

As requested additional evidence to the Children and Young Peoples Committee –
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Notes on the Getting It Right update and purpose of a national action plan

The update is poorly written and cannot really be described as an action plan. I will go further into these issues in a moment but first of all I would like to talk about why a National Action Plan for children's human rights is so important.

The need for a National Action Plan comes from Article 4 which says that 'States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention'. The UN Committee issue General Comments giving guidance on how to interpret and implement the UNCRC. These look at specific articles, issues or sections of the population. In General Comment No5, which looks at the General Measures of Implementation of the UNCRC, the Committee clearly set out that 'administrative and other measures' includes developing a National Action Plan.

In paragraphs 28-33 of the General Comment it says that:

If Government as a whole and at all levels is to promote and respect the rights of the child, it needs to work on the basis of a unifying, comprehensive and rights-based national strategy, rooted in the Convention. The Committee commends the development of a comprehensive national strategy or national plan of action for children, built on the framework of the Convention. The Committee expects States parties to take account of the recommendations in its concluding observations on their periodic reports when developing and/or reviewing their national strategies.

This update makes no mention of the Concluding Observations, other than in one sentence on the front page. It does not explain which priority refers to which concluding observation or what the concluding observations actually said. It certainly does not explain how what is contained in this update relates to what the United Nations said needed to be addressed in 2008.

The General Comment goes on to say:

If such a strategy is to be effective, it needs to relate to the situation of all children, and to all the rights in the Convention. It will need to be developed through a process of consultation, including with children and young people and those living and working with them.

This update was not developed through a process of consultation. We acknowledge that drafts were presented to the Getting It Right Implementation Support Network and discussed and the Monitoring Group representatives and other stakeholders raised many concerns both during the meetings and followed up in writing to the chairs. However these concerns were not addressed by Welsh Government. Therefore we feel it incorrect to state that the plan was developed in partnership with stakeholders. Indeed this could not even be considered true consultation, as it is Welsh Government practice to publish the results of any consultation, so that consultees comments, both in support and voicing concern to the subject of the consultation, are transparent. This has

not happened in this case and a member of the public reading the update would have the impression the key stakeholders are in full support of it.

Again turning to General Comment No5:

The strategy must not be simply a list of good intentions; it must include a description of a sustainable process for realizing the rights of children throughout the State; it must go beyond statements of policy and principle, to set real and achievable targets in relation to the full range of economic, social and cultural and civil and political rights for all children. The strategy will inevitably set priorities, but it must not neglect or dilute in any way the detailed obligations which States parties have accepted under the Convention. The strategy needs to be adequately resourced, in human and financial terms.

The update is not a sustainable process for realising children's rights. And it does not set out what human and financial resources are to be made available to achieve even the very little it does talk about.

Finally the General comment says that:

Developing a national strategy is not a one-off task. Once drafted the strategy will need to be widely disseminated throughout Government and to the public, including children ... The strategy will need to include arrangements for monitoring and continuous review, for regular updating and for periodic reports to parliament and to the public.

This update is written, not as the 5 year 'rolling report' it claimed to be in 2009, but is a short term document about to come to an end with no structure in place for reviewing or updating it.

And, as I said at the start, this update is poorly written and difficult to understand. I will now give some examples of this.

It is impossible to understand the relationship or difference between column 2 (what has been introduced) and column 3 (post 2008) and items are often duplicated across both or in the same column.

Refer to Priority 3, priority 5, priority 8

There is often no correlation between the statistics quoted in column 1 (Pre 2008) and those in column 3 which you would assume are meant to update that information.

Refer to priority 6

The 4th column, headed Analysis, contains almost no analysis and does not even always relate to the Priority it is under.

Refer to priority 3

Under 'current/future actions' there is very little future action – which is what you would expect to be the meat on an 'action plan' and what there is refers to policies and programmes already in motion. There is no medium or long term planning at all.

This is supposed to be an update to the 2009 document and yet actions referred to in that document have simply disappeared in this one.

Priority 3 – common core of skills

In 2009 Getting it Right was launched as a five year rolling action plan – giving the clear impression that this plan would always look 5 years ahead. This concept has simply disappeared.

And finally, to quote again from the UN handbook on national action plans, *'implicit in the concept of a national action plan is the central place of education about human rights'*. A member of the public seeing this document is extremely unlikely to think it has anything other than a passing relationship to children's human rights. This should be one of the main planks of a public awareness raising strategy. The Welsh Government has a lot to be proud of in its actions to promote children's human rights and this could be an ideal vehicle for promoting both past achievements and future aims. Instead it is poorly written, difficult to understand and completely fails to promote the cause of children's human rights in Wales. It needs to be completely rethought and rewritten.

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