagement structures for children and young people. However, a number of key challenges remain, especially in relation to growing levels of child poverty in Wales, concerns around the mental health and emotional wellbeing of children, reduced budgets and workforce, and the threats to human rights more broadly, including Brexit.

There are however a number of key opportunities which the Welsh Government should grasp, including furthering knowledge and understanding of the UNCRC through the wholesale reform of the school curriculum. The presentation closed with a quote from the newly elected First Minister of Wales that *"Equalities & human rights must remain the underpinning rationale for all our policy ambitions"*

 Sean O'Neill @ChildreninWales talks about progress in Wales including; commitment to equal protection, launch of @WelshYouthParl existing & future legislation & policy, Children's Rights Advisory Group & a Minister for Children @wgmin_csc #Rightschild2018

 Always good to hear Sean O'Neill Policy Director of @ChildreninWales talk about the work of the Wales #UNCRC Monitoring Group and some of our successes ie the @WelshGovernment Children's Rights Measure but more importantly the many challenges ahead #Rightschild2018

 Threats to children's rights in Wales include rising poverty, mental health and well-being issues, budgetary and workforce constraints and a global rollback on human rights #Rightschild2018

 @oneillsean22, Policy Director at @ChildreninWales says that there have been positive legislative advances for rights in Wales including the Rights of Children and Young Persons 2011 and the Social Services and Well-being (Wales) Act

Professor Laura Lundy, Director, Centre for Children's Rights, Queen's University, Belfast




Despite attempts to resolve the current impasse between the two previous power sharing political parties, Northern Ireland continues to be without a functioning government since the devolved executive and assembly collapsed almost two years ago, and is effectively been run by civil servants on diminishing resources.


Laura reflected on the potential for there to be a Bill of Rights for Northern Ireland, and existing duties to co-operate placed on the Executive through the Children's Services Co-operation (Northern Ireland) Act 2015 in respect of improving children's well-being and respecting their rights. The anticipated Children's Strategy has been delayed since 2017, yet this focused on the wellbeing of children more generally rather than their rights

This focus on children's wellbeing as opposed to children's rights has exercised many human rights commentators both in Northern Ireland and

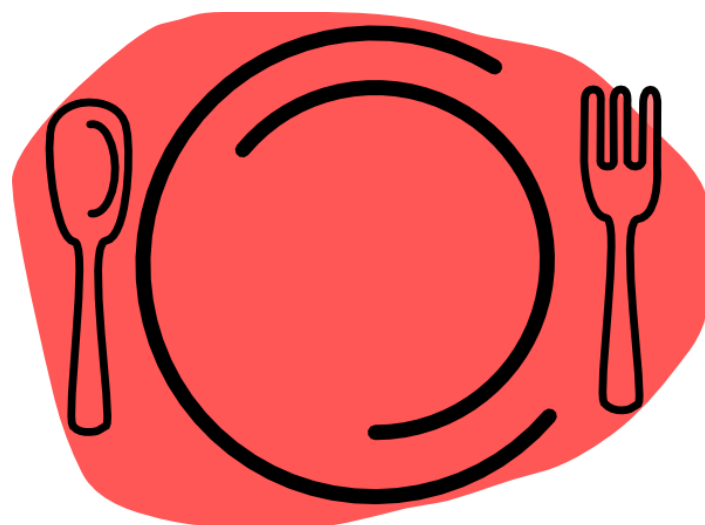
elsewhere. Drawing upon her own research, Laura reminded us that ‘A diluted approach to child rights (“child rights light”) is unlikely to garner support from those whose expertise lies in human rights generally and the CRC in particular. It is unfortunate then that references to the CRC in discussion about well-being are sometimes very loose or inaccurate, seemingly deployed as an international policy backdrop or to give pseudo-legal legitimacy to existing well-being approaches rather than indicative of any real attempt to engage with the CRC and its reconceptualization of the child as a holder of rights. For a partnership between child rights and child well-being to be effective and genuine, it is not enough to employ a veneer of child rights discourse to boost the case for well-being in national and international arena: there must be both real understanding and a willingness to engage with the rationale, content, and underpinning principles of children’s human rights’

 An update from Northern Ireland from the brilliant [@ProfLauraLundy](#). The Children’s Services Cooperation (NI) Act 2015 helps to meet some of the UNCRC general measures of implementation, requiring public bodies to work together. [#RightsChild2018](#)

 Powerful work by [@ProfLauraLundy](#) and [@nichildcom](#) [#RightsChild2018](#), but stubborn challenges in giving effect to the hope expressed for incorporation of rights in Northern Ireland 20 years ago.

 [@ProfLauraLundy](#) 2015 legislation on children’s services in Northern Ireland speaks about [#UNCRC](#) in ‘one dimensional’ way as wellbeing [#rightschild2018](#) Progress has been made in terms of working together and a focus on wellbeing in Northern Ireland [#Rightschild2018](#)

LUNCH



AFTERNOON KEYNOTE ADDRESS

A tandem approach to children's rights in Wales

Professor Sally Holland, Children's Commissioner for Wales



The Children's Commissioner for Wales presented analysis of due regard to the UNCRC in Welsh law, practice and policy and steps that could be taken to further secure children's rights in Wales. The Rights of Children and Young Persons (Wales) Measure provided the legislative framework by which Welsh Government have due regard to the UNCRC when exercising their functions, with the CRIA, although not a statutory requirement, an important tool for monitoring compliance.

Sally gave examples of how she and her team are promoting a children's rights approach in public services in Wales and the impact this has had in a wide range of settings. Their recent publication 'The Right Way' introduces a practical framework for working with children through a rights based approach, underpinned by five principles which are 'embedding children's rights', 'equality and discrimination', 'empowering children', 'participation' and 'accountability'.

The principle 'Embedding Children's Rights' requires the UNCRC to be integrated into every aspect of decision making through procedures and actions. 'Equality and Discrimination' asks authorities to ensure that every child has an equal chance to make the most of their lives and talents, and to ensure that they understand that decisions taken today can have a discriminatory impact on future generations of children. 'Empowering Children' means enhancing their capabilities so they are better able to influence and hold institutions accountable, and 'Participation' means listening to children, involving children and taking their views into account. Finally 'accountability' requires authorities to include a clear commitment to children's rights and be accountable to children for decisions taken.

The Commissioner's office have published complementary frameworks in respect of children's rights in education and to help public bodies embed children's rights when implementing well-being goals.



Prof Sally Holland @childcomwales says children's rights legislation has had lots of positives in #Wales It gives us something concrete to refer to in order to hold Ministers to account. #Rightschild2018




"Children can't take up their rights if they don't know they have them" says @childcomwales #Rightschild2018



Dr Sally Holland @childcomwales on the cultural change and incorporation of #childrensrights : cultural change is important but needs to be underpinned by legislative change, as you can lose institutional memory and the culture can change. #Rightschild2018



"We're closely following the developments around incorporation of the UNCRC in Scotland and Jersey!" @childcomwales opening her speech about pushing for culture change and legal change to further children's rights in Wales and across the UK. #RightsChild2018

 @childcomwales introduces 'The Right Way' a guide for public bodies on how to give effect to #UNCRC Good to hear about take up including by police, health boards, local gov across #Wales & in @WelshGovernment docs. #Rightschild2018

 "We're taking steps towards meaningful participation." @childcomwales #Rightschild2018 @childcomwales talks about how public bodies can take a #ChildRights approach. #UNCRC

MODELS AND APPROACHES OF CRC INCORPORATION

The first session of the afternoon considered different approaches and models of UNCRC incorporation in the UK and parts of Europe.

Journey to Incorporation: Reflections from Jersey

Tara Murphy, Policy Principal, Office of the Children's Commissioner for Jersey



The Government of Jersey has recently committed to bring forward plans to incorporate the UNCRC as part of its strategic priority to 'put children first'. To set the scene and provide some background to this historic announcement, Tara gave an overview of Jersey and the history of children's rights on the island, including the extension of UNCRC ratification in April 2014. The establishment of a Commissioner for children to ensure independent oversight of the interests of children and young people, was one of 8 recommendations which emerged in a report following the Independent Jersey Care Inquiry into the historic abuse of children in the care system. The Children's Commissioner for Jersey was appointed in shadow form in January 2018.

Other notable recommendations in the report included the need to ensure that children have a voice, alongside a call for the appointment of a children's rights officer to ensure that care experienced children are supported. Meanwhile, a backbench proposition which included a call to '*Consider desirability of giving UNCRC similar status to ECHR by incorporating it into legislation*' was adopted by

the Assembly in September 2017.

The Government of Jersey published their Proposed Common Strategic Policy 2018-12 in September with a commitment to bring forward plans to incorporate the UNCRC, with a scheme to include CRIA, training and guidance for practitioners and an extension of legal powers and functions for the Commissioner. It is anticipated that primary law will be introduced in December 2019 to take forward an indirect model of incorporation of the UNCRC.

The Commissioners office have undertaken a study visit to Scandinavia to examine the approaches taken there, and to gain a better understanding of the key enablers for UNCRC incorporation. These include the need to secure political will; for a strong civil society presence and the importance of allowing sufficient time to develop the case and secure wider support. The ambition remains that direct incorporation of the UNCRC can still be realised in the future, but for now, the need to develop and implement a robust due regard model in Jersey law is paramount.



Fabulously honest reflection by Tara from the Jersey Children’s Commissioner Office! Great steps made towards incorporation in 4 years but still some way to go! [#Rightschild2018](#)



[@TaraLMurphy01](#) explains the factors that enable [#childrights](#) implementation in Norway and Sweden. [#Rightschild2018](#). Great diagram.



Great overview of developments in Jersey from [@TaraLMurphy01](#) on behalf of [@ChildComJersey](#) - impressive how much they have achieved in such a short period [#RightsChild2018](#)

Incorporation of the CRC - the Swedish experience

Karin Odquist Drackner, Senior Child Rights Legal Officer, UNICEF Sweden



Sweden will incorporate the UNCRC into national law on 1 January 2020. This landmark announcement was made following the passing of the legal proposal in the Swedish Parliament in June 2018. Karin, as the legal officer with UNICEF Sweden who have been active throughout the drafting process, outlined the journey towards implementation which began in 2011 with an official investigation on how existing legislation adhered to the UNCRC. This was followed by a series of Government formal proceedings and an external review with instruction on how the UNCRC should be incorporated into law.

Whilst the original text and all main Articles of the UNCRC will be incorporated as national law, the Optional Protocols will sit outside the new legislation. In advance of 2020, a number of key actions will take place. This includes the publication of new guidance on how to use and interpret the UNCRC in the national context, and the completion of a mapping exercise examining the UNCRC’s conformity with existing law. Incorporation must lead to transformational change, and Karin outlined the priorities ahead and potential

challenges, stressing the importance of building capacity and support amongst children and civil society, the judiciary and amongst decision makers and key influencers.

Karin made reference to learning from the experience and practices from other countries, most notably from their nearest neighbour Norway, and the importance of working collaboratively with national Government. UNICEF Sweden will continue to proactively engage with politicians and authorities, and build upon their awareness raising campaign to create better understanding and support for incorporation and systematic change.



Fascinating insight from [@KarinOdquist](#) from [@UNICEF](#) on incorporation of [#UNCRC](#) in Sweden [#Rightschild2018](#)

The Impact of 'Giving Legal Effect' in Wales: Insights from Research

Dr Simon Hoffman, Co-ordinator, Observatory on Human Rights of Children, Swansea University




In 2011, the Rights of Children and Young Persons (Wales) Measure incorporated the UNCRC into Welsh Law. Until recently, the impact of legal integration in Wales had not been subject to close examination. The Equality and Human Rights Commission contracted the Observatory on Human Rights of Children and Children in Wales to undertake a short examination of the impact of the legislation. Supported by expert advice from a range of stakeholders, including legal advisors, the research was undertaken in spring 2018 and considered three domains – policy development and advocacy; raising awareness and accountability.


Simon's presentation outlined the key findings from the research on the impact of the Measure, suggesting that the Measure has contributed to a stronger culture of children's rights in Wales, and provided new opportunities for advocacy and accountability. In respect of 'Policy Development and Advocacy', the Measure had resulted in increased visibility of children's rights, including the use of rights-base language in


policy discourse. However, the CRIA process was inconsistent and often developed too late in the policy process.

The research also considered 'accountability', reporting that the Welsh Government should be more accountable for its actions and decisions, and that the due regard duty as an accountability tool could be used more effectively by politicians. Finally, in respect of 'awareness of the CRC', it emerged that whilst there are many positive initiatives and projects in place which seek to increase knowledge and understanding of the UNCRC, it was difficult to establish how, if at all, actions were linked to the legislation. Many young people reported that information about their rights were not universally available, often determined by where they lived, which school they attended or whether or not they were involved in a particular participation structure, such as youth forums.

Whilst there were undoubtedly a number of positive impacts from the legislation, with some of the findings echoing other research on UNCRC incorporation, there was a need in Wales for further embedding in practice, better use of legal accountability, and universal and sustainable approaches to raising awareness of the UNCRC amongst children and young people

 Prof Hoffman @Bromebyd talks about research @ChildreninWales on the Rights Measures impact! Stakeholders felt legal accountability needed to be strengthened but that the Measure embedded the convention in policy, provided staff training & reallocation of resources #Rightschild2018

 Children's Rights Impact Assessments are a chance to see how a policy will affect children. This gives us an opportunity to see how the Welsh Government is doing in considering children's rights in their work #Rightschild2018

 The Rights of Children and Young Persons Measure (Wales) 2011 gives Wales a strong legal framework from which to safeguard rights. There is a duty on some specific individuals and bodies to have due regard to children's rights #Rightschild2018

Incorporation: comparative review

Professor Laura Lundy, Director, Centre for Children's Rights, Queen's University, Belfast



The presentation provided an overview and update of the key findings of a UNICEF-UK study conducted by Laura and her colleagues at Queen's University on the legal implementation of the UNCRC in law. The study examined practice in 12 countries – Australia*, Belgium*, Canada, Denmark, Germany*, Iceland, Ireland*, New Zealand, Norway*, South Africa, Spain* and Sweden – which included in-depth examinations in six of these (*donated by* *). The examination tracked the key changes that have occurred in a number of these countries and others since the first report was published in 2012.

The overarching messages from the study was that there was no one right way to incorporate the UNCRC; that the process of incorporation had significant value in raising awareness of children's rights amongst politicians and civil society, and when the principles are integrated in domestic law - the CRC starts to infuse

decision-making in relation to children. The process must be underpinned by systematic training and a robust monitoring and enforcement procedure.

Laura discussed the importance of both persuasion and acculturation, as incorporation by some areas or regions within a country can have a positive impact on promoting positive action by neighbouring regions. The fear that incorporation would generate increased level of litigations has proved unfounded and Laura drew on a case study as an example of where the UNCRC had been used to inform a judgement in a recent court of appeal case.



@ProfLauraLundy identifies value of 'peer pressure' to promote 'race to the top' on implementation of #UNCRC "we need to keep this up"...100% agree. #Rightschild2018



"Even the process of pushing for #UNCRC incorporation is incredibly important" for taking forward #ChildRights implementation. Important reminder from @ProfLauraLundy at #Rightschild2018



Interesting to hear about different models and approaches to incorporation of the UNCRC this afternoon . We've heard about the journey taken in Jersey, Sweden and Wales and a study of twelve countries carried out by Queen's University in Belfast @ProfLauraLundy at #Rightschild2018

Q&A - PANEL SESSION

All of the speakers in the afternoon session joined **Bruce Adamson, Children & Young People's Commissioner for Scotland** in an interactive panel session responding to a series of questions from the floor.



[@Bruce_Adamson](#) discusses incorporation and implementation of rights in the panel session **#Rightschild2018**



[@childcomwales](#) asks what practical changes children and young people have seen from the incorporation of the UNCRC into Norwegian law. Professor Sandberg says that this is having many effects on the ground, including being used as an argument in criminal cases **#Rightschild2018**



Panel session now at the **#Rightschild2018** conference. Interesting discussion on whether the UNCRC gives enough protection for disabled children and young people and other groups who may be marginalised

ROUNDTABLE DISCUSSION: “TAKING THE AGENDA FORWARD – WHAT STEPS CAN GOVERNMENTS & CIVIL SOCIETY ORGANISATIONS TAKE?”

Delegates were provided with two questions to discuss at their tables. Each group was provided with a facilitator and notes were taken. Delegates also had the opportunity of contributing points via the interactive software [Mentimeter](#).

Question 1: What further steps should governments be taking to embed children’s rights in all of their work? What should be the priorities?

Incorporate the UNCRC into domestic law as a matter of urgency

Government need to hold local authorities accountable for their work on the CRC. It’s become too easy to make cuts to these services



Welsh Government need to hold local authorities accountable for their work on the CRC. It’s become too easy to make cuts to these services

Make learning about children’s rights compulsory in secondary school (by including it in the curriculum) because they should remember that children don’t stop being children at age 10.

Brexit – rights of the child should be a priority

Need both a carrot and stick approach. A due regard duty and ability to take government to court for failing to respect children's rights

Priorities should be ensuring that governments don't get rid of the services that are currently providing them with a full range of rights #Youth Services #YoungPeopleWantThem

With all participation and consultation mechanisms, it is vital that a diverse range of young people's voices are heard – including those with experience of rights not being upheld. Needs to be inclusive and intersectional

Raising awareness of Human Rights of Children in society as a whole – what it means in everyday spaces and how to know how their everyday experiences are rights



Rights education for young people. Work with youth services – needs to be inclusive of young people not in formal education

A proactive duty in law on Ministers to take account of children's rights and introduce a statutory impact assessment mechanism

Stop cuts to youth service provision

CRIA process must be seen as key part of policy and budgetary decision making

Effective monitoring, accountability and clear redress mechanisms



Incorporate the UNCRC in a full way that provides redress to children if their rights are violated

Discourse between rights and responsibilities – children have the right – adults hold the responsibilities

Lower the voting age

Engage with children and young people in the way they want to be engaged

Allowing young people to have a say on all policies and legislation. They need to also fulfil the circle of participation and provide feedback.

CRC part of Core professional development training

Awareness and understanding of children's rights across public bodies and decision makers

Incorporation as a first step. Also need awareness raising, understanding and training on children's rights to all working with and for children, including teachers and civil servants

Question 2: What steps can you be taking in your organisations / your role to embed children's rights in your workplace?

Having an organisational child rights champion

Strengthen links with local cabinet members to influence their decision making

Raising awareness of Children's Rights amongst those that don't necessarily see how their work impacts on children and young people – more than training, real examples

To incorporate systems where participation has to be done

Give due weight to the views of children

To continually focus on the Child in our everyday interactions with young people, and whoever we engage with. Make it a priority as your company's strategic development to ensure children's rights are at the heart of all decisions made



Embed systematic engagement with young people

Ensure commitment to children's rights at the very top of organisations i.e. leadership and resources

Continue to raise awareness amongst staff (at all levels) about children's rights and their importance

Provide information for children on their rights which they can use

Ensure the team discuss CRC in a group and in staff supervision

CHILDREN & YOUNG PEOPLE ENGAGEMENT

The final session of the programme considered the engagement of young people in national democratic structures, including an announcement of the newly elected members of the first Welsh Youth Parliament.

UK Youth Parliament – Making your Mark

Bethany Roberts & Bryani-Jean Kelly, Young Wales & Pembrokeshire Youth Assembly



The UK Youth Parliament is managed by the British Youth Council and brings together elected young people aged between 11-18 from across the UK nations to bring about social change through meaningful representation and campaigning. In Wales, young people's representation is facilitated by Young Wales, with each of the 22 local authority areas having at least one member elected to the UK Youth parliament.

Each year, a 'Make your Mark' ballot determines the topics which will be debated in the House of Commons annual sitting in November, and campaign activity during the following year. Bethany and Bryani-Jean, as previous UK Youth Parliament members, provided an update on this year's Make Your Mark ballot results for Wales, where 54,074 young people from across Wales participated in the ballot – making it the largest response to a youth survey/consultation in Wales. In total, 1,106,788 young people from across the UK took part, and determined that lowering the voting age to 16 and knife crime would be the top priorities for 2019.



Bethany and Bryani-Jean tell delegates about the [#makeyourmark](#) campaign and the [@UKYP](#) debates, which is facilitated by [@YoungWalesCIW](#) in Wales [#Rightschild2018](#)

Establishing a Welsh Youth Parliament

Delyth Lewis, Youth Parliament Manager, National Assembly for Wales



This presentation outlined the journey towards the new Youth Parliament in Wales, from consulting with young people on the model they would like to see, to the first national democratic election in November 2018, and everything in between.

Over 5,000 young people took part in the consultation in 2017 to establish a Youth Parliament for Wales, with the findings helping to shape the initial model. On 5th December, 60 young people aged between 11 and 18 from all parts of Wales were elected for a 2 year term. Of these, 40 were elected through an online election in November by pre-registered young people to represent each of the Welsh constituencies. An additional 20 young people were selected by partner organisations as representatives with particular characteristics, such as young carers, RGTs, care experienced and disability.

Delyth provided a detailed breakdown of the engagement activities which her team had undertaken leading up to the elections, as well as the

campaign work delivered through social media and internal governance and policy work. All elected members will meet for the first time in February 2019 with regional meetings currently being planned for the New Year. The role of the Welsh Youth Parliament will be to discuss and debate issues of importance to young people and to contribute to Assembly business.



How fantastic to finish the **#RightsChild2018** conference by hearing about the 60 young people, elected to the new **@WelshYouthParl** just last week - we're looking forward to working with you and learning from you!



@Delyth02 tells the **#Rightschild2018** conference about the work undertaken to set up the new Youth Parliament in Wales. The first Member announcement took place on 5th December following an election campaign by the young people taking part.

APPENDIX 1

Programme for the Day

TIME	SPEAKER	TITLE AND CONTACT DETAILS
9.30 (30 Mins)	REGISTRATION	
10.00am	Opening welcome	Catriona Williams OBE, Chief Executive Children in Wales & Chair Wales UNCRC Monitoring Group
10.05am	Introduction from the Chair(s)	Dr. Mike Shooter CBE Chair Play Wales & Trustee Children in Wales Bethany Roberts, Young Wales Project Board & Chair Pembrokeshire Youth Assembly. Bryani-Jean Kelly, Young Wales Project Board & Pembrokeshire Youth Assembly.
10.10am (10min)	Opening Address	Huw Irranca Davies AM Minister for Children, Older People and Social Care, Welsh Government
10.20am (45min)	Morning keynote Incorporation of the CRC into domestic law: Views of the UN Committee and experiences from Norway	Professor Kirsten Sandberg, Member and previous Chair of the UN Committee on the Rights of the Child / Professor of Law at the University of Oslo Q&A
11.05am (10min)	UK Government update: & devolved government updates	UK Government: 'Message from the Department for Education on children's rights' (Video message) Christina Bankes, Deputy Director for Children in Care and Permanence. Scottish Government (TBC)
11.15am (10min each)	Civil society updates from 4 nations Child Rights Alliances	Louise King, Director, Children's Rights Alliance for England Juliet Harris, Director, Together (Scottish Alliance for Children's Rights) Sean O'Neill, Policy Director, Children in Wales & coordination Wales UNCRC Monitoring Group Professor Laura Lundy, Director, Centre for Children's Rights, Queen's University, Belfast
12.00pm	LUNCH	

12.45pm	Introduction to afternoon session	Chairs
12.50pm (20min)	Afternoon keynote	Professor Sally Holland Children's Commissioner for Wales
	MODELS AND APPROACHES OF CRC INCORPORATION	
1.10pm (15min)	Journey to Incorporation: Reflections from Jersey	Tara Murphy, Officer of the Children's Commissioner for Jersey
1.25pm (15min)	Incorporation of CRC - the Swedish experience	Karin Odquist Drackner, Senior Child Rights Legal Officer, UNICEF Sweden
1.40pm (15min)	The Impact of 'Giving Legal Effect' in Wales: Insights From Research	Dr Simon Hoffman, Co-ordinator, Observatory on Human Rights of Children, Swansea University
1.55pm (15min)	Incorporation: comparative review	Professor Laura Lundy, Director, Centre for Children's Rights, Queen's University, Belfast
2.10pm (20min)	Q&A - <i>PANEL FORMAT</i>	All speakers above to join Bruce Adamson, Children's Commissioner for Scotland
2.30pm (30min)	ROUNDTABLE DISCUSSION (amongst delegates)	<i>Taking the agenda forward – a) What steps can your organisation and civil society organisations more generally take to further enhance incorporation of the CRC in your country? B) What steps can the government in your country take to further enhance incorporation of the CRC?</i>
	CHILDREN AND YOUNG PEOPLE ENGAGEMENT	
3.00pm (10min)	UK Youth Parliament – Making your Mark	Bethany Roberts, Young Wales Project Board & Chair Pembrokeshire Youth Assembly. Bryani-Jean Kelly, Young Wales Project Board & Pembrokeshire Youth Assembly.
3.10pm (15min)	Establishing a Welsh Youth Parliament	Delyth Lewis, Youth Parliament Manager, National Assembly for Wales
3.25pm	Closing Remarks	Chairs

Wales UNCRC Monitoring Group



Grŵp Monitro CCUHP Cymru



Children's
Rights Alliance
for England



Rights of the Child UK

Working together to bring children's rights into UK law



together

Scottish Alliance for
Children's Rights

**FOR EVERY CHILD
IN DANGER**



Children in Wales
Plant yng Nghymru