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Llywodraeth Cymru
Welsh Government

Lynne Neagle MS
Chair of the Children, Young People and Education Committee

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24 March 2021

Dear Lynne,

I am writing to inform you of progress with two of the recommendations from your review into Children Rights in Wales, which was published last summer.

We have published an update on progress following the publication of the 2016 United Nations Committee on the Rights of the Child Concluding Observations report into the United Kingdom of Great Britain and Northern Ireland. This [report](#) addresses recommendation 13 in your Children's Rights report.

I also wanted to advise you that the First Minister has written to the Prime Minister of the United Kingdom (UK) regarding the UK Government's ratification of the United Nations Convention on the Rights of the Child Optional Protocol on a Communications Procedure to give individual children the right to make representations directly to the United Nations. This addresses recommendation 11 in the Committee's report.

I would like to thank members once again for their report which is being used extensively to progress the children rights agenda in Wales.

Yours sincerely,

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Deputy Minister for Health and Social Services

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Hawliau Plant
Cymru

Children's Rights
Wales



Llywodraeth Cymru
Welsh Government

Welsh Government update on progress following the publication of the United Nations Committee on the Rights of the Child Concluding Observations report into the United Kingdom of Great Britain and Northern Ireland 2016

March 2021

Introduction

The United Nations (UN) Committee on the Rights of the Child (UNCRC) published its fifth periodic report of the United Kingdom of Great Britain and Northern Ireland Report in 2016.

The Welsh Government welcomes the opportunity to publish an overview of progress.

The UN Committee's report includes recommendations on both devolved and non-devolved areas. This report provides an update on the policy areas that are the responsibility of the Welsh Government. An indication is given throughout this report where recommendations are not for the Welsh Government or where the recommendation relates to non-devolved areas.

During this reporting period, we have made significant progress in key areas. In March 2020, the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 received Royal Assent. The Act will come into force in March 2022 and will prohibit the physical punishment of children in Wales. In January 2020, Senedd Cymru passed the Senedd and Elections (Wales) Act 2020. This act lowers the voting age to 16 and empowers them to engage with the decisions that affect their lives.

Two compliance reports have been published during this reporting period; the first in 2018 and in February 2021 which outlines how the Welsh Government has met the duty to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and its Optional Protocols.

We are currently consulting on a revised Children's Rights Scheme 2021 which sets out the arrangements Welsh Ministers have in place to meet the duty to have due regard to the UNCRC when exercising any of their functions.

The next cycle of the United Nations Committee's Concluding Observations has commenced and a final list of recommendation will be tabled in 2022. The Welsh Government looks forward to receiving those recommendations

The UN Concluding Observations and recommendations 2016

1. General Measures of Implementation

This group of recommendations covers articles 4, 42 and 44 (6) of the United Nations Convention on the Rights of the Child (UNCRC). It deals with the structures and resources to implement the UNCRC.

1.1 Legislation

The Committee recommends that the State party:

- (a) Expedite bringing in line with the Convention its domestic legislation, at the national and devolved levels and in the overseas territories and the Crown dependencies, in order to ensure that the principles and provisions of the Convention are directly applicable and justiciable under domestic law;
- (b) *Expedite the enactment of a Bill of Rights for Northern Ireland, agreed under the Good Friday Agreement.*

Welsh Government update:

The Rights of the Children and Young Persons (Wales) Measure 2011 (the Measure) requires Welsh Ministers to have due regard to the UNCRC and its optional protocols when exercising any of their functions

The Children's Rights Scheme 2014 sets out the arrangements that the Welsh Government have in place for Welsh Ministers to comply with the duty to have due regard to children's rights when exercising any of their functions.

1.2 Comprehensive policy and strategy

The Committee recommends that the State party:

- (a) Revise the UK-wide strategy, Working together, achieving more (2009) to cover all areas of the Convention and ensure its full implementation;
- (b) *Adopt comprehensive action plans for the implementation of the above-mentioned strategy in England and Northern Ireland;*
- (c) *In Scotland, ensure the full implementation of the action plan Do the Right Thing (2009) and the National Action Plan for Human Rights (2013-2017);*
- (d) In Wales, ensure the full implementation of the Programme for Children and Young People (2015).

In doing so, the Committee recommends that the State party allocate sufficient human, technical and financial resources, set up clear timelines as well as a monitoring and evaluation framework for the implementation of the strategy and the action plans, and pay special attention to children belonging to the most vulnerable groups.

Welsh Government update:

Following the election in 2016, a new Programme for Government *Taking Wales Forward* was developed by the Welsh Government; Children Rights is an integral part of that programme.

1.3 Children's Rights Impact Assessment

The Committee recommends that the State party:

- (a) Introduce a statutory obligation at national and devolved levels to systematically conduct a child rights impact assessment when developing laws and policies affecting children, including in international development cooperation;
- (b) Publish the results of such assessments and demonstrate how they have been taken into consideration in the proposed laws and policies.

Welsh Government update:

Children's Rights Impact Assessments

The Welsh Government uses an Integrated Impact Assessment (IIA) process to undertake a rounded assessment of the impact of proposed decisions, including the social, economic, cultural and environmental effects.

The Children Rights Impact Assessment (CRIA), forms a key part of the IIA. Welsh Government officials are expected to use the CRIA to support Welsh Ministers in meeting their due regard duty. Not all decisions and actions taken by Welsh Ministers will be relevant to children and young people and require a CRIA. When a decision is taken not to complete the CRIA as part of the wider IIA, the reason needs to be recorded.

Where a CRIA is complete it provides a framework to think about and record whether the policy proposals are supporting children and young people's rights. It enables officials to consider what the policy/legislation/advice is trying to achieve, the impacts that might have (positive and negative), the effect (or unintended consequence) of the policy/legislation/advice on different groups of children and young people and whether any measures can be taken to reduce, remove or mitigate those impacts if possible.

In order to make impact assessment decisions more transparent and available to the public, all CRIs completed by the Welsh Government from 1 January 2020, have been published on the Welsh Government website^[1].

^[1] <https://gov.wales/publications> You can search all the publications by type by using the filter impact assessment of children's rights impact assessment

1.4 Coordination

The Committee reiterates its previous recommendation that the State party ensure effective coordination of the implementation of the Convention throughout the State party. To this end, the Committee recommends that the State party:

- (a) In each of the devolved administrations, Overseas Territories and the Crown Dependencies, establish an appropriate statutory body at a high interministerial level with a clear mandate and sufficient authority to coordinate all activities across relevant sectors related to the implementation of the Convention;
- (b) Allocate sufficient human, technical and financial resources to the said coordinating bodies for their effective operation;
- (c) Strengthen coordination and evaluation of the implementation of the Convention at the national level.

Welsh Government update:

Welsh Ministers and Cabinet

The 'due regard' duty set out in section 1 of the Measure, applies to all Welsh Ministers, when exercising any of their functions. Children and young people's rights continue to be at the forefront of the Cabinet's collective thinking and policy making.

The Deputy Minister for Health and Social Services has specific responsibilities in relation to children and young people and their rights.

The Children's branch

The Children's branch is embedded in the Children and Families Division and has a role to offer expert advice and guidance across the Welsh Government on all areas of children's rights. The branch has a role in leading on the following activities:

- Helping officials to understand the UNCRC and its Optional Protocols and their role in ensuring the due regard duty is met;
- Leading the Welsh Government response to UNCRC reports and UN Concluding Observations recommendations;
- Preparing and updating the Children's Rights Scheme;
- Reporting compliance against the duty under section one of the Measure;
- Providing support for officials to engage effectively with children and young people and the preparation of child friendly documents;
- Advice and support on CRIA; and
- Awareness Raising of the UNCRC.

External expertise to support children rights

A Children Rights Advisory Group has been established which includes representatives from the Children's Commissioner for Wales' office, Children in Wales, the Wales Observatory on Human Rights of Children and UNICEF UK. This forum provides Welsh Government officials with the opportunity to receive ongoing expert, external advice on how Welsh Government policies are supporting children rights.

1.5 Allocation of Resources

The Committee is seriously concerned at the effects that recent fiscal policies and allocation of resources have had in contributing to inequality in children's enjoyment of their rights, disproportionately affecting children in disadvantaged situations.

In accordance with article 4 of the Convention and Sustainable Development Goal 10, Targets 10.2 and 10.4, the Committee urges the State party to allocate the maximum extent of available resources for the implementation of children's rights, with a special focus on eradicating child poverty and reducing inequalities within and across all jurisdictions. In this endeavour, the Committee recommends that the State party:

- (a) Utilize a child-rights approach in the elaboration of the State budget, by implementing a tracking system for the allocation and use of resources for children throughout the budget;
- (b) Ensure transparent and participatory budgeting through public dialogue, including with children;
- (c) Define budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social measures and make sure that those budgetary lines are protected even in situations of economic recessions;
- (d) Regularly conduct child rights impact assessments of budget and economic decision-making processes and outcomes, including austerity measures, in areas that are directly or indirectly related to children's rights;
- (e) Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention.

Welsh Government update:

Budgets and Resources

Our budgetary decisions are based on the identified priorities of the government. The Welsh Government takes an evaluative approach to assessing the impact on Welsh Government's annual budget decisions, in line with our responsibility to consider budget decisions through a number of lenses. Our strategic integrated impact assessment of the annual budget gives full consideration to a range of impacts, including children's rights, socio-economic disadvantage, Welsh language and equality. An integrated approach therefore enables us to understand the impact of

decisions on different groups of people, such as children and young people, and areas such as the environment more effectively. The well-being of Future Generations (Wales) Act 2015 sets out the sustainable development principle and five ways of working which underpin the delivery of our Well-being objectives.

We are committed to explore how information about budget decisions in the context of specific impacts - such as Children's Rights - can be more transparent in the future, as set out in our published Budget Improvement Plan.

Following the 2017 evidence review that we commissioned on participatory budgeting, we organised a number of engagement events to gauge the level of awareness and understanding of the Welsh Government's budget and discuss how people in Wales could participate in budgeting. This included events in conjunction with Children in Wales for young people.

Subsequently, the Minister for Finance Rebecca Evans MS has taken opportunities to visit schools to discuss how the Welsh Government raises its money and where it is spent. The Minister has also visited a range of publicly funded settings across Wales to hear about the common challenges and opportunities these settings faced. This has included charity centres across Wales which provide a range of support to families in the local community including youth-led services and a Careers Wales centre.

Since 2019 we have also published an accessible Budget, aimed at children and young people, to convey key budget messages simply. Building on activity to date, we will consider future engagement opportunities with children and young people into 2021-22, as part of our wider ambitions for Tax and Budget engagement as set out in the Budget Improvement Plan.

1.6 Data Collection

The Committee recommends that the government of Northern Ireland expedite the finalization of a Child Rights Indicator Framework, covering all areas of the Convention and taking into account the conceptual and methodological framework set out in the Office of the United Nations High Commissioner for Human Rights (OHCHR) publication entitled Human Rights Indicators: A Guide to Measurement and Implementation.

This recommendation relates to Northern Ireland.

1.7 Independent Monitoring

The Committee welcomes the increased independence of the Children's Commissioners in the four devolved administrations of the State party and the many initiatives that they have taken to ensure the promotion and protection of the rights of the child. Nevertheless, the Committee is concerned that the powers of the Commissioners in Northern Ireland and Wales are still limited and that the Commissioner in Scotland has not started exercising its mandate to conduct investigations on behalf of individual children.

With reference to the Committee's general comment No. 2 (2003) on general measures of implementation, the Committee recommends that the State party:

- (a) Further strengthen the independence of established Children’s Commissioners, in line with the Paris Principles, and enable them, inter alia, to receive and investigate complaints from or on behalf of children concerning violations of their rights;
- (b) Allocate to the Commissioners in all jurisdictions the necessary human and financial resources in order to carry out their mandate in an effective and coordinated manner.

Welsh Government update:

Children’s Commissioner for Wales

The Children’s Commissioner for Wales has corporate sole status and is an independent human rights institution. In 2014 the Commissioner was appointed by the First Minister, following a fair and open competition that included a Panel with cross-party representation and young people. While funding rests with the Welsh Government, the role of scrutiny and accountability rests with the Senedd Cymru and the Welsh Government. The Commissioner, like others in public life, is accountable to the public via the Senedd’s subject and Public Accounts Committees.

The annual budget for the Children’s Commissioner for Wales for 2020/21 was £1,579,895. The budget covers the running costs of the Commissioner’s office and the resources required in discharging her statutory functions.

1.8 International cooperation

In the context of international development cooperation the Committee is concerned about the State party’s funding of low-fee, private and informal schools run by for-profit business enterprises in recipient States. Rapid increase in the number of such schools may contribute to sub-standard education, less investment in free and quality public schools, and deepened inequalities in the recipient countries, leaving behind children who cannot afford even low-fee schools.

The Committee recommends that the State party ensure that its international development cooperation supports the recipient States in guaranteeing the right to free compulsory primary education for all, by prioritizing free and quality primary education in public schools, refraining from funding for-profit private schools, and facilitating registration and regulation of private schools.

Welsh Government update:

Wales and Africa

International Development is non-devolved, and therefore it is the responsibility of the UK Government. However, the Welsh Government supports the UN Sustainable Development Goals and universal free primary education. The Welsh Government’s Wales and Africa programme has provided some small grants in support of specific state schools in sub Saharan Africa that work in partnership with groups from Wales.

The Welsh Government shares the committee's concerns about the prevalence of fee paying schools in countries such as Uganda.

1.9 Children's rights and the business sector

With reference to its General Comment No. 16 (2013) on State obligations regarding the impact of business on children's rights, the Committee recommends that the State party:

- (a) Integrate an explicit focus on children's rights, including the requirement for businesses to undertake child-rights due diligence, in the revised version of its first National Action Plan on Business and Human Rights;
- (b) Establish and implement regulations to ensure that the business sector, including in the context of public procurement, complies with the rights of the child.

Welsh Government update:

Children's Rights and Business Wales

Business Wales are currently updating their web presence to highlight the importance of the UNCRC to businesses in Wales, in particular Article 32.

The Welsh Government does not hold the jurisdiction to establish Business regulations, nor to make public procurement regulations. However, the Welsh Government does set procurement policy for Wales and through the Supply Qualification Information Database question set bidders are required to answer questions covering anti-corruption.

The Welsh Government has also launched a voluntary Code of Practice on Ethical Employment in Supply Chains. This is designed for all organisations within supply chains including public sector bodies, businesses and third sector organisations to commit to 12 actions aimed at combatting unlawful and unethical practices including modern slavery and child labour.

The Welsh Government is currently considering legislation with regards to procurement in the future.

Apprenticeships policy

Ensuring young people see apprenticeships as a viable alternative to A levels is key element of our apprenticeship policy. Our Have a Go Initiative aims to encourage greater engagement from school children in vocational education including Apprenticeships. It involves organising events in schools and careers fairs, encouraging vocational careers and apprenticeship choices. It aims to raise awareness amongst school children of apprenticeships as a career choice.

2. Definition of the child (Article 1 of the Convention)

The Committee recommends that the State party raise the minimum age of marriage to 18 years across all devolved administrations, Overseas Territories and Crown Dependencies.

The minimum age of marriage is non-devolved.

3. General Principles

This group of recommendations covers articles 2, 3, 6 and 12. This group deals with rights to be applied without discrimination; for the best interests of the child to be a primary consideration; the right to life, survival and development; and respect for the views of the child.

3.1 Non-discrimination

The Committee is concerned that:

- (a) A number of provisions under the Equality Act (2010) exempt children from the protection against age discrimination, and in Northern Ireland, the proposed legislation on age discrimination excludes children under 16 years of age;
- (b) Counter-terrorism measures do not enjoy public confidence due to the lack of transparency and they are widely perceived to have a discriminatory or stigmatizing effect on children, in particular Muslim children;
- (c) Many children in certain groups, including Roma, Gypsy and Traveller children, children of other ethnic minorities, children with disabilities, children in care, migrant, asylum-seeking and refugee children, as well as lesbian, gay, bisexual, transgender and intersex children (LBGTI), continue to experience discrimination and social stigmatization, including through the media.

The Committee recommends that the State party:

- (a) Consider the possibility of expanding legislation to provide protection of all children under 18 years of age against discrimination on the grounds of their age;
- (b) Strengthen the oversight mechanism, including regular independent reviews, to assess and ensure that the implementation of the counter-terrorism and counter-extremism measures, including the Prevent Strategy (2011), will not have a discriminatory or stigmatising impact on any group of children;
- (c) Strengthen its awareness-raising and other preventive activities against discrimination and stigmatization, and, if necessary, take temporary special measures for the benefit of children in vulnerable situations.

The Committee recalls its previous recommendation that the State party take urgent measures to address the “intolerance of childhood” and general negative public

attitude towards children, especially adolescents, within society, including in the media.

Welsh Government update:

Prevent

As this is a UK strategy, it would be for the UK Government to consider these recommendations. However, there has recently been a refresh of the CONTEST governance structures undertaken in Wales. As a part of the renewed and robust structure, there is a PREVENT Strategic Board which offers a forum for concerns or challenges to be raised by partners, with an agreed and effective escalation process by which any issue would be passed to the UK Prevent Board for consideration and/or action.

Race Equality Action Plan

The Welsh Government will launch a Race Equality Action Plan for Wales before the end of March 2021. The aim of the Race Equality Action Plan is to create an anti-racist Wales, thereby ending racism in Wales.

The plan will be inclusive and broad-based, encompassing issues which impact on all groups, such as structural and systemic racism, but also addressing the more specific requirements of people who share more than one protected characteristic. It will help us understand the impact of intersectionality by addressing the issues relevant to children and young people from particular groups by taking into account their sex, disability, age, religion and belief, sexual orientation and gender identity and expression.

The plan has been co-constructed with young people. In collaboration with the Ethnic Youth Support Team, we have held vision setting sessions with Black, Asian and Minority Ethnic children and young people to share their views in order to shape the vision, mission and purpose of the Race Equality Action Plan. Children and young people were also engaged in nationwide community engagement work run by grassroots groups.

The Race Equality Action Plan and related activities aims to increase all children's access to their rights or to services and/or resources that give access to rights. Enabling children to participate and use their rights to their fullest extent.

3.2 Non-discrimination

The Committee is concerned that, despite some improvements, legal discrimination against certain children remains in Overseas Territories.

The Committee recommends that the Government of UK further encourage the governments of Overseas Territories to fully abolish discrimination under the law against children who are "non-belongers", including migrant children, and children born out of wedlock.

This recommendation relates to overseas territories therefore it is for the UK Government to consider.

3.3 Best interests of the child

The Committee regrets that the right of the child to have his or her best interests taken as a primary consideration is still not reflected in all legislative and policy matters and judicial decisions affecting children, especially in the area of alternative care, child welfare, immigration, asylum and refugee status, criminal justice, and in the armed forces. Furthermore, in some Overseas Territories, there is no legal provision to guarantee this right.

With reference to its general comment No 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party, in all parts of its territory:

- (a) Ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to and have an impact on children;
- (b) Develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration.

Welsh Government update:

Wellbeing of Children

In Section 5 of the Social Services and Well-being (Wales) Act 2014 to seek to promote the well-being of people who need care and support and carers who need support. There is also a duty in section 6 upon persons carrying out functions under the Act in relation to children with needs for care and support, child carers and persons in respect of which functions are carried out under Part 6 (looked after and accommodated children) to have due regard to Part 1 of the UNCRC.

Similarly the Well-being of Future Generations (Wales) Act is about improving the social, economic, environmental and cultural well-being of Wales.

The Measure which places a duty on Welsh Ministers to have due regard to the UNCRC and its Optional Protocols when exercising their functions and therefore ensures that the application of due regard is at a strategic level and provides a framework for all decisions including policy and legislation.

3.4 Right to life, survival and development

The Committee is concerned that:

- (a) Research indicates that the infant and child mortality in the State party, including suicide, is linked with the level of social and economic deprivation;
- (b) Mechanisms for reviews of any unexpected death or serious injury involving children have not been established or operationalized in most parts of the State party.

The Committee recommends that the State party:

- (a) Address underlying determinants of infant and child mortality, including social and economic deprivation and inequality;
- (b) Introduce automatic, independent and public reviews of unexpected death or serious injury involving children, including in custody, care and mental health care institutions in all the territory of the State party

Welsh Government update:

The Healthy Child Wales Programme

At the core of the early years system is the universal provision of maternity care and health visiting services. The Healthy Child Wales Programme (HCWP) sets out a universal range of key contacts between families with children aged 0-7 and health visitors. It is applicable to all families across Wales, irrespective of need. These universal contacts cover three areas of intervention; screening, immunisation and monitoring and supporting child development.

The HCWP includes a consistent range of evidence based preventative and early intervention measures, and advice and guidance to support parenting and healthy lifestyle choices. The HCWP sets out what planned contacts children and their families can expect from their health boards; from maternity service handover to the first years of schooling.

An individual assessment is undertaken by midwives and health visiting services ensuring the right services are available to support the child and family, this has continued throughout the pandemic period (2020-2021). The health visitor contacts include enhanced and intensive interventions delivered to those families and children with increased levels of need. The health visitor also uses the Family Resilience Assessment Instrument Tool (FRAIT) to measure the family's resilience (positive protective factors) rather than their needs (deficits in protective factors), which helps to determine the best package of support for the family.

Annual maternity performance boards with each of the 7 health boards are chaired by the Chief Nursing Officer. The performance indicators include: smoking rates and effectiveness of smoking cessation programmes, preventing excessive weight gain in pregnancy, low birth weight, breastfeeding initiation and continuation.

Flying Start

Flying Start is a targeted early years programme aimed at making a decisive difference to the life chances of children aged 0 to 4 in the more deprived areas in which it runs. It includes four core elements; these being fully funded part-time quality childcare, parenting support, intensive health visitor support, and support for speech, language and communication.

The primary function of the Flying Start health visitor is to support the family in the home, assessing both the child and family. The Flying Start health programme sets down an enhanced universal programme of interventions which should be delivered to all Flying Start families. A family receiving Flying Start health services can expect at least 7 additional 'contacts', on top of the HCWP, from their health visitor. The promotion of key public health messages and of healthy lifestyles is a key part of the additional Flying Start health support offered by health visitors and the wider workforce.

Child Death Review

Procedural Response to Unexpected Deaths in Childhood. The PRUDiC was refreshed in 2018, the aim is to ensure that the response is safe, consistent and sensitive to those concerned, and that there is uniformity across Wales in the multi-agency response to unexpected child deaths. This is a multi-agency procedural response is intended to ensure a minimum standard across Wales, and is not agency or discipline specific. It outlines what needs to be achieved and gives broad suggestions about the roles of agencies.

It sets a minimum standard for a response to unexpected deaths in infancy and childhood. It describes the process of communication, collaborative action and information sharing following the unexpected death of a child. The aim of the PRUDiC is to ensure that the response is safe, consistent and sensitive to those concerned, and that there is uniformity across Wales in the multi-agency response to unexpected child deaths.

Working Together to Safeguard People, Volume 2, Child Practice Reviews was issued in 2016. The guidance is addressed to all Safeguarding Children Boards and their partner agencies. The overall purpose of the review system is to promote a positive culture of multi-agency child protection learning and reviewing in local areas, for which Boards and partner agencies hold responsibility. It recognises the impact of the tragic circumstances of non-accidental child deaths or serious harm to children on families and on staff, and provides opportunities for serious incidents to be reviewed in a culture that is fair and just.

3.5 Respect for the views of the child

The Committee is concerned that:

- (a) Children's views are not systematically heard in policy-making on issues that affect them;
- (b) The reforms concerning the reduction of legal aid in all four jurisdictions appear to have a negative impact on the right of children to be heard in judicial and administrative proceedings affecting them;
- (c) Youth parliaments have not been established or operationalized in Northern Ireland, Wales, Montserrat, Turks and Caicos and Jersey;

- (d) Many children feel that they are not listened to by their social workers, reviewing officers, paid carers, judges, personnel working with children in conflict with the law, or other professionals, in matters affecting them, including in family proceedings.

With reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:

- (a) Establish structures for the active and meaningful participation of children and give due weight to their views in designing laws, policies, programmes and services at the local and national level, including in relation to discrimination, violence, sexual exploitation and abuse, harmful practices, alternative care, sexual and reproductive education, leisure and play. Particular attention should be paid to involving younger children and children in vulnerable situations, such as children with disabilities;
- (b) Assess the impact and expedite the review of the reforms on legal aid in England, Wales and Scotland, in order to ensure that such reforms do not negatively affect children's access to justice, and guarantee effective participation of children in such assessment and review;
- (c) Expedite the establishment of Youth Parliaments in all devolved administrations and territories as permanent fora for children's effective engagement with national legislative processes on issues that affect them;
- (d) Ensure that children are not only heard but also listened to and their views given due weight by all professionals working with children.

The Committee notes increasing demands from children for a right to vote from the age of 16 years and that in Scotland, voting age has been extended to 16 and 17 year olds for local and Scottish Parliament elections.

Welsh Government update:

Child Participation

The Welsh Government provides core funding to Children in Wales – through Young Wales – to enable the voice of children and young people to be fed into the policy making cycle. The programme provides both proactive and reactive feedback to Ministers and officials.

Proactively, the Young Wales Project Board – comprising a diverse membership of young people from local authority youth forums across Wales – meets monthly to discuss issues which are priority areas for young people. Children in Wales staff share the emerging themes of these meetings with Welsh Government officials.

Reactively, Young Wales coordinates input into Welsh Government consultations, supporting the due regard duty. This input can take a number of forms – surveys, focus groups, structured interviews – and seeks to take consideration of the diversity of the children and young people population

Welsh Ministers also hold regular discussions with young people to discuss a range of policy issues.

The Welsh Government has worked in partnership with the Children's Commissioner for Wales on two large surveys of young people to understand their views on the Coronavirus pandemic. These findings were considered as a key source of evidence at all levels of Government and informed a range of policy decisions from education to the [Coronavirus control plan](#).

The Welsh Government provides core funding to Children in Wales, which is the national umbrella organisation representing over 250 organisations and professionals who work with children and young people across a variety of sectors. This enables the voice of children, and professionals who work with children, to be fed into the national policy debate on a regular basis.

Legal Aid Reforms

The Legal Aid Sentencing and Punishment of Offenders Act 2012 significantly altered the availability and amount of legal aid to families within the Family Court. The changes have largely been confined to private family law cases, those being cases in which there is a dispute between parents as to where a child should live or who they should have contact with following parental separation.

This is a non-devolved matter however, in Wales Cafcass Cymru continues to represent children within the Family Court in both public and private family law cases, ensuring the best interests of the child are considered in every case. Legal aid continues to be available for a child to be represented by a solicitor and a children's guardian provided by Cafcass Cymru. This is often referred to as the 'tandem model' of representation and is a model which ensures both the welfare and legal rights of a child are fully protected.

Youth Parliament in Wales

In November 2018, 60 young people were elected as Welsh Youth Parliament members. The Welsh Youth Parliament Members highlight and debate issues raised by children and young people at a national level working directly with Senedd Cymru and regularly meeting with Welsh ministers to raise the voices of children and young people.

3.6 Respect for the views of the child

The Committee encourages the State party and devolved administrations to conduct consultations with children on the voting age. Should the voting age be lowered, the Committee recommends that the State party ensure that it is supported by active citizenship and human rights education in order to ensure early awareness of children that rights are to be exercised as part of citizenship, with autonomy and responsibility, and that the measure does not lend itself to undue influence.

Welsh Government update:

Lowering the Voting Age in Wales

The voting franchise in Wales has been extended to 16 and 17 year olds through the Senedd and Elections (Wales) Act 2020 and the Local Government and Elections (Wales) Act 2021. The younger franchise will be in place for the 2021 Senedd Cymru elections and the 2022 local government elections.

Throughout the legislative process the views of young people were sought through consultation. Feedback showed that young people wanted further support in engaging with the political process and democratic institutions. The Welsh Government's Democratic Renewal Programme works with key partners to support the democratic engagement of Welsh citizens e.g. youth workers, schools and third sector organisations.

This has allowed us to engage with young people while developing resources to support better understanding of democratic institutions and processes in advance of the Senedd Cymru elections in 2021. A suite of resources has been developed to support increased political education in schools and the principles of political education have been embedded in the new curriculum in Wales. Professional learning packages and an offer for older students around the Welsh Baccalaureate has been developed to ensure there is a consistent, engaging and active approach to political education and engagement within and outside the school setting.

4. Civil Rights and Freedoms

This group of recommendations covers articles: 7, 8, 13-17 and deals with children's civil rights and freedoms, including children's right to move freely in public space, to access information, and to privacy.

4.1 Birth registration / Name and nationality

The Committee recommends that the State party encourage its Overseas Territories to revise the local legislation and the British Nationality Act in order to guarantee the right of migrant children, in particular those children born in the territories, to a birth certificate.

This recommendation relates to overseas territories therefore it is for the UK Government to consider.

4.2 Freedom of thought, conscious and religion

The Committee is concerned that pupils are required by law to take part in a daily religious worship which is "wholly or mainly of a broadly Christian character" in publicly funded schools in England and Wales, and that children do not have the right to withdraw from such worship without parental permission before entering the sixth form. In Northern Ireland and Scotland, children do not have right to withdraw from collective worship without parental permission.

The Committee recommends that the State party repeal legal provisions for compulsory attendance at collective worship in publicly funded schools and ensure

that children can independently exercise the right to withdraw from religious worship at school

Welsh Government update:

Collective Worship

The responsibility for the planning and delivery of collective worship rests with schools. Schools should be sensitive to the range of beliefs held by pupils in the school and should provide pupils the opportunity to worship without encouraging them to do something that is against the teachings of their religion or beliefs. Parents have the opportunity to withdraw their child from attending Collective Worship.

The Welsh Government has no plans to review the guidance and legislation in relation to collective worship.

4.3 Freedom of association and peaceful assembly

In order to fully guarantee children's right to freedom of movement and peaceful assembly, the Committee recommends that the State party:

- (a) Prohibit the use of mosquito devices (acoustic youth dispersal devices) in public spaces;
- (b) Collect data on measures used against children, including children aged 10-11 years, to deal with anti-social behaviours, as well as dispersal, and monitor the criteria and proportionality of their use.

Welsh Government update:

The Welsh Government does not support the use of dispersal devices such as the mosquito devices and shares the committee's concerns about the impact on the freedom of movement for children and young people.

4.4 Right to privacy

The Committee recommends that the State party:

- (a) *Prohibit the use of non-statutory stop-and-search checks against children;*
- (b) *Ensure that the statutory use of the stop-and-search checks is proportionate, taking into consideration the age and maturity of the child, and non-discriminatory;*
- (a) *Regularly collect, analyse and publish data relating to the use of stop and search on children, disaggregated by age, sex, disability, geographic location, ethnic origin and socioeconomic background.*

Policing in Wales is non-devolved, it is the responsibility of the UK Government's Home Office.

5. Violence against Children

This group of recommendations covers articles 19, 24(3), 28(2), 34, 37(a) and 39 and deals with violence against children.

5.1 Torture and other cruel or degrading treatment or punishment

The Committee is concerned about:

- (a) Tasers, and in the case of Northern Ireland, Attenuating Energy Projectiles (AEPs), being used against children by the police in the four devolved administrations;
- (b) The increased use of restraint and other restrictive interventions against children in custodial settings in England and Wales, and the lack of data on the use of restraint in other parts of the State party;
- (c) The use of physical restraint on children to maintain good order and discipline in Young Offenders' Institutions and the use of pain-inducing techniques on children in institutional settings in England, Wales and Scotland, and the lack of a comprehensive review of the use of restraint in institutional settings in Northern Ireland;
- (d) The use of restraint and seclusion on children with psycho-social disabilities, including children with autism, in schools.

With reference to the Committee's general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and Sustainable Development Goal 16, Target 16.2, the Committee urges the State party to:

- (a) Prohibit the use of electrical discharge weapons, such as Taser guns, AEPs (Northern Ireland) and any other harmful devices on children and systematically collect and publish age disaggregated data on their use in order to monitor the implementation of such prohibition;
- (b) Abolish all methods of restraint against children for disciplinary purposes in all institutional settings, both residential and non-residential, and ban the use of any technique designed to inflict pain on children;
- (c) Ensure that restraint is used against children exclusively to prevent harm to the child or others and only as a last resort;
- (d) Systematically and regularly collect and publish disaggregated data on the use of restraint and other restrictive interventions on children in order to monitor the appropriateness of discipline and behaviour management for children in all settings, including in education, custody, mental health, welfare and immigration settings.

Welsh Government update:

Electrical Discharge Weapons

The use of electrical devices such as Tasers is a policing matter and is non-devolved.

Use of Restraint

The Welsh Government has consulted on a Reducing Restrictive Practices Framework to promote measures and practices that will lead to the reduction of restrictive practices in childcare, education, health and social care settings. We intend to publish a final version of the Reducing Restrictive Practices Framework in 2021 and we will develop an online offer to promote implementation.

The Welsh Government considers that the guidance it intends to issue on restrictive practices should ensure that those who work with children and adults in childcare, health, education and social care settings share a common framework of principles and expectations informed by an approach that actively promotes human rights. The Welsh Government is clear that the use of restrictive practices and restraint should be within the context of the European Convention on Human Rights and in line with the principles described in the Human Rights Framework on Restraint produced by the Equality and Human Rights Commission. The approach set out in the framework seeks to promote the rights and principles set out in the UNCRC; United Nations Principles for Older Persons and the United Nations Convention on the Rights of Persons with Disabilities.

The updated Keeping Learners Safe statutory guidance was published in October 2020 which includes guidance on physical contact with pupils, including restraint. This guidance outlines how and when education staff are able to use such force as is reasonable in certain circumstances. This guidance is clear that it is always unlawful to use force as a punishment and that the degree of force used should be the minimum needed to achieve the desired result.

5.2 Corporal punishment

With reference to its general comment No. 8 and its previous recommendations, the Committee urges the State party, in all devolved administrations, Overseas Territories and Crown Dependencies, to:

- (a) Prohibit as a matter of priority all corporal punishment in the family, including through the repeal of all legal defences, such as “reasonable chastisement”;
- (b) Ensure that corporal punishment is explicitly prohibited in all schools and educational institutions and all other institutions and forms of alternative care;
- (c) Strengthen its efforts to promote positive and non-violent forms of discipline and respect for children’s equal right to human dignity and physical integrity, with a view to eliminating the general acceptance of the use of corporal punishment in child-rearing.

Welsh Government update:

Removal of the Defence of Reasonable Punishment

The Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 received Royal Assent on 20 March 2020 and Section 1 (removal of the defence of reasonable punishment) will come into force on 21 March 2022. The purpose of the Act is to prohibit the physical punishment of children in Wales by abolishing the defence of reasonable punishment in law.

The aim of the Act is to help protect children's rights by prohibiting the physical punishment of children by parents and those acting in loco parentis within Wales, including visitors to Wales. In doing so, children in Wales will have the same legal protection from physical punishment as adults.

The Welsh Government is focusing on ensuring the Act is implemented in a practicable and workable way. This work is being conducted with key stakeholders through a Strategic Implementation Group and associated task and finish groups.

Positive Parenting

Alongside the work to raise awareness of the change in the law, there is a wider package of measures to promote positive parenting. Every local authority in Wales provides a range of parenting support which encompasses universally available information and advice, parenting groups and targeted and intensive support. The Welsh Government have invested significantly in parenting support and in information and advice on positive parenting over a number of years, including through health visitors; family support programmes, Flying Start, Families First and the 'Parenting. Give it Time' campaign. Parenting. Give it Time promotes positive parenting messages for families with children up to the age of 7 years of age, through social and print media and digital advertising.

The Welsh Government continues to review the parenting support available and intends to extend the age range of the Parenting. Give it Time campaign to families with children up to the age of 18. The awareness raising campaign for the Act will signpost to the information and advice available to parents.

5.3 Violence, abuse and neglect

The Committee welcomes the introduction of a new domestic abuse offence to capture coercive and controlling behaviour in intimate and familial relationships, as introduced in the Serious Crime Act (2015) in England and Wales. However, the Committee is concerned at:

- (a) The high prevalence of domestic violence and gender-based violence against women and girls, which have a negative impact on children whether as victims or witnesses;

- (b) The Children and Young Persons Act (1933) defining a child as a person under the age of 16 for the purpose of the criminal law on child abuse and neglect;
- (d) The lack of due respect for the views of children in responses to violence against children and in family law proceedings.

With reference to its general comment No. 13 (2011) and Sustainable Development Goal 16, Target 16.2, the Committee recommends that the State party:

- (a) Revise the Children and Young Persons Act (1933) in order to protect all children under 18 years from child abuse and neglect;
- (b) Strengthen systematic data collection and recording of information on violence against children, including domestic violence, gender-based violence, abuse and neglect, in all settings, as well as information sharing and referral of cases among relevant sectors;
- (c) Increase the number of social workers and strengthen their capacity to address violence against children;
- (d) Give due weight to the views of children concerned in the responses to violence, including in criminal and family law proceedings;
- (e) Consider ratifying the Council of Europe Convention on preventing and combating violence against women and domestic violence.

Welsh Government update:

Domestic Abuse and Violence

On 29 April 2015, the Violence against Women, Domestic Abuse and Sexual Violence (VAWDASV) (Wales) 2015 Act (the Act) was brought into force. Under section (11)(1) of the VAWDASV (Wales) Act 2015, Welsh Ministers have published indicators that can be used to measure progress towards the achievement of the purposes of the Act. Welsh Government, in partnership with key stakeholders, has begun refining these indicators based on each of the objectives in our National Strategy.

Social Services

The Social Services and Well-being (Wales) Act 2014 came into force on 6 April 2016. The Act provides the legal framework for improving the well-being of people who need care and support, carers who need support, and for transforming social services in Wales. 'People' means children (up to the age of 18) and adults (18 or over). As applied to children the legislation supports these principles with a duty directly to carry out functions with due regard to the UNCRC. Statutory guidance – 'Working Together to Safeguard People, [Volume 5](#) - Handling individual cases to protect children at risk' was issued under Part 7 of the Act in 2018.

The Wales Safeguarding Proceduresⁱ set out the roles and responsibilities of practitioners to ensure that they safeguard children who are at risk of abuse and neglect. The Procedures helps practitioners apply our legislation and statutory safeguarding guidance. Each of the ten All Wales Practice [Guides](#) issued with the Wales Safeguarding procedures set out that practitioners should adopt A Child's Rights Approach in line with the duty of due regard to the (UNCRC) and follow National Participation Standards.

A programme of training supports practitioners across agencies and across Wales in their capacity to understand their safeguarding duties and to deliver consistent, child-centred, evidence based safeguarding practice.

Family Court proceedings

Cafcass Cymru's primary role is to safeguard and promote the needs of children subject to family court proceedings. In practice, aside from an overriding priority in advising the family court as to what is in a child's best interests, Cafcass Cymru places a crucial importance in ensuring the wishes and feelings of children are known and understood by the court and key family members. This is especially key where violence and safeguarding more generally is the issue.

Prevention and combating violence against women and domestic violence

Welsh Government contributes to the UK Government's annual report on progress towards ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention). Wales is compliant with all relevant Articles of the Convention. The UK Government presented its fourth annual progress on ratification of the Istanbul Convention to Parliament in October 2020.

There are two outstanding articles that require resolution before the Convention can be ratified; these being Articles 44 (extraterritorial jurisdiction) and 55 (residence status). The UK Government's Domestic Abuse Bill includes measures which will allow ratification of the Convention.

5.4 Sexual exploitation and abuse

The Committee welcomes measures taken to address child sexual exploitation and abuse, including the WePROTECT Model National Response as well as strong child and civil society participation in the development of a multi-sectoral action plan and relevant guidance and tools in Wales, and in the independent inquiry on the phenomenon in Northern Ireland. However, the Committee is concerned about:

- (a) Recent allegations of widespread child sexual exploitation and abuse by high profile figures, by organized gangs as well as in institutional settings;
- (b) The increasing risk of online child sexual exploitation and abuse;
- (c) The insufficient respect for the views of children in efforts to prevent, detect and respond to such exploitation and abuse;

- (d) The low rate of prosecution of child sexual exploitation and abuse.

The Committee recommends that the State party, including devolved governments, Overseas Territories and Crown Dependencies:

- (a) Systematically collect and publish comprehensive and disaggregated data on child exploitation and abuse, including through mandatory reporting, in all settings;
- (b) Develop and implement comprehensive multi-sectoral strategies on child exploitation and abuse, including online, to ensure effective prevention, early detection and intervention, at national as well as at devolved levels, in Overseas Territories and Crown Dependencies;
- (d) Further develop comprehensive services to support children who are victims or at risk of sexual exploitation and abuse;
- (e) Strengthen the capacity of law enforcement authorities and the judiciary to detect and prosecute child sexual exploitation and abuse, and grant effective remedies to the child victims;
- (f) Consider ratifying the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

Welsh Government update:

Preventing and responding to Child Sexual Abuse and Exploitation

A new Code of Practice in relation to the performance and improvement of social services in Wales has been issued. The new framework became law on 1 April 2020 and is designed to provide an end-to-end view of the social services functions of the local authority through a number of Quality Standards. Guidance on Performance and Improvement Framework for Social Services.

The Welsh Government published a National Action Plan on preventing and responding to Child Sexual Abuse in July 2019. The Plan includes actions on child sexual exploitation as a form of child sexual abuse. The Plan includes actions for Welsh Government and the 6 regional Safeguarding Children Boards in Wales to raise awareness of the sexual abuse and sexual exploitation of children, including online abuse to challenge unhelpful attitudes and to support a better understanding of these forms of abuse and of the measures needed to address such abuse.

In March 2021 we published statutory guidance on safeguarding children from child sexual exploitation. This sets out requirements for the prevention of child sexual exploitation, the protection of children at risk of child sexual exploitation and supporting the recovery of children abused in this way.

We have commissioned Cardiff University to develop a training offer on child-centred practice with adolescents at risk, including young people who are at risk of or abused through child sexual exploitation.

All Wales Practice Guides on safeguarding children from child sexual exploitation, child criminal exploitation, online abuse, going missing from home or care and child trafficking have been published with the Wales Safeguarding Procedures and training supports implementation across agencies and across Wales.

The National Action Plan on preventing and responding to Child Sexual Abuse includes actions for reviewing the support available to children who are the victims of or at risk of sexual abuse or exploitation at a regional level. There is an action for the Welsh Government on - 'supporting the evidence based development of the therapeutic support offer to children affected by trauma related to CSA'. This work is being taken forward as part of wider work the Traumatic Stress Wales Children and Young People Workstream which is to identify existing provision and gaps, and develop, implement and monitor the delivery of integrated care pathways for children and young people in conjunction with the local health board leads. There is an action for regional Safeguarding Boards to undertake a review of available therapeutic support for children who have experienced child sexual abuse, child sexual exploitation, harmful sexual behaviour or online sexual abuse in the region so that gaps in provision can be identified and addressed.

The updated Keeping Learners Safe (KLS) statutory guidance was published in October 2020. The consultation on the guidance captured responses received from children's clubs and the Children's Commissioner for Wales. In addition, we updated the easy read version of the KLS guidance, to ensure accessibility for children and young people.

The guidance includes information on the role and responsibilities of the Designated Safeguarding Person; domestic abuse, gender-based violence, sexual violence and harmful cultural practices; and community cohesion and preventing radicalisation.

5.5 Harmful practices

The Committee welcomes the enactment of the Serious Crime Act (2015) in England and Wales which enabled the courts to issue protection orders to protect potential or actual child victims of female genital mutilation. However the Committee is concerned at:

- (a) The significant number of children who are affected by harmful practices, including female genital mutilation and forced marriage of girls and boys aged 16-17 years in some parts of the State party;
- (b) Cases of medically unnecessary surgeries and other procedures on intersex children before they are able to provide their informed consent, which often entail irreversible consequences and can cause severe physical and psychological suffering, and the lack of redress and compensation in such cases.

With reference to its general comment No. 18 on harmful practices (2014), the Committee recommends that the State party:

- (a) Take effective measures to ensure that marriage of children of 16-17 years of age takes place only in exceptional circumstances and is based on the full, free and informed consent of the concerned children;
- (b) Continue and strengthen preventive and protection measures to address the issue of harmful practices, including collecting data, training of relevant professionals, awareness-raising programmes, provision of protection and care to the child victims and the prosecution of perpetrators of these acts;
- (c) Ensure that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guarantee bodily integrity, autonomy and self-determination to children concerned, and provide families with intersex children with adequate counselling and support;
- (d) Provide redress to the victims of such treatment;
- (e) Educate medical and psychological professionals on the range of sexual, and related biological and physical, diversity and on the consequences of unnecessary interventions for intersex children.

Welsh Government update:

Harmful Practices against Children

Welsh Government jointly chairs the Female Genital Mutilation (FGM), Honour-based Abuse (HBA) and Forced Marriage All Wales Leadership Group with BAWSO and the Crown Prosecution Service. The aim of this group is to prevent harmful practices and safeguard and support both children and adults against these practices.

Multi-agency guidance has been developed on an England and Wales basis and is available to practitioners in Wales, along with an e-poster and fact sheet on FGM which has been circulated amongst teachers via the Hwb network and youth centre workers

Karma Nirvana, an experienced honour-based abuse charity has recently been commissioned to provide free virtual training from January 2021 until the end of March 2021 to all professionals working across the statutory and voluntary sector. This training will enable learners to understand and identify HBA; manage and safely respond to disclosures of HBA; identify potential risk indicators in cases of HBA; provide 'safer multi-agency spaces' for victims and survivors to speak; and broaden 'safe spaces' for victims and survivors to make disclosures.

The Wales Safeguarding Procedures support consistent, evidence based safeguarding practice across agencies and across Wales. A number of All Wales Practice Guides are published with the Procedures and this includes a practice guide on safeguarding children at risk of harmful practices. Training has been provided to support implementation of the Procedures and guides.

Issues around intersex/DSD (disorders of sexual differentiation) children are complex and this is a very rapidly evolving area of medicine. Intersex/DSD cases are now

broadly acknowledged to be a much more social issue than before, and medical practice is much more consultative than was formerly so. It is possible the reasons for these recommendations may be historical, i.e. driven by people who are now adult, and were previously not treated very well by their healthcare system. Children born now who are intersex/experiencing DSD are managed in a much more consultative way.

Treatment of individuals with gender issues should be tailored to the specific needs of individual patients and should seek to ameliorate the potentially negative impact of these issues on general developmental processes, to support young people and their families in managing the uncertainties inherent in gender identity development and to provide on-going opportunities for exploration of gender identity

Whilst there is no specific redress mechanism for people affected previously by these issues, there is a general NHS Wales Redress Scheme - "Putting Things Right", which is a method of handling and investigating complaints about the NHS service within Wales. Redress under the scheme may consist of an apology, or a financial award of compensation of up to £25,000.00 (The limit for the NHS Redress Compensation claims).

5.6 Freedom of the child from all forms of violence

The Committee is concerned that:

- (a) Bullying, including cyber bullying, remains a serious and widespread problem, particularly against LGBTI children, children with disabilities and children belonging to minority groups, including Roma, Gypsy and Traveller children.
- (b) In Northern Ireland, children face violence, including shootings, carried out by non-State actors involved in paramilitary-style attacks, as well as recruitment by such non-State actors.

The Committee recommends that the State party:

- (a) Intensify its efforts to tackle bullying and violence in schools, including through teaching human rights, building capacities of students and staff members to respect diversity at school, improving students' conflict resolution skills, conducting regular monitoring of incidences of bullying at school, and involving children in the initiatives and monitoring aimed at eliminating bullying;
- (b) In the light of the recommendations resulting from the day of general discussion on digital media and children's rights, train children, teachers and families on the safe use of information and communication technologies, raise awareness among children on the severe effects that online bullying can have on their peers, and increase the involvement of social media outlets in the efforts to combat cyber-bullying.
- (c) Take immediate and effective measures to protect children from violence by non-State actors involved in paramilitary-style attacks as well as from

recruitment by such actors into violent activities, including through measures relating to transitional and criminal justice.

Welsh Government update:

Bullying in Schools

The Welsh Government suite of guidance 'Rights, respect, equality' provides statutory guidance for both governing bodies of maintained schools and local authorities to help address and prevent bullying in education settings in Wales. This responsibility extends to bullying incidents online where it has an impact on the well-being of learners at the school.

The suite also includes advisory guidance for children, young people and their parents/carers to help those affected by bullying, outlining rights and responsibilities. The guidance provides direct practical solutions in both preventing and managing incidents of all bullying, and provides specific advice for protected characteristics.

All schools in Wales must, by law, have a school behaviour policy. 'Rights, respect, equality' statutory anti-bullying guidance outlines the Welsh Government's expectation that all schools in Wales have a specific anti-bullying policy, setting out how the school will record and monitor incidents of bullying to help take pro-active steps to challenge bullying. The policy should consider measures that regulate the conduct of learners when they are off-site or not under the control or charge of a member of staff. This is of particular significance to online bullying, which often takes place out of school but can impact very strongly on the school life of those learners involved.

Schools are expected to regularly review their anti-bullying policy and strategy in collaboration with their learners at least every 3 years. The new guidance also includes mandatory reporting of bullying incidents so schools and local authorities can monitor the nature and extent of bullying.

Digital competence will be a cross-curricular responsibility, together with literacy and numeracy, within Curriculum for Wales 2022. The Digital Competence Framework (DCF) is the first element of Curriculum for Wales 2022 and was made available in September 2016. The DCF has four strands of equal importance ('Citizenship', 'Interacting and collaborating', 'Producing', and 'Data and computational thinking'). The Welsh Government expects schools to address online bullying where it has an impact on the well-being of learners at the school. Where necessary, the Welsh Government expects schools to refer a case to the appropriate agency or service. Schools are expected to log and record incidents as part of their wider safeguarding monitoring practice.

6. Family environment and alternative care

This group of recommendations covers articles 5, 9-11, 18(1-2), 20-21, 25, and 27(4) and deals with the family environment the correct care for children who do not live with parents and protection from forms of violence and abuse.

6.1 Family environment

The Committee acknowledges that there are good practices in the State party and the devolved administrations in providing childcare to those who need it. However, the Committee is concerned about the negative effect of the high cost of childcare on children and their family environment.

The Committee recommends that the State party and the devolved governments conduct a rigorous child rights impact assessment of the recent reduction of funding for childcare and family support and adjust the family support policy in order to make childcare services available to all those who need it.

Welsh Government update:

Welsh Government funded childcare

Since April 2019, the Childcare Offer for Wales has been available across the whole of Wales. Funding for the Offer has increased year on year, reflecting a gradual increase in demand and take up, with significant additional funding being allocated in 2020-21 in particular to deliver the Coronavirus Childcare Assistance Scheme which provided Government funding to cover the costs of childcare for the children of critical workers and vulnerable families.

The Childcare Offer provides 30 hours of government-funded early education and childcare to the working parents of 3 and 4 year olds for 48 weeks of the year. The Offer builds on the existing universal commitment to early education, which provides all 3 and 4 year olds with a minimum of 10 hours per week of provision under the Foundation Phase Nursery (FPN). The geographically targeted Flying Start programme also provides fully funded quality childcare to parents of all eligible 2-3 year olds for 2 and a half hours a day, 5 days a week, 39 weeks a year. Flying Start childcare providers are required to ensure close links to the foundation phase to make sure children transfer effectively between Flying Start and foundation phase providers. This ensures Flying Start childcare helps to prepare children for entry into the foundation phase at age 3.

In addition to these programmes, the Welsh Government provides other avenues of support to parents who are struggling to meet the costs of childcare. These include the Financial Contingency Fund and the Childcare Grant which are targeted towards learners and students who are experiencing financial hardship or who require help with their childcare costs to enable them to study. Parents Childcare and Employment (PaCE), a joint project led by the Welsh Government in partnership with DWP, also provides childcare support for parents whilst training or looking for work, where childcare is their main barrier.

Taken together, these programmes represents a substantial package of support for families. Based on an evaluation of year 2 of implementation of the Childcare Offer, 84% of parents reported having more disposable income and 56% reported that they had more opportunity to increase earnings. The median salary level of parents supported by the Offer is approximately £21,000 per annum which is lower than the

national average annual salary level of £25,896 per annum (as recorded by the Annual Survey of Hours and Earnings).

In addition to this support, the Welsh Government have outlined our vision of early childhood education and care (ECEC) which aims to transform early education and childcare provision for children aged 0-5 in Wales.

Our proposed starting position is that all children should have a high quality stimulating learning and care experience in any education and care setting they attend. This would mean removing the artificial divide between education and care settings and focussing on all settings which deliver early education and childcare being of equal value to the child's wellbeing and development. An integral part of the vision is ensuring access to ECEC for the children of Wales and of supporting the workforce to nurture and support children in their early years

6.2 Children deprived of a family environment

The Committee is concerned about:

- (a) The increase in the number of children in care in England, Wales, and Northern Ireland, and the high rate of children in care in Scotland;
- (b) Cases where early intervention measures have not been timely carried out, parents have not been provided with adequate family support, and the best interests of the child have not been properly assessed in the decision of taking a child into care. Children have reportedly been removed from their biological families due to the family's economic situation or because a foster family may provide a more beneficial environment for the child;
- (c) The frequent changes of social workers for children in care, and children often experiencing more than two family placements in a year which negatively affects all aspects of their life;
- (d) Children placed at a distance from their biological families which prevents them from keeping in contact, and siblings being separated from each other without proper reason;
- (e) The practice of children being placed in secure accommodation in Northern Ireland;
- (f) Children leaving foster care or residential care not receiving proper support and counselling, including on their future plans, and often having to live far away from their former carers;
- (g) The adoption procedure in Northern Ireland remaining outdated and not in line with the Convention.

Drawing the State party's attention to the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), the Committee emphasizes that conditions directly and uniquely attributable to poverty should never be the sole

justification for removing a child from parental care. The Committee recommends that the State party:

- (a) Intensify its efforts to render appropriate assistance to parents and legal guardians, including informal kinship carers, in the performance of their child-rearing responsibilities;
- (b) Ensure that the removal of children from their families is always subject to thorough investigation, is in accordance with the best interests of the child and is only used as a measure of last resort;
- (c) Wherever possible find a placement for the child which will facilitate contact with his or her biological parents and siblings;
- (d) *Ensure that secure accommodation in Northern Ireland is only used as a measure of last resort and for the shortest possible period of time, address the reasons for repeated or lengthy stays in such accommodation, and develop alternatives to secure accommodation;*
- (e) Take all measures necessary to provide stability for children in care, including efforts to retain social workers and to avoid unnecessary changes in placement;
- (f) Inform and consult with children from an early stage on plans for their care and transition and provide sufficient support for care leavers, including for accommodation, employment or further education
- (g) *Expedite the approval and enactment of the Adoption and Children Bill in Northern Ireland.*

Welsh Government update:

Improving outcomes for Children

The Welsh Government's Improving Outcomes for Children work programme, overseen by a Ministerial Advisory Group, has been designed to identify what early intervention and preventative action can be taken to help reduce the numbers of children taken into care and improving outcomes for those children who have already entered the care system and care leavers. There is a broad programme of work based around three key themes; preventing children entering care and early intervention, improving outcomes for children already in care, and supporting care leavers to successful futures and independent living. Within these key themes there are significant strands of work being taken forward to provide support and care to children and families in Wales.

The Social Services and Well-Being (Wales) Act 2014 places a duty on local authorities to endeavour to promote contact between a children and their parents, any person who has parental responsibility, and any relative, friend or other person connected with the child, unless it is not reasonably practicable or consistent with the child's well-being. Arrangements made are set out in the child's care and support plan and is subject to regular review.

6.3 Children of incarcerated parents

The Committee is concerned that due to insufficient co-operation between the courts and the child protection authorities, a parent may be sentenced to imprisonment and directly incarcerated while his/her children are left alone without proper care.

The Committee recommends that the State party:

- (a) Ensure that child protection authorities are always informed when a person who has a child (children) is imprisoned in order to avoid situations where children are left unattended.
- (b) Take into account the best interests of the child as a primary consideration when sentencing parents, avoiding, as far as possible, sentences for parents which lead to their being separated from their children.

Welsh Government update:

Female Offending Blueprint

One of the actions included in the Female Offending Blueprint is establishing services for Welsh women in custody to improve and maintain links with children and families.

A review of the Lord Farmer report *Importance of strengthening female offenders' family and other relationships to prevent reoffending and reduce intergenerational crime looking into the needs of women and their children/families* has been undertaken and plans are being developed and incorporated in the Blueprint.

Funding has been secured from Welsh Government and HM Prison & Probation Service to re-establish the Visiting Mum's project as a means of improving links between women in prison and their children, reflecting a key Blueprint recommendation.

The Welsh Government is working in collaboration with partners to deliver the Framework to support Positive Change for those at Risk of Offending. One of the framework's key priorities is supporting offending families following sentencing, ensuring children and young people of offenders are identified and supported

7. Disability, Health and Welfare

This group of recommendations covers articles 6, 18(3), 23, 24, 26, 27(1-3) and 33. It deals with disability and the welfare and health and mental health of children.

7.1 Children with disabilities

The Committee is concerned that:

- (a) Many children with disabilities do not see that their views are given due weight in making personal decisions in their life, including choice of support and future;

- (b) Many children with disabilities are still placed in special schools or special units in mainstream schools and many school buildings and facilities are not made fully accessible to children with disabilities;
- (c) Provision of the support for transition to adulthood is often neither sufficient, timely nor well-coordinated, and does not ensure fully-informed decision by children with disabilities;

With reference to its general comment No.9 (2006) on the rights of children with disabilities, the Committee recommends that the State party adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and:

- (a) Ensure full respect of the rights of children with disabilities to express their views and to have their views given due weight in all decision-making that affect them, including on access to and choice of personal support and education;
- (b) Set up comprehensive measures to further develop inclusive education, ensure that inclusive education is given priority over the placement of children in specialized institutions and classes, and make mainstream schools fully accessible to children with disabilities;
- (c) Provide children with disabilities with a comprehensive and integrated package of services for transition to adulthood, from a sufficiently early stage, by coordinating legislation, policy and programmes across relevant sectors, and ensure fully-informed decision by children with disabilities on their personal choice in the transition, by involving them in the design of services and by providing advice and information on available options.

Welsh Government update:

Children with Disabilities

In June 2020, the Deputy Minister and Chief Whip asked members of the Disability Equality Forum to produce a report on the impact of Covid-19 on disabled people in Wales. The Report has been written by Professor Debbie Foster, co-produced with the Disability Equality Forum, and a smaller Steering Group. It is envisaged that the report will be published in Spring 2021.

It is the intention that this report will provide the Welsh Government with an evidenced – based enquiry into disabled people’s experience affected by the pandemic, and inform a refresh of the “Action on Disability” framework and action plan, taking into consideration the impacts of Covid-19. Children with disabilities and their experiences will form part of the evidence – based report.

Additional Learning Needs (ALN) Reforms

The development of an inclusive education system is an overarching aim of the ALN Transformation Programme, which will ensure that learners are placed at the heart of the education process.

A fundamental aspect of this programme is the Additional Learning Needs and Education Tribunal (Wales) Act 2018, which received Royal Assent in January 2018. The Act was drafted with children's rights at its core. The principles of the UNCRC and the United Nations Convention on the Rights of Persons with Disabilities (UNCRRDP) are given effect in the Act and in the accompanying draft ALN Code. The Act introduces a single legislative framework for supporting all learners aged 0-25 with ALN, regardless of the severity or complexity of need. This will place support for learners with ALN in schools and Further Education (FE) on a more equal footing and will improve the transition of learners between school and post-16 education, allowing greater equity in terms of support and rights for this group of learners.

Under the Act, a single statutory plan, the individual development plan (IDP) will replace the existing range of plans which reflect distinct education stages. Having a single plan will promote continuity in planning around the transitions between distinct stages of education – early years, school and further education. The young person will also benefit from the transition process being part of, and not separate from, the ongoing IDP review process.

Responsibility to secure specialist post-16 education or training for a young person to meet their reasonable needs for additional learning provision will transfer from Welsh Ministers to local authorities. This will improve the transition process by encouraging local authorities and post-16 providers to work together to plan for and secure support, and to improve local provision relevant to the individual needs of children and young people with ALN. It also provides a greater incentive for local authorities to make the connections between education and social services departments, which are needed for a child's or young person's effective transition into FE and ultimately into adulthood.

The framework will also improve the planning and delivery of additional learning provision, through a person-centred approach to identifying needs early, putting in place effective support and monitoring and adapting interventions to ensure they deliver desired outcomes.

The statutory posts legislated under the ALN system became law and were created in January 2021. The roles are:

- Additional Learning Needs Coordinator (ALNCo)
- Designated Education Clinical Lead Officer (DECLO)
- Early Years Additional Learning Needs Lead Officer (EYALNLO)

The duty to designate these roles commenced on 4th January to ensure we could have them in place in advance of the Act commencing. Alongside this, non-statutory guidance lifted from the revised ALN Code and providing information on the responsibilities associated with these roles was published. This was in order to

support anyone in these roles to prepare themselves and their settings for commencement of the Act from September 2021.

The ALN Code is in the final stages of development and is due to be laid before the Senedd on 2nd March 2021.

Significant progress has also been made in our wider Transformation Programme. A specific ALN professional learning offer, intended for existing ALNCOs and also teachers who aspire to the role, is under development. Course content is currently being written by a collaboration of Wales' Universities, together with our Transformation Leads and representatives from the sector. The learning will be available in both recognised and accredited forms, where the latter will count towards a Masters in ALN. The first professional learning modules are on schedule to be available from September 2021.

The first of four online learning packages on the new ALN system is now available on Hwb. This is an overview of the ALN reforms which is intended for all audiences. The remaining three learning packages, which are each intended for more specific audiences (such as those undertaking statutory roles created under the new ALN system, and strategic leaders in stakeholder organisations such as local authorities and health boards) will be published over the next few months.

We continue to work closely with our five Transformation Leads who have been retained for an additional 12 months. The Transformation Leads continue to support local authorities, schools, early years settings, the further education sector and local health boards to prepare for the launch of the new ALN system.

7.2 Health and health services

The Committee is concerned at the inequality in access to health services and health outcome, negatively affecting Roma, Gypsy and Traveller children, children belonging to other ethnic minorities, migrant children, children living in poverty and in deprived areas, children in care and in custody, children living with HIV/AIDS and LGBTI children.

With reference to its general comment no. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee recommends that the State party, the governments of devolved administrations, Overseas Territories and Crown Dependencies develop comprehensive and multi-sectoral strategies on child health:

- (a) With allocation of the maximum extent of available resources and a robust monitoring mechanism;
- (b) With a strong focus on eliminating inequalities in health outcome as well as in access to health services;
- (c) Addressing underlying social determinants of health.

Welsh Government update:

Tackling Health Inequality

The Well-being of Future Generations Act has placed a more equal Wales as a goal of all public services and action to tackling inequalities is a feature of a range of Government commitments, including employment programmes, quality housing, and access to childcare.

The Welsh Government is taking cross-government action to create a more equal society and to tackle inequalities in health. This includes the provision of universal access to quality services in the early years, an inclusive education and learning system, good quality employment and working conditions, as well as healthy environments for all.

We are supporting better integration of the early years offer, including the HCWP which has been developed as our standard universal NHS offer for all families with children aged 0-7 years old. The programmes offer a consistent range of evidence based preventative and early intervention measures, guidance to support parenting and healthy lifestyle choices as well as identifying families in need of additional support.

Over time, we see the programme contributing to reducing inequity by ensuring that there is a delivery of universal service with reduced variability in quality across Wales and better targeting of enhanced services towards those who need support.

By the end of the 2020-21 financial year, we will have provided over £1.7million for the Adverse Childhood Experiences (ACE) Support Hub for Wales to help organisations, communities and individuals understand more about ACEs and support families who may be at risk of experiencing them.

We are supporting children living in deprived areas to have the best start in life through our Flying Start programme which includes an enhanced health visiting service.

7.3 Mental Health

The Committee welcomes the significant efforts undertaken both at the national and devolved levels in order to improve mental health services. The Committee is nevertheless concerned that:

- (a) The number of children with mental health needs is increasing across the State party, including those related to alcohol, drug and substance abuse;
- (b) The number of child suicides has been steadily increasing in Northern Ireland in the past ten years;
- (c) Children with mental health conditions are often treated far away from home (England and Scotland), do not receive adequate child-specific attention and

support, are placed in adult facilities, or may even be detained in police custody due to shortage of places in mental health clinics;

- (d) The new shortened waiting period targets established or planned in England, Wales and Scotland may not be realized in practice due to a lack of infrastructure (number of specialists and clinics/centres);
- (e) The significant investments in improving mental health services will not necessarily lead to an improvement of the quality of services;
- (f) Therapeutic community-based services have not been sufficiently developed;
- (g) Children under the age of 16 years are excluded from the protection under the Mental Capacity Act (2005) in England and Wales, as well as under the Mental Capacity Act (2016) in Northern Ireland, including with regard to medical treatment without consent.

The Committee recommends that the State party:

- (a) Regularly collect comprehensive data on child mental health, disaggregated across the life course of the child, with due attention to children in vulnerable situations, and covering key underlying determinants;
- (b) Rigorously invest in child and adolescent mental health services and develop strategies at national and devolved levels, with clear time frames, targets, measurable indicators, effective monitoring mechanisms and sufficient human, technical and financial resources. Such strategy should include measures to ensure availability, accessibility, acceptability, quality and stability of such services, with particular attention to children at greater risk, including children living in poverty, children in care and children in contact with the criminal justice system;
- (c) Expedite the prohibition of placement of children with mental health needs in adult psychiatric wards or police stations, while ensuring provision of age-appropriate mental health services and facilities;
- (d) Support and develop therapeutic community-based services for children with mental health conditions;
- (e) Review current legislation on mental health to ensure that the best interests and the views of the child are taken duly into account in cases of mental health treatment of children below the age of 16, in particular with regard to hospitalization and treatment without consent.

Welsh Government update:

Data on Child Mental Health

Welsh Government regularly publishes hospital activity statistics such as Referral to Treatment and A&E, including Child and Adolescent Mental Health Services (CAMHS). Primary care Mental Health Measures Data is also published, split by age to identify waiting times for under 18s.

A National Mental Health Core Dataset Project Board has been established to advise on and support the development of a nationally standardised Mental Health & Learning Disability Core Dataset to cover mental health services for people of all ages.

Alongside the implementation of the Welsh Community Care Information System (WCCIS) that supports a new model integrated health and social care, the dataset will ensure that all health and social care partners collect the same information in the same way. The dataset brings a wide range of benefits which are already being implemented. Ultimately, the dataset offers improved service provision and integrated working.

Investment in Child Mental Health

The 2021-22 Budget includes a new allocation of £20m for Mental Health for all ages to increase support across a range of priority areas. This is aligned with the Together for Mental Health Delivery Plan through service improvement funding (SIF) but also includes additional resources for things like Crisis Care, eating disorder services and additional Tier 0 support. Welsh Government has made it clear that it expects health boards to ensure a proportion of the £20m SIF to be invested in areas that improve outcomes for Children & Young People. Additional to the SIF, Welsh Government has allocated £9.4m funding specifically to areas of work focussing exclusively on children and young people.

£5.4 million of this funding will strengthen support in community mental health teams to provide more intensive support, with the aim to reduce the need for inpatient admissions and providing step down from in patient provision. There will always be cases where specialist CAMHS intervention for the most vulnerable children may require inpatient treatment and some of this funding will also support improvements to our Tier 4 provision and to ensure we can utilise the full capacity.

£4 million will support the expansion of the CAMHS School In-Reach pilot programme, which will benefit from additional funding aiming to build capacity in schools, including skills, knowledge and confidence, to support pupils' mental health and well-being and improve schools' access to specialist liaison, consultancy, and advice when needed.

Age appropriate placements

The Welsh Health Specialist Services Committee (WHSSC) has established a new CAMHS bed management panel which meets on a weekly basis. The panel aims to understand the current bed capacity of NHS and independent sector providers and

any adverse effect of staffing issues, patient acuity and restrictions on that capacity. It also assesses current demand from community services for a CAMHS inpatient bed at an individual level and provides solutions to address any discrepancies between demand and capacity on a regular basis.

We are working with health boards to develop nationally agreed rapid assessment protocols to minimise the time spent in these beds by young people. This work to support mental health inpatient care for young people, should not be seen in isolation. The integrated work with Regional Partnership Boards including pilot of safe accommodation provision in Powys, is programmed to run alongside these.

Therapeutic community-based services

In 2020/21, Welsh Government invested an additional £2.7 million to provide immediate access to tier 0/1 support, in response to the higher levels of anxiety we are seeing through our analysis of surveys and wider evidence. This funding has delivered support for young people to access themselves, for instance through the Youth Mental Health toolkit, SilverCloud (16+) and the CALL helpline. We have also invested £1.252m to extend schools counselling, ensuring contacts in every local authority were available online for young people not attending school in person.

We continue to highlight the provision available and have worked with partners such as schools, local authorities and health boards to indicate to young people where they may find support. We have also increased our communication activity across platforms to promote access to low level support directly with young people. Where young people do need the additional support of mental health services, all health boards have continued to process referrals.

Welsh Government funding to support the young people who do not meet the criteria for direct CAMHS Support is cross government, including support through education and youth work provision. We also continue to support Welsh regions utilising Integrated Care Funding and Transformation Funding through Regional Partnership Boards.

Mental Health Legislation

The Mental Capacity (Amendment) Act 2019 and the new Liberty Protection Safeguards are a reserved subject matter. This is therefore a matter for the UK Government to comment on the UN Committee's concerns regarding children under the age of 16 years being excluded from the protection under the Mental Capacity Act (2005) in England and Wales with regard to medical treatment without consent.

Welsh Ministers do have regulation making powers under the Act relating to the implementation of the safeguards in Wales regarding the Approved Mental Capacity Professionals, Independent Mental Capacity Advocates, monitoring and reporting, and who can undertake assessments and determinations.

The UK Government has recently published a White Paper on mental health. Welsh Government will be considering its proposals and the extent to which this may result in future legislation in Wales.

7.4 Mental Health

The Committee welcomes the publication of new Guidelines for the diagnosing and management of the attention deficit hyperactivity disorder (ADHD) and related disorders by the National Institute for Health and Care Excellence. The Committee is however concerned that:

- (a) The actual number of children that are given methylphenidate or other psychotropic drugs is not available;
- (b) There is reportedly a significant increase in the prescription of psychostimulants and psychotropic drugs to children with behavioural problems, including for children under 6 years of age, despite growing evidence of the harmful effects of these drugs.

The Committee recommends that the State party:

- (a) Regularly collect data on the amount and regularity of psychotropic drugs (Ritalin, Concerta etc.) being prescribed to children, and make the data transparent;
- (b) Ensure that prescription of drugs is used as a measure of last resort and only after an individualized assessment of the best interests of that child, and that children and their parents are properly informed about the possible side effects of this medical treatment and about non-medical alternatives;
- (c) Establish a system of independent expert monitoring of the ADHD and related disorders diagnoses, and undertake a study on the root causes of their increase, also aimed at improving the accuracy of diagnoses.

Welsh Government update:

Psychotropic drugs data collection

NHS Wales collects medicines prescribing data and publishes this on a monthly basis. Prescribing data is currently not collected from patient groupings. The Welsh Government intends the newly established Strategic Health Authority will collect prescribing data at patient grouping levels across a number of medicines including psychotropic drugs.

Prescription of drugs

In January 2015 Welsh Government commissioned Swansea University to analyse prescribing data for children and young people in relation to attention deficit hyperactivity (ADHD) medication, antidepressants and antipsychotics.

It issued a Welsh Health Circular to all GPs to reiterate when prescribing for depressive illness in children and adolescents only fluoxetine has been shown to be effective and when initiated should be carefully monitored in line with current

guidance. Use of other medication to treat depressive illness should be initiated by a specialist and only when ongoing monitoring has been put in place.

Monitoring ADHD

ADHD is one of a number of conditions diagnosed and treated by Neurodevelopment Teams in Wales. Future service development for adults and children is to be informed by a demand and a capacity review of neurodevelopmental services with an independent review due to start in early April 2021.

Welsh Government has recommissioned Swansea University to undertake a comparative study of the original prescribing trends data. This will form further evidence to inform this demand and capacity review. The emerging work with outcomes by Improvement Cymru will also ensure the interventions used are effective for children.

To support the service improvement for these young people, funding has been provided by the Welsh Government and as a result the agreed T4CYP programme objectives through to 2021/2022 remain to:

- Develop a national framework that describes the early help and enhanced support that should be available in all areas of Wales, with the aim of addressing the so-called 'missing middle'. This will include working with Regional Partnership Boards.
- Continue to embed the Neurodevelopmental (ND) Pathway and standards developed through the first phase of the Programme.
- Support the development of a whole system response for children and young people with ND conditions. This work will include relevant linkages to implementation of the ALN Wales Act 2018 provisions. The development of the Early Help Enhanced Support (EHES) national framework will seek to provide an early offer for children and young people and their families, who otherwise would be referred to the ND team.

7.5 Adolescent Health

The Committee notes with appreciation a steady decrease in teenage pregnancies in the State party during the period of review. However, the Committee is concerned that:

- (a) The rate of teenage pregnancies is still higher than European Union average and higher in more deprived areas;
- (b) Relationships and sexuality education is not mandatory in all schools, its contents and quality varies depending on the school, and LGBT children do not have access to accurate information on their sexuality;
- (c) In Northern Ireland, abortion is illegal in all cases except where continuance of the pregnancy threatens the life of the mother, and is sanctioned with life imprisonment.

With reference to its general comments No.4 (2003) on adolescent health and No. 15 (2013), the Committee recommends that the State party:

- (a) Develop and adopt a comprehensive sexual and reproductive health policy for adolescents, with particular attention to reducing inequalities and with participation of adolescents;
- (b) Ensure that meaningful sexual and reproductive health education is part of the mandatory school curriculum for all schools, including academies, special schools and youth detention centres, in all areas of the State party. Such education should provide age-appropriate information on: confidential sexual and reproductive health-care services; contraceptives; prevention of sexual abuse or exploitation, including sexual bullying; available support in cases of such abuse and exploitation; and sexuality, including that of LGBT children.
- (c) *Decriminalize abortion in Northern Ireland in all circumstances and review its legislation with a view to ensuring girls' access to safe abortion and post-abortion care services. The views of the child should always be heard and respected in abortion decisions.*

Welsh Government update:

Adolescent Health – Relationships and Sexuality education (RSE) in the Curriculum for Wales

Relationships and sexuality education (RSE) will be a statutory requirement in the new Curriculum for Wales, introduced from September 2022, ensuring that all young people have the right to access information that keeps them safe from harm, and to know what's right and wrong so they can raise issues with responsible adults.

RSE plays an important role for the safeguarding and protection of all learners in Wales. Parents have a central role to play in this, but there is also a crucial role for schools. Schools will have the potential to create safe and empowering environments that build upon learners' own formal and informal learning and experiences, offline and online.

High quality RSE has an important role to play in supporting learners in recognising healthy, safe relationships and understanding, and developing respect for, differences between people. It will enable learners to manage risks, express ideas and emotions, develop and maintain healthy relationships, and take on different roles and responsibilities.

Alongside the statutory guidance for RSE, a RSE code will create mandatory requirements in relation to what must be taught as part of RSE which will ensure learning will be age and developmentally appropriate and transparency of content for learners aged 3 - 16.

7.6 Nutrition

The Committee is concerned about the:

- (a) High prevalence of overweight and obesity among children in many parts of the State party;
- (b) Lack of comprehensive data on child food security, while some research indicate that currently available programmes, such as free school meal programmes, may not be effectively responding to child hunger;
- (c) Extremely low rate of breastfeeding, and only one percent of women maintaining exclusive breast feeding for six months in 2010, and inadequate regulation of marketing of breastmilk substitutes.

The Committee recommends that the State party:

- (a) Systematically collect data on food security and nutrition for children, including those relevant to breast-feeding, overweight and obesity, in order to identify root causes of child food insecurity and malnutrition;
- (b) Regularly monitor and assess effectiveness of policies and programmes on food security and nutrition of children, including school meal programmes and food banks, as well as programmes addressing infants and young children;
- (c) Promote, protect and support breastfeeding in all policy areas where breastfeeding has an impact on child health, including obesity, certain non-communicable diseases, and mental health, and fully implement the International Code of Marketing of Breastmilk Substitutes

Welsh Government update:

Breastfeeding

The Welsh Government recognises that Breastfeeding is important for the health and development of infants and their mothers, and is linked to the prevention of major health inequalities. With this ethos and the belief that every child in Wales should receive the best start in life (Wellbeing of Future Generation's act 2015), breast feeding can enhance this start. It is acknowledged however that this method of feeding may not be every woman's choice. It is imperative that all families have access to sufficient evidence based information to make an informed choice and subsequently that they are supported in whatever choice they make.

Welsh Government published its Breastfeeding Action Plan in July 2019 with the strategic goal that more babies in Wales will be breast-fed, and for longer, and the current inequalities in breastfeeding rates between groups will be reduced. The action plan has a number of local and national actions and a Strategic Steering Board which has been set up to help lead this work.

Healthy eating in schools

The Healthy Eating in Schools (Nutritional Standards and Requirements) (Wales) Regulations 2013 apply to local authorities and governing bodies of maintained schools that provide food and drink to pupils of maintained schools, whether they are on school premises or not, and to other persons on school premises.

These Regulations set out the types of food and drink that can, and cannot, be provided during the school day and define nutrient content of school lunches. The aim of the Regulations is to improve the nutritional standards of food and drink served in schools across Wales to ensure that children and young people are offered healthy food and drink throughout the entire school day. In consuming a more nutritious diet during the school day and developing the skills necessary to support healthy eating in the wider environment are critical factors in helping to reduce diet related health problems like heart disease, diabetes and obesity.

It is the responsibility of the local authority (LA) and governing bodies of maintained schools to satisfy themselves that they are complying with their duties under the regulations. The Welsh Local Government Association supports LAs with compliance.

As part of their remit, Estyn report on the arrangements made to promote healthy eating and drinking in maintained schools and have produced guidance on inspecting how well maintained schools (primary, secondary and special schools and pupil referral units) develop pupils' understanding of healthy living.

Since the start of the Covid-19 pandemic, the Welsh Government has made available additional funding of over £52million in order to ensure that those who rely on free school meals have not missed out whilst they were not attending school. This has included provision during school holidays up to and including Easter 2021. The Welsh Government's draft budget for 2021/22 includes additional funding for free school meal provision for school holidays throughout the financial year.

Wales led the way in the UK by introducing free breakfast in primary schools in 2004; now, under the School Standards and Organisation (Wales) Act 2013, local authorities have a duty to ensure that the provision of primary school free breakfasts continues.

The School Holiday Enrichment Programme (SHEP) was developed to provide good quality meals, nutrition skills and sports education to children living in areas of social deprivation. The programme was aimed at addressing issues like food insecurity, holiday learning loss and social exclusion. SHEP has provided opportunities for children to be more active, eat healthily and develop friendships whilst also making the most of local school facilities. In its draft budget for 2021/22, the Welsh Government has committed £4.85million in order to fund a greatly expanded programme with the potential to offer up to 14,000 places during summer 2021.

7.7 Environmental Health

The Committee is concerned at the high level of air pollution that directly affects child health in the State party and contributes to the negative impact of climate change affecting various rights of the child, both in the State party and in other countries.

With reference to Sustainable Development Goal 1, Target 1.5, the Committee recommends that the State party, including the devolved administrations in relation to devolved matters;

- (a) Set out a clear legal commitment, with appropriate technical, human and financial resources, to scale up and expedite the implementation of plans to reduce air pollution levels, especially in areas near schools and residential areas;
- (b) Place children's rights at the centre of national and international climate change adaptation and mitigation strategies, including through its new domestic climate strategy, as well as in the framework of its international climate change programmes and financial support.

Welsh Government update:

Clean Air plan for Wales

Welsh Government published its Clean Air Plan for Wales: Healthy Air, Healthy Wales in August 2020. The Plan sets out a number of actions in the short, medium and long term, based on Senedd terms, aimed at improving monitoring, reduction of air pollution levels in Wales and safeguarding the health of the most vulnerable in society, particularly children.

In January 2021 we published a White Paper on a Clean Air (Wales) Bill. This includes proposals for legislation on monitoring and vehicle engine idling, with a particular focus on sensitive areas such as schools and hospitals. The White Paper also includes provisions to enable ambitious air quality targets and requires review and publication of a new Clean Air Plan after a specified amount of time.

The Plan and the White Paper take account of the United Nations Convention on the Rights of the Child (UNCRC) and the unique issues around children's exposure to air pollutants. We recognise there are significant issues around children's exposure to air pollutants, which can affect children's physical and cognitive development. Long-term health issues can prevent children from attending school, which can in turn damage their future prospects. Through education, we will empower children with the tools they need to help tackle air pollution, recognising the important roles they have as agents of change.

The provisions within the Clean Air Bill will maximise the right to health by improving air pollution. By reducing the impacts of poor air quality on children's health we reduce the potential for air pollution to cause developmental harm to young people.

The Bill, through the guidance on empowering workforces, can tackle air pollution near schools. This will also ensure the equality of access of young people to appropriate forms of information in relation to behaviour change. This will also support schemes to enable them to understand the issues relating to air pollution and make choices as to their own part in addressing these issues.

Through the Bill process we will ensure that the best interests of the child are a key consideration including throughout the implementation period.

We published a consultation on reducing emissions from domestic burning of solid fuels in January 2021. Evidence is compelling in regard to the contribution from this source to overall particulate matter levels. Proposals will prohibit the sale of house coal and wet wood, and extend coverage of smoke control areas to most urban areas in Wales, reducing the risk of air pollution in residential areas.

Decarbonisation Programme

Every five years the Welsh Government is required to publish a plan of policies and proposals for cutting greenhouse gas emissions in line with its carbon budget. The next plan will be published in November 2021 and cover Carbon Budget 2 (2021-25). The plan will be the first set by Welsh Government to be aligned to a pathway to Net Zero emissions by 2050. The plan will reinforce our commitment to deliver a transition to Net Zero which has justice at its heart. Both the impacts of the climate change we are seeing and the change to our economy driven by our Net Zero ambition have greater risks for those with less control over the change. This includes children. The plan will include content created with young people to outline the actions they are taking to combat climate change and share their hopes for what other people will do. The policies in the plan are owned by various teams across the Welsh Government and are subject to numerous statutory and non-statutory impact assessments, including their impact on children's rights.

The Welsh Government supports two environmental education programmes, Size of Wales and Eco Schools, and has extended their grant funding to 2023. Over 600,000 children and young people have been engaged via these programmes, empowering them to drive change, improve their environmental awareness, take action and learn about climate change and the importance of forests and protecting our ecosystems. During Wales Climate Week in November 2020, Eco Schools ran a virtual live session with schools to discuss the impacts climate change has on young people and looked at ways young people can take their own action in schools and within their communities. The Size of Wales Young Ambassador programme met with local councillors and the Deputy Minister for Transport to discuss the work they are doing in schools and communities and how they are trying to support other young people to take action on the climate emergency. The Minister for Environment, Energy and Rural Affairs also recently met young people together with the Children's and Future Generations Commissioners to explore how we can work better together in delivering the action we need to see.

In March 2020 we held a conference in North and South Wales to bring together over 150 young people to stimulate new thinking and provide a platform for them to respond to the climate emergency. We have also provided additional funding

towards MockCOPs; last year over 40 secondary schools were engaged to discuss international climate issues and look at solutions. The Decarbonisation Programme within the Welsh Government continues to work closely with colleagues to ensure climate change features appropriately in the new curriculum.

7.8 Standard of Living

The Committee is seriously concerned that:

- (a) The rate of child poverty remains high with a disproportionate representation of children with disabilities, children living in a family or household with person(s) with disability, households with many children, and children belonging to ethnic minority groups, and affecting children in Wales and Northern Ireland the most.
- (b) The Welfare Reform and Work Act (2016), which amends the Child Poverty Act (2010), repealed the statutory target on the eradication of child poverty by 2020 and the statutory obligation of the UK Government and the governments of England, Scotland and Wales to produce child poverty strategies;
- (c) Recent amendments to the Tax Credits Act (2002), the Welfare Reform Act (2012) and the Welfare Reform and Work Act (2016) have limited the entitlement to child tax credits and social benefits (the “household benefit cap” and the “bedroom tax”) , regardless of the needs of the households;
- (d) During the period of review, the number of homeless households with dependent children has increased in England and Northern Ireland, as well as the number of homeless families, including those with infants, staying in temporary accommodation in all four jurisdictions;
- (e) In Scotland, adequate and culturally sensitive accommodation for Roma, Gypsy and Traveller children remains insufficient.

The Committee draws the attention of the State party to the Sustainable Development Goal 1, Target 1.2, on poverty reduction and urges the State party to:

- (a) Set up clear accountability mechanisms for the eradication of child poverty, including by re-establishing concrete targets with a set timeframe and measurable indicators, and continue regular monitoring and reporting on child poverty reduction in all parts of the State party;
- (b) Ensure clear focus on the child in the State party’s poverty reduction strategies and action plans, including in the new “Life Chances Strategy”, and support production and implementation of child poverty reduction strategies in devolved administrations;
- (c) Conduct a comprehensive assessment of the cumulative impact of the full range of social security and tax credit reforms introduced between 2010 and 2016 on children, including children with disabilities and children belonging to ethnic minority groups;

- (d) Where necessary, revise the mentioned reforms in order to fully respect the right of the child to have his or her best interests taken as a primary consideration, taking into account the different impact of the reform on different groups of children, particularly those in vulnerable situations;
- (e) Strictly implement the legal prohibition of prolonged placement of children in temporary accommodation by public authorities in England, Wales and Scotland, and enact similar legislation in Northern Ireland;
- (f) Take necessary measures to reduce homelessness and to progressively guarantee all children stable access to adequate housing which provides physical safety, adequate space, protection against the threats to health and structural hazards, including cold, damp, heat and pollution, and accessibility for children with disabilities.
- (g) In Scotland, introduce a statutory duty for local authorities to provide safe and adequate sites for Travellers, while ensuring meaningful participation of Roma, Gypsy and Traveller communities, including children, in planning and decision-making processes.

Welsh Government update:

Accountability Mechanisms for the Eradication of Child Poverty

Welsh Government does not hold the policy levers required to eradicate child poverty. Powers over the tax and welfare system which are required to bring about such a change, sit with the UK Government. Welsh Ministers have written on numerous occasions since the introduction of the UK Government's welfare reforms to ask that these damaging policies be reversed.

Our key indicator of child poverty is the percentage of children living in households below 60% of the median UK household income (After Housing Costs). In addition, the Welsh Government's Child Poverty Strategy includes a wider set of key indicators to measure progress on delivering the Strategy's objectives. These indicators reflect the policy levers available to Welsh Government

Under the Well-being of Future Generations (Wales) Act 2015, a set of 46 National Indicators for Wales will measure national progress towards achieving the seven well-being goals. A number of the National Indicators are the same as the population indicators in the Child Poverty Strategy, including educational attainment, the number of young people who are NEET, employment, health outcomes and skills.

The 2015 Act requires Welsh Ministers to set national milestones which they consider "would assist in measuring whether progress is being made towards the achievement of the well-being goals". Work is nearing completion on the development of milestones which would help measure our progress in tackling child poverty. Publication of the first tranche of national milestones should take place later this year. Progress in achieving the wellbeing goals is reported on in the national annual Well-being of Wales Report.

In 2019 we published our triannual statutory Progress Report on the extent to which the objectives in our Child Poverty Strategy have been achieved, as required under the Children and Families (Wales) Measure 2010.

Child Poverty Reduction Strategy

When the Welsh Government introduced the Children and Families (Wales) Measure in February 2010, it became the first of the UK nations to introduce legislation for tackling child poverty. Our Child Poverty Strategy reflects the cross cutting nature of tackling child poverty. Tackling poverty is the shared responsibility of every Welsh Minister. The Minister for Housing and Local Government leads on the Child Poverty Strategy, coordinating work across government to deliver its objectives.

A review of Welsh Government funded programmes has been undertaken to ensure they have maximum impact on the lives of children living in poverty. Drawing on the findings and taking account of the financial pressures many families are now experiencing as a result of the pandemic, Welsh Ministers have agreed a series of practical steps to help maximise incomes for families in poverty. The actions are set out in our Income Maximisation Action Plan which was published in November 2020.

Addressing poverty and inequality and creating an economy which delivers for families and children continues to be a priority for Welsh Government. Commencing the Socio-economic Duty in Wales in March 2021 will put a statutory commitment to tackling inequality at the heart of strategic decision-making.

The Duty will help tackle the inequalities associated with poverty and deliver greater social equality in Wales. It will operate alongside our statutory duty to tackle child poverty, the actions we will take to deliver our equality objectives, the Public Sector Equality Duty and our commitment to social partnership and fair work.

Assessment of the cumulative impact of Tax and Welfare reforms

Welsh Government's Ministerial Task and Finish Group on Welfare Reform commissioned a three stage programme of research to assess the impact of the UK government's welfare reforms in Wales. This analysis produced a number of reports between 2012 and 2019.

A further report, Mitigating the Impacts of the UK Government's Welfare Reforms was published in 2015. It included analysis of the impacts of the welfare reform programme on different household types including those with children and those with protected characteristics, for example.

The Welsh Government formed part of the Expert Steering Group for analysis led by the Equality and Human Rights Commission on the cumulative impact of tax and welfare reforms. The report, The Cumulative Impact of Tax and Welfare Reforms, which was published in 2018, included findings at a Wales level. The analysis looked at the cumulative impact of the reforms on a range of households types including those with disabled children and also on different ethnicity groups.

We continue to monitor and analyse the impacts of welfare benefit policies on the lives of many households in Wales and maintain regular discussions with our stakeholders, such as Citizens Advice, to gain an insight into the lived experience of these benefits changes.

Welfare reforms and the Rights of the Child

This is a matter for the UK Government which introduced the reforms. Welsh Ministers have written on a number of occasions to the UK Government, highlighting the negative impact that the reforms are having on households in Wales.

The Welsh Government welcomes the Chancellor's recent decision not to end the additional £20pw payment which was introduced in response to the Coronavirus crisis to help low income households across Wales receiving Universal Credit or Working Tax Credits. However, we are disappointed that this vital financial support is only extended to the end of September 2021, and is still not available to low income households receiving legacy benefits, such as Income Support or Income Based Jobseekers Allowance. This decision means that thousands of households across Wales still face uncertainty over their long-term financial situation. Should the additional income be withdrawn in the autumn, it will no doubt have detrimental impacts for these households, many of whom are already financially vulnerable as a result of the pandemic. It is predicted that around 300,000 families in Wales would lose out from not keeping the uplift. This equates to 27% of working age families.

Placement of children in temporary accommodation

The Housing (Wales) Act 2014 ensures households with children or single person households between 16 and 18 years when homeless are provided with temporary accommodation which is suitable for the needs of the household. The Homelessness (Suitability of Accommodation *Wales) Order 2015 sets out the timeframes and standards for the use of Bed and Breakfast accommodation and the matters to be taken into account when determining if accommodation is suitable. This includes taking into account disruption to education and proximity to support.

Homelessness

Welsh Government has made it a priority to transform homelessness services across Wales with the long-term aim of ensuring that when homelessness does occur, it is rare, brief and non-repeated. This work was ongoing before the pandemic and the crisis has only accelerated it. Welsh Government has asked local authorities to draw up plans to transform services and the accommodation offer across Wales to help those currently in temporary accommodation (including those who were there before the pandemic began), to move on to a longer term home and ensure dignified suitable options for those who face homelessness in the future.

We have set very high standards and expectations around the quality of homes we want for everyone. The transformation will take a number of years, but our significant investment will help us get there quicker.

The Welsh Government Minister for Housing and Local Government has also announced up to an additional £50m in 2020/21 to support the next phase of our response to homelessness. Such a large investment by Welsh Government represents its ambition of ending rough sleeping and homelessness in Wales for good, therefore protecting future generations of children too.

8. Education, leisure and cultural activities

This group of recommendations covers articles: 28, 29, 30, and 31. It deals with rights to education, play, culture, arts and leisure.

8.1 Education, including vocational training and guidance

The Committee welcomes the gradual closing of inequality gaps in education attainment and the decreasing use of exclusion from school. However, the Committee is concerned that:

- (a) Substantial inequalities persist in educational attainment particularly for boys, children living in poverty, Roma, Gypsy and Traveller children, children with disabilities, children in care and newcomer children;
- (b) Among children subject to permanent or temporary school exclusions, there is a disproportionate number of boys, Roma, Gypsy and Traveller children, children of Caribbean descendant, children living in poverty and children with disabilities, and with the exception of Scotland, only children with disabilities have the right to appeal against their exclusion.
- (c) Children with disabilities, in particular children with psycho-social disabilities and other “special educational needs”, are often subject to the practice of “informal” exclusion or “taught off-site” to control their behaviour;
- (d) Isolation rooms are used for disciplining children;
- (e) In Northern Ireland segregation of schools by religion persists;
- (f) Many children living in poverty, particularly boys, do not meet the expected level of language development at pre-school level, which has a negative impact on their primary education, hindering their development throughout their life.

The Committee recommends that the State party

- (a) Enhance its efforts to reduce the effects of the social background or disabilities of children on their achievement in school and to guarantee the right of all children to a truly inclusive education in all parts of the State party, including for newcomer children without experiences of formal education;
- (b) Use the disciplinary measure of permanent or temporary exclusion as a means of last resort only, forbid and abolish the practice of “informal” exclusions, and further reduce the number of exclusions by working closely

with social workers and educational psychologists in school and using mediation and restorative justice;

- (c) Ensure that children have the right to appeal against their exclusion, and are provided with legal advice, assistance and, where appropriate, representation for those without means;
- (d) Abolish the use of isolation rooms;
- (f) Taking note of Sustainable Development Goal 4, Target 4.2 on access to quality early childhood development services, allocate sufficient human, technical and financial resources for the development and expansion of early childhood care and education, based on a comprehensive and holistic policy of early childhood development, with special attention to the children in the most vulnerable situations.
- (g) Make children's rights education mandatory.

Welsh Government update:

School Exclusions

Welsh Government guidance, Exclusion from Schools and Pupil Referral Units, is clear that permanent exclusion should be used only as a last resort. Permanent exclusion is an acknowledgement by the school that it has exhausted all available strategies for supporting the pupil. Where it is clear that a pupil is continuing to experience difficulties in school, despite support being put in place, and is at risk of permanent exclusion, we expect the school to work with the local authority to find another school or an alternative placement.

Where a pupil has been permanently excluded from school, parents and pupils have a right to appeal. Following a permanent exclusion being upheld by the school discipline committee, local authorities are responsible for assessing the needs of the pupil and how these can be met. The school's obligation to provide education continues while the pupil is still on the school roll. The school must inform the parents of the arrangements made for enabling the pupil to continue their education, including setting and marking work.

Following the removal of a pupil from the school roll, it is the responsibility of the local authority to ensure a suitable education is made available for the pupil. The guidance is clear that, for the majority of permanently excluded pupils, the best course of action is for them to join a mainstream or special school. To achieve this, local authorities should consider whether specialist staff are required to support the pupil.

Excluded learners should only be educated outside of mainstream education where there are significant problems that are better addressed in a different environment, or where a pupil is approaching the end of compulsory schooling and it would be unrealistic to expect them to make a successful return to school. Where a pupil has significant problems which are better addressed in EOTAS, the local authority should

put in place a pastoral support plan (PSP) which sets out the actions to be put in place to address the learner's problems and ensure a smooth return to mainstream or special school, or transition into post-16 education and training.

The Welsh Government is supporting schools to understand why children have difficulties that can result in behavior which leads to pupils being at risk of exclusion or being excluded, including our work to tackle adverse childhood experiences (ACEs).

Every child in Wales has a right to an excellent education and a right to be supported to access that education – a child's circumstances should not be a barrier to achieving positive outcomes. That is why the Welsh Government has put in place a number of policies to ensure children facing difficulties in school have support to remain in education.

Adverse Childhood Experiences

The Welsh Government has supported the creation of an ACE Support Hub for Wales. Between 2017 and 2020, the Welsh Government invested £400k in the Hub of which £100k was ring-fenced for ACE awareness training for schools. All schools in Wales have now been offered training in ACEs. The training, which is available to all education settings is offered by the Hub through the regional consortia or to individual local authorities, depending on their preference.

A key element of the Hub's work to support education has been the development and delivery of a program of ACE awareness training, which has been rolled out across Wales. The training enables schools to understand behavior and put in place ACE informed practices to support children who are at risk of exclusion.

Whole school approach to mental health and wellbeing

Every child's emotional, physical and mental wellbeing is at the heart of our education system. The whole school approach to mental health and wellbeing will ensure that mental health and wellbeing becomes central to the way schools work. A key aspect of the programme of work is the development of a framework to support schools in developing their own whole school approach. The framework will provide the tools to evaluate the emotional environment of the school and to develop an action plan to address any issues. An important aspect of the framework will be the support we give schools to implement evidence-based interventions designed to support pupils experiencing poor mental health and to help them build resilience.

We have made £2.5m available in this financial year to support the development of the whole school approach. Of this, £1.5m has been made available to local authorities to support their own local activity, including improving the school counselling service by implementing waiting list initiatives; funding teacher training on wellbeing; and instigating evidence-based interventions in schools to support pupils.

School counselling

Since 2013, local authorities have had a duty to provide an independent counselling service in respect of health, emotional and social needs for children and young people in their area. Exclusion should not be used as a reason to discontinue a child's counselling session. If a child or young person receiving counselling is temporarily excluded, the Welsh Government expects arrangements to be made for them to continue their counselling either on the school premises or at an alternative venue in the community until an alternative education placement has been found for them. Similarly, if a child or young person is permanently excluded, we expect arrangements to be made for them to continue to receive counselling at a suitable venue in the community. Whenever a child or young person receiving counselling (or on a waiting list to receive such provision) is temporarily or permanently excluded, the school link person or head teacher must inform the counselling service to ensure counselling provision continues to be made available for them.

Early Childhood Education and Care

Our current policies and programmes already do much to ensure our provision is focused on child development and supporting families, but we will do more under our long term Early Childhood Education and Care (ECEC) vision to bring provision together.

Learning from the Childcare Offer has encouraged us to explore how we can improve the system for children, practitioners and parents, with international evidence pointing to a single system of early childhood education and care as a way forward for Wales.

Our starting position is that all children should have a high quality stimulating experiences in any education and care setting they attend, regardless of setting type.

Any setting which provides ECEC for 0-5 year olds would work to the same founding principles, the same focus on child development and the same ambition of high quality. Many of these founding principles are already evident in Wales in the highly respected Foundation Phase pedagogy and within the new Curriculum for Wales – settings should be child-led, nurturing environments, which give children a voice, promote their development and creativity, meet their individual needs and develop them to become independent children.

To support this transformation in provision, ECEC will build on the achievements of the current Childcare, Play and Early Years in Wales Workforce Plan in order to support a confident and assured workforce. The workforce will achieve professional registration status, be supported to access learning and training opportunities and supported in their practice by the development of an ECEC quality Framework for Wales.

Our long term vision means removing the artificial divide between education and care settings, ensuring all settings which deliver early childhood education and care contribute to a child's wellbeing and development on an equal basis and support parents' choice and ability to access provision.

This is a long term transformation, a 10 year journey. We are already taking steps on this journey with the development of a Quality Framework which will make clear the quality expectations in Wales and support settings to instil them in their practice.

Roma, Gypsy and Traveller children

In 2019-20 the Welsh Government provided £10m funding for local authorities to support services for ethnic minority and Gypsy, Roma and Traveller learners. The Minority Ethnic and Gypsy, Roma and Traveller (MEGRT) grant is to support the improved outcomes for minority ethnic and Gypsy, Roma and Traveller learners.

Pupil Development Grant (PDG)

Narrowing the attainment gap between disadvantaged learners and their peers is a priority for the Welsh Government and we remain committed to the Pupil Development Grant (PDG) for the remainder of this Assembly term. This long-term commitment will enable schools to make sustainable, long-term decisions on investment that help identify and address barriers to learning early. The PDG now supports a broader cohort of learners to achieve equity in education. The changes made to PDG aim to maximise the impact of the grant to ensure we can build on, and sustain, improvement for our disadvantaged learners.

Children's Rights and the New Curriculum

The philosophy and approach in UNCRC is embedded throughout the new curriculum: the statements of what matters in the Humanities Area of Learning Experience (AoLE) published in January 2020 include the need for learners to understand their rights and engage with the concept of rights more generally. Supporting this, the proposed Curriculum for Wales published in January 2020 provides clear guidance on human rights learning and education. This includes explicit reference to children's rights and the UNCRC and has been developed in close collaboration with the Office of the Children's Commissioner. Head teachers and governing bodies of schools will be obliged to have regard to this guidance in designing, adopting and implementing a curriculum that includes learning on children's rights and the UNCRC.

In addition, a duty has been placed jointly on governing bodies and head teachers of maintained schools and maintained nursery schools; on the proprietors of funded non-maintained nursery education providers; jointly on the teachers in charge of Pupil Referral Units (PRUs), the management committees of PRUs and the local authorities responsible for PRUs; and on local authorities when commissioning education other than at a school or a PRU. The duty is to promote knowledge and understanding of the UNCRC and the United Nations Convention on the Rights of Persons with Disabilities to their teaching staff.

The duty will be supportive to those staff providing teaching and learning in the curriculum, helping to give them the knowledge and understanding that they need to mainstream the rights protected by the Conventions into their everyday teaching practice in designing and delivering their curriculum.

8.2 Rest, leisure, recreation and cultural and artistic activities

The Committee welcomes the initiative of the government of Wales to adopt a play policy and integrate children's right to play systematically in relevant legislation and other relevant policies. However, the Committee is concerned about:

- (a) The withdrawal of a play and leisure policy in England, and under-funding of play and leisure policies in Northern Ireland, Scotland and Wales;
- (b) Insufficient places and facilities for play and leisure for children, in particular those accessible for children with disabilities and children in marginalized and disadvantaged situations, as well as public space for adolescents to socialize.

With reference to its general comment No 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party, including the governments of devolved administrations:

- (a) Strengthen its efforts to guarantee the right of the child to rest and leisure and to engage in play and recreational activities appropriate to the age of the child, including by adopting and implementing play and leisure policies with sufficient and sustainable resources;
- (b) Provide children, including those with disabilities and children in marginalized and disadvantaged situations, with safe, accessible, inclusive and smoking-free spaces for play and socialization and public transport to access such spaces;
- (c) Fully involve children in planning, designing and monitoring the implementation of play policies and activities relevant to play and leisure, at community, local and national levels.

Welsh Government update:

Children's Play in Wales

Local authorities in Wales remain under a statutory duty to liaise with their partners to assess and secure sufficient play opportunities for all children in their areas. Each local authority undertakes a Play Sufficiency Assessment (PSA) on a three year basis, completing annual action plans in intervening years. 'Wales – a Play Friendly Country' is the statutory guidance which supports local authorities in meeting their duty. Matter B: Providing for diverse needs states that local authorities should aim to offer play opportunities that are inclusive and encourage all children to play and meet together if they wish to. It should recognise that there may be barriers for some children in taking part in the range of play opportunities in their area. This could be due to disability/impairment; children's own communities' cultural values or other environmental or attitudinal factors. The play assessment should cover the extent to which play opportunities are:

- appropriate to the requirements of children from diverse communities and cultures, including those in isolated rural areas.

- appropriate to the requirements of Welsh language speaking children.
- accessible to and inclusive of disabled children and may include support to access play opportunities.

The most recent PSAs were completed in 2019 and show good progress is being made despite funding and staff capacity issues. There continues to be partnership working and collaboration across departments and policy areas, but there is more to do at a local and central level.

When the PSA duty was introduced, it was agreed with the WLGA that no funding would be allocated to local authorities, however, if funding was available, it would be awarded. Since the Play Sufficiency Duty was introduced in 2013, up to £13.7m of funding has been made available to local authorities.

In 2019-2020, local authorities were awarded £5,000 to allow them to meet some of the amber and red actions within their 2019 – 2020 Play Sufficiency Assessment Action Plans.

In July 2020, the Welsh Government made £1.6m available via the Local Authority Emergency Hardship fund to enable local authorities to enhance childcare and play opportunities for children and young people aged five to 16 who required additional support over the summer.

In 2020-21, revenue funding of £500,000 has been allocated to local authorities to help them meet their Play Sufficiency duty by improving play opportunities, such as play schemes and other playwork activities, for children and young people during the holiday periods up to and including Easter 2021. This will include provision for disabled children, Welsh language and those that are vulnerable.

In addition, capital funding of £3m has been made available to local authorities to further support play opportunities for children by opening play areas which remained closed, as the equipment either required replenishing or repairs. The funding is also being used to enhance children's outdoor play experiences by removing some of the barriers to accessing play space faced by disabled children and their families.

The Welsh Government also produced preventative measures guidance to enable the re-opening of playgrounds from 20 July 2020. Playgrounds across Wales have remained open even during Coronavirus Control Plan Alert Level 4 restrictions, highlighting the importance we are placing on children's play and children's rights. Accessing playgrounds and play equipment is an important part of supporting children with the challenging circumstances brought about by the Covid-19 pandemic.

Accessible Play Areas

We also want to increase the provision of accessible play areas, ensuring all children can continue to access playgrounds equally. In 2017, as part of its Welsh Government funded work, Play Wales developed its '*Creating accessible play spaces*' toolkit, which was designed to provide clear and concise information that

helps to create play spaces that enable all children to play in, along with friends and family.

It contains information intended to help understand and address issues of concern and it provides practical, step-by-step tools and templates for undertaking work linked with removing the barriers to accessing play space faced by disabled children and their families. The toolkit is intended to support local authorities, town and community councils, politicians at all levels, open space planners, housing associations and parks and playground managers when developing and upgrading accessible play spaces.

Local authorities in Wales implemented voluntary smoking bans in their local playgrounds ahead of the introduction of legislation and all have smoke-free playgrounds. They have all taken account of the Public Health (Wales) Act 2017, which includes a measure to ban smoking in public playgrounds in Wales, which covers any area designed or adapted for the use, by children, of one or more items of playground equipment. The related Smoke-free Premises and Vehicles Regulations 2020 came into force on 1 March 2021.

The Welsh Government provides funding of £360,000 a year to Play Wales to advise Welsh Government on all policy areas which effect play, support local authorities in securing play and provide a research, information and advice service to benefit all stakeholders with regards to play. Play Wales was also awarded additional funding of £200,000 in 2020-2021 to deliver support to children and their families during the Covid-19 pandemic, including the development of resources for families and the playwork sector. Play Wales has also continued the development of its 'Playful Childhoods' campaign and website. As well as helping parents with helpful tips and ideas, it is aimed at professionals working with families to provide practical ideas for giving children plenty of good opportunities to play.

Child Involvement in Planning

In 2021, Play Wales will be facilitating a series of workshops for Play Sufficiency lead officers to consider meaningful engagement and involvement of children to inform the PSAs due to be submitted in March 2022.

Through the statutory Play Sufficiency Assessment process, all local authorities consult with children and this activity influences the PSA and action plans submitted to Welsh Government. Progress has been made locally in developing more meaningful engagement with children. As well as traditional survey work, methods include focus groups with marginalised children, local play audits and supporting advocacy work. Children in many areas have been encouraged and supported to provide presentations to local government officers and elected officials. Welsh Government will refer to the report, 'I learn new things and climb trees' – What children say about play in Wales to inform the Ministerial Play Review.

In 2019, the Welsh Government launched the Ministerial Play Review, which is being carried out collaboratively with the play sector and across Welsh Government departments that have an influence on play. The review, which was paused due to Covid-19 and recommenced in 2021, will consider the progress made in achieving

the Welsh Government's vision for play and whether that vision remains relevant. It will also consider a number of important and recurring issues for the sector, which include regulatory, Play Sufficiency Assessment, cross-policy working, workforce, funding and spatial justice and societal involvement aspects. As there have been a number of key legislative changes since play policy was last reviewed in 2014 with the publication of *Wales: A Play Friendly Country*, the review will inform how the Welsh Government develops and progresses the play agenda in future years. The Welsh Government will also consult with children and young people on the review.

9. Special Protection Measures

This group of recommendations covers articles 22, 30, 32, 33, 35, 36, 37(b-d), and 38-40. It deals with the special protection arrangements for children including immigration, asylum and criminal justice.

9.1 Asylum- seeking, refugee and migrant children

The Committee welcomes the decision made by the State party in December 2010 to end the detention of children for immigration purposes. Nevertheless, the Committee is concerned that:

- (a) Reliable data on asylum-seeking children, including those whose age is disputed, remain unavailable;
- (b) Not all unaccompanied children have access to an independent guardian or legal advice in the course of immigration and asylum procedures;
- (c) Under the "Assessing Age" Asylum Instruction of the Home Office, children can be assessed as adults based on their physical appearance;
- (d) Children can be detained in the course of asylum processes, including in short-term holding facilities at the entry into the State party, and age disputed children seeking asylum can be detained in adult facilities;
- (e) Unaccompanied and separated refugee children within and outside of the State party face restrictions on family reunification;
- (f) Asylum-seeking, refugee and migrant children and their families face difficulty in accessing basic services, such as education and health care, and are at high risk of destitution;
- (g) The Immigration Act (2016) removed the entitlement of unaccompanied children in care with an irregular or unresolved immigration status to leaving care support and adopted the 'deport first, appeal later' scheme which allows migrants to appeal against the refusal of their stay only from outside of the UK, including in cases where such deportation might undermine family unity for migrant children.
- (h) Children are returned to the country of origin or habitual residence without adequate safeguards.

With reference to its general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin, the Committee recommends that the State party:

- (a) Systematically collect and publish disaggregated data on the number of children seeking asylum, including those whose age is disputed;
- (b) Establish statutory independent guardians for all unaccompanied and separated children throughout the State Party;
- (c) Conduct age assessments only in cases of serious doubt through multidisciplinary and transparent procedures taking into account all aspects, including the psychological and environmental aspects of the person under assessment;
- (d) Cease the detention of asylum-seeking and migrant children;
- (e) Review its asylum policy in order to facilitate family reunion for unaccompanied and separated refugee children within and outside of the State party, including through implementation of the EU Dublin III regulation;
- (f) Provide sufficient support to migrant, refugee and asylum-seeking children to access basic services;
- (g) Review the Immigration Act (2016) in order to ensure its compatibility with the Convention;
- (h) Ensure that when the return of children occurs, this happens with adequate safeguards, including a formal best interests determination, effective family tracing that includes individual risk and security assessments, and appropriate reception and care arrangements.

Welsh Government update:

Unaccompanied Asylum Seeking Children

In the context of the other services available, i.e. the Independent Child Trafficking Guardian service, duties to provide advocacy for Looked After Children under the Social Services and Well-being (Wales) Act 2014 and age dispute advocacy provided via the Welsh Government Asylum Rights Programme, some consideration has been given to the need to provide additional advocacy support for unaccompanied asylum seeking children. Work has been paused due to the pandemic.

Age assessment training to social workers and advocates has been funded and/or provided by Welsh Government and a draft revised Age Assessment Toolkit has been prepared, taking in to account Welsh social care legislation and changes in case law. It will be published in the Spring of 2021.

Welsh Government has published a range of advice and guidance for social workers, foster carers and asylum seeking children, the latter in 10 languages. Welsh Government has also supported the funding of placements for unaccompanied asylum seeking children.

9.2 Administration of juvenile justice

The Committee notes that the Scottish government is open to raising the minimum age of criminal responsibility and that an Advisory Group was established to explore these issues and develop recommendations for consultation (2016). The Committee also notes that Montserrat's Criminal Justice Bill, due to be enacted in 2016, will raise the minimum age from 10 to 12 and reform the Juvenile Justice System to protect the rights of children accused of committing offences, and that the Virgin Islands, with assistance of UNICEF Caribbean, plans to develop a comprehensive Juvenile Justice Strategy. However, the Committee is concerned that:

- (a) The minimum age of criminal responsibility remains 8 years of age in Scotland and Turks and Caicos Islands and 10 years for the rest of the State party;
- (b) Some children are tried in adult courts;
- (c) Life imprisonment of children, in the form of "detention during Her Majesty's pleasure" in England and Wales, "detention during the please of the Secretary of State" in Northern Ireland and "detention without limit of time" in Scotland, is mandatory for murder committed while the offender was under the age of 18;
- (d) The number of children in custody remains high, with disproportionate representation of ethnic minority children, children in care, and children with psycho-social disabilities, and detention is not always applied as a measure of last resort;
- (e) There are occasions where children are held in the same places of deprivation of liberty for adults;
- (f) Access to education and health services, including mental health services, is insufficient for children in custody;
- (g) Segregation, including solitary confinement, is sometimes used for children in custody, including in Young Offending Institutions.

With reference to its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee recommends the State party to bring its juvenile justice system, including in all devolved administrations, the Overseas Territories and the Crown Dependencies, fully into line with the Convention and other relevant standards. In particular, the Committee recommends that the State party:

- (a) Raise the minimum age of criminal responsibility in accordance with acceptable international standards;

- (b) Ensure that children in conflict with the law are always dealt with within the juvenile justice system up to the age of 18, and that diversion measures do not appear in children's criminal records;
- (c) Abolish the mandatory imposition of life imprisonment for children for offences committed while they are under the age of 18;
- (d) Establish the statutory principle that detention should be used as a measure of last resort and for the shortest possible period of time and ensure that detention is not used discriminatorily against certain groups of children;
- (e) Ensure that child detainees are separated from adults in all detention settings;
- (f) Immediately remove all children from solitary confinement, prohibit the use of solitary confinement in all circumstances, and regularly inspect the use of segregation and isolation in child detention facilities.

Welsh Government update:

Youth Justice

The Blueprints for Youth Justice and Female Offending published in May 2019 set out our approach to the delivery of justice services in Wales. This approach has a clear focus on early intervention and prevention, one that focuses on how we provide support to divert people away from crime in the first place, but also one which takes a holistic and rehabilitative approach to those who do.

While the numbers of young Welsh people in custody have reduced significantly, many are in custody away from their homes, family and communities. The Youth Justice Blueprint sets out a commitment for realising how devolved and non-devolved services can work together to realise children's rights and develop a youth justice system in Wales which is based on rights-based principles.

Welsh Government funding through the Promoting Positive Engagement for Young People at Risk of Offending Grant is already offering preventative and diversionary support to young people at risk of offending in Wales.

The Youth Justice Blueprint outlines our aspiration to develop a youth justice system which treats children with fairness and respect. We aim to help reduce the number of children in the system through effective diversion and prevention and by addressing the vulnerabilities that often lead to a crime.

9.3 Child victims and witnesses of crimes

The Committee is seriously concerned that children who are victims or witnesses of crimes have to appear in court to be cross examined.

The Committee recommends that the State party introduce, as a standard, video recording of the interview with a child victim or witness during investigation and allow the video-recorded interview as evidence in court.

Welsh Government update:

Child Victims and Witnesses

Policing in Wales is non-devolved and remains the responsibility of the UK Government's Home Office.

To support all child victims of modern slavery in Wales, since January 2017, we have had in place the Home Office funded Independent Child Trafficking Guardian programme which is operated by Barnardo's Cymru. The programme provides support to children who are referred into the National Referral Mechanism process and local authority safeguarding. The programme is part of the arrangements under Section 48 of the Modern Slavery Act 2015.

10. UN Optional Protocols, Human Rights Instruments

This group deals with the UN Optional Protocols covering sale of children, child prostitution, pornography, armed conflict and the communications procedure, ratification of human rights instruments and regional cooperation.

10.1 Follow up to the Committee's previous concluding observations and recommendations on the Optional Protocol on the sale of children, child prostitution and child pornography.

The Committee welcomes the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings, as well as new legislation in this area, including the Modern Slavery Act (2015), the Human Trafficking and Exploitation Act (Northern Ireland) (2015), the Human Trafficking and Exploitation Act (Scotland) (2015), and the introduction of an independent statutory guardian for all unaccompanied children in Northern Ireland and Scotland, and for all potential child victims of trafficking in England and Wales.

The Committee also notes the commitment of the United Kingdom in the fight against all forms of violence against children, including sexual abuse, exploitation and trafficking of children. Nevertheless, the Committee remains concerned that:

- (a) No measures have been taken to ensure that all children up to 18 years of age are protected from all types of offences covered by the Optional Protocol and to ensure that domestic legislation throughout the State party, including at devolved level, enables it to establish and exercise extraterritorial jurisdiction, without the dual criminality criterion, over all offences covered by the Optional Protocol;
- (b) The system for identification and referral of victims of the offences covered by the Optional Protocol and children who are at risk of being victims of such offences is weak;
- (c) Child victims of trafficking can still be prosecuted for the crimes that they are forced to commit in the context of trafficking, and the right to a statutory

guardian for child victims of trafficking has not been fully operationalized in the State party;

- (d) While the Acts adopted in 2015 provide further protection to children up to 18 years of age from offences covered by the Optional Protocol, the Sexual Offences Act (2003) in England and Wales and the Sexual Offences (Northern Ireland) Order (2008) have not been revised to provide full and equal protection to all children under 18 years of age;

The Committee recommends that the State party fully implement the Committee's recommendations on the initial report of the State party (CRC/C/OPSC/GBR/CO/1), provided in its concluding observations on the Optional Protocol on the sale of children, child prostitution and child pornography in particular that the State party:

- (a) Ensure that all children up to 18 years of age are protected from all types of offence covered by the Optional Protocol and that domestic legislation throughout the State party, including in its devolved administrations, enables it to establish and exercise extraterritorial jurisdiction, without the dual criminality criterion, over all the offences covered by the Optional Protocol;
- (b) Strengthen the National Referral Mechanism for identifying trafficked and exploited children which is embedded in existing child protection procedures;
- (c) Establish mechanisms and procedures to protect the rights of child victims of offences covered by the Optional Protocol, including establishing a clear obligation of non-prosecution, and ensure that they are treated as victims rather than criminals by the law enforcement and judicial authorities;
- (d) Operationalize the provision of a competent and statutory guardian during the criminal justice process;
- (e) Revise its legislation to ensure that all children up to 18 years of age are protected from all types of offence covered by the Optional Protocol.

Welsh Government update:

Child Trafficking and Anti-Slavery

Modern slavery and the National Referral Mechanism are the responsibility of the Home Office and not devolved to the Welsh Government.

The Wales Safeguarding Procedures support consistent, evidence based safeguarding practice across agencies and Wales. A number of All Wales Practice Guides are published with the Procedures and this includes a practice guide on safeguarding children at risk of trafficking. Training has been provided to support implementation of the Procedures and guides. The guide provides advice on the National Referral Mechanism and on the referral of children at risk or trafficked to the Home Office funded Independent Child Trafficking Guardian service. All Wales Practice Guides on child sexual exploitation and online abuse are also published. Statutory guidance on safeguarding children from child sexual exploitation is

awaiting Home Office agreement to jointly publish. The guidance sets out the relationship between online abuse, child sexual exploitation and trafficking and includes measures to prevent abuse, protect children at risk and support children into recovery.

Tackling modern slavery is not a devolved responsibility but much of the support for the consequences of slavery falls to devolved services. Tackling slavery requires co-ordinated action and cuts across the boundaries of the four Governments in the UK. The response to slavery in Wales was bolstered by the appointment of a Welsh Government Anti-Slavery Co-ordinator.

In January 2013, the Welsh Government established the Wales Anti-Slavery Leadership Group which provides strategic leadership for tackling modern slavery in Wales. The Leadership Group is in a unique position to add value by co-ordinating collaboration across partners to plan and support delivery in Wales, thereby maximising the opportunities for multi-agency solutions to tackle modern slavery.

The Leadership Group brings together the relevant multi-agency partners in Wales from the Public, Private and the Third Sectors. These include from the Welsh Government, Home Office, National Crime Agency, Police, Gangmasters and Labour Abuse Authority, Crown Prosecution Service, Safeguarding, Office of the Children's Commissioner for Wales, Bawso, New Pathways, Barnardos Cymru, Academia and UNICEF UK.

Wales operates the Home Office funded Independent Child Trafficking Guardian Service which is operated by Barnardos Cymru and ensures consistent support is provided to children who have been exploited in any form of modern slavery. Since January 2017, over 600 children from 10 months up to 18 years of age and all have been entered into the National Referral Mechanism by the Guardian Service and are being safeguarded.

Modern Slavery is a complex crime to investigate and prosecute which is why we have worked with our partners from the Police and Crown Prosecution Service to develop the Organised Crime and Modern Slavery Course. This is a three-day joint training provision for Law Enforcement Senior Investigating Officers and Crown Prosecutors and Crown Advocates.

We are working with partners to provide support for refugees coming to Wales which will help mitigate against the risk of exploitation. Raising awareness of modern slavery is expected to lead to an increase in the number of reported cases. It is through improved reporting we can help ensure that victims receive the support they need and that perpetrators of this heinous crime can be brought to justice.

10.2 Follow up to the Committee's previous concluding observations and recommendations on the Optional Protocol on children in armed conflict

The Committee remains concerned that:

- (a) *The State party maintains the wide scope of its interpretative declaration on article 1 of the Optional Protocol which may permit the deployment of children to areas of hostilities and their involvement in hostilities under certain circumstances;*

- (b) *The minimum age for voluntary recruitment as 16 years has not been changed and child recruits makes up 20% of the recent annual intake of United Kingdom Regular Armed Forces;*
- (c) *The Army Board endorsed increasing the recruitment of personnel under 18 years old to avoid undermanning and children who come from vulnerable groups are disproportionately represented among recruits;*
- (d) *Safeguards for voluntary recruitment are insufficient, particularly in light of the very low literacy level of the majority of under-18 recruits and the fact that briefing materials provided to child applicants and their parents or guardians do not clearly inform them of the risks and obligations that follow their enlistment;*
- (e) *In the army, child recruits can be required to serve a minimum period of service up to two years longer than the minimum period for adult recruits.*

The Committee recommends that the State party:

- (a) *Consider reviewing its position and raise the minimum age for recruitment into the armed forces to 18 years in order to promote the protection of children through an overall higher legal standard;*
- (b) *Reconsider its active policy of recruitment of children into the armed forces and ensure that recruitment practices do not actively target persons under the age of 18 and ensure that military recruiters' access to school be strictly limited;*
- (c) *In recruiting persons under the age of 18, strengthen its safeguards required by Article 3 of the Optional Protocol, in order to ensure that the recruitment is genuinely voluntary, and based on fully informed consent of the recruit as well as their parents and legal guardians, and ensure that recruitment does not have discriminatory impact on children of ethnic minorities and low-income families;*
- (d) *Ensure that the minimum period of service applied to children when enlist into the army is no longer than that applied to adult recruits.*

The Committee notes with concern that according to the Joint Doctrine Publication 1–10 for Captured Persons (CPERS) (2nd Edition, October 2011), only children under the age of 15 benefit from special protection.

The Committee recommends that the State party implement its previous recommendation on the Optional Protocol on captured child soldiers (CRC/C/OPAC/GBR/CO/1, paragraph 29) for all children under 18 years old.

This recommendation relates to the Armed Forces and is non-devolved.

10.3 Ratification of the Optional Protocol on a communications procedure

The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

Welsh Government update:

The Welsh Government supports the protocol and intends to write to the UK Government to call on them to ratify the Optional Protocol to the Convention on the Rights of the child on a communications procedure (2014).

10.4 Ratification of international human rights instruments

The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the Optional Protocol to the International Covenant on Civil and Political Rights.

This recommendation relates to state party ratification of core human rights instruments, therefore it is for the UK Government to consider.

10.5 Cooperation with regional bodies

The Committee recommends that the State party cooperate with the Council of Europe on the implementation of the Convention and other human rights instruments, both in the State party and in other Council of Europe member States.

Welsh Government update:

The Welsh Government will continue to cooperate with the UN Committee on the Rights of the Child and the Council of Europe on implementation of the UNCRC and its Optional Protocols.

ⁱ <https://www.safeguarding.wales/int/i1/i1.p1.html>