

CR17

Legislation Committee No 5

Proposed Rights of Children and Young Persons (Wales) Measure

Response from The National Youth Advocacy Service (NYAS)

Introduction

The National Youth Advocacy Service, (NYAS), is a UK charity providing children rights and legal services. We offer information, advice, advocacy and legal representation to children and young people up to the age of 25 through a network of advocates throughout England and Wales. NYAS is also a community legal service.

NYAS is committed to working towards full implementation of the UN Convention on the Rights of the Child and in particular Article 12 which concerns the right of every young person to be consulted in all matters affecting them.

Our mission statement: to enable children and young people to have a voice by providing independent and confidential advice, information and advocacy services.”

NYAS Cymru welcomes the opportunity to provide information to assist The National Assembly for Wales on the Proposed Rights of Children and Young Persons (Wales) Measure. NYAS wish to respond to the following questions:

Consultation Question 1

Is there a need for legislation (by means of an Assembly Measure) to impose a duty upon the Welsh Ministers and the First Minister to have due regard to the rights and obligations in the United Nations Convention on the Rights of the Child (UNCRC) and its Optional Protocols, when making decisions of a strategic nature about how to exercise any functions which are exercisable by them? If not, what alternatives, if any do you propose?

Response:

NYAS welcomes the legislation as it will form a statutory duty for Welsh Ministers and the First Minister to have due regard to the UNCRC when working within their strategic functions. NYAS believes

this will set a commitment from the Welsh Assembly Government to promote the rights of children and young people in Wales.

Consultation Question 2

The Welsh Ministers must make a Children Scheme as required under section 2(1), which will set out criteria for determining which decisions are decisions of a strategic nature. What do you consider is meant by 'a decision of a strategic nature' as identified in section 1 (2)? Is this sufficiently clear and or sufficiently wide?

Response:

NYAS would view the terminology of 'decisions of a strategic nature' to include:

- policies and procedures
- legislation changes
- consultation documents affecting the lives of children and young people in Wales

NYAS would recommend that the Children Scheme is developed in partnership with children and young people in Wales in order for the Scheme to have clear aims and objectives.

It is important that the Scheme is monitored and evaluated regularly in order for the document to be relevant to current issues and assessed for quality assurance purposes.

Consultation Question 3

Section 7 of the proposed Measure includes provision about consulting on the possible application of the proposed Measure to persons who have reached 18 years, but are not yet 25 years. Do you think this is appropriate to apply a convention agreed for the benefits of children to adults between 18 and 25 years? What might be the issues to be addressed?

Response:

NYAS welcomes the proposed Measure to include young adults between 18 and 24 who are recognised as being vulnerable. We suggest these young people would include:

- Young care leavers
- Young people who are not in education, employment, or training. (NEET.)
- Young people experiencing mental health issues

- Homeless young people
- Young refugees
- Asylum seeking young people
- Young offenders
- Young people living in community first areas.
- Young people at risk of poverty.

Consultation Question 4

The proposed Measure includes a schedule, which is the Part 1 of the Convention and Optional Protocol 1-7 on the rights of children involved in armed conflict (except article 6(2) and articles 1-10 on the rights of the child on the sale of children, child prostitution and child pornography.

Do you think that the text of these treaties needs to be included on the face of the Proposed Measure?

The Assembly does not have powers relating to armed conflict and has limited powers relevant to the second protocol. Do you think it is necessary for these protocols to be included in the Proposed Measure?

Response:

NYAS recommends that the protocols to be included in the Proposed Measure are the rights of the child on the sale of children, child prostitution and child pornography. This will increase awareness of these rights and issues relating to these children. NYAS would not recommend that the armed conflict protocol is included if the Assembly has no powers relating to this.

Consultation Question 6

How will the Proposed Measure impact on improving and strengthening the rights of the child?

Response:

NYAS believes that the Proposed Measure may:

- Increase awareness of the UNCRC amongst professionals and children/young people.
- Enable the Welsh Minister and First Minister to have due regard in all their functions relating to children and young people in Wales.
- Promote the participation of children and young people in Wales.
- Strengthen the Welsh Assembly Governments commitment to children rights.
- Encourage collective working between Ministers and children and young people.

- Enable children and young people to question the due regard status of strategic developments in Wales.

Consultation Question 7

What are the potential barriers to implementing the provisions of the proposed Measure (if any) and does the proposed Measure take account of them?

Response:

The Children Scheme must include clear aims and objectives and NYAS suggests this document is produced in partnership with children and young people. At present the documentation relating to the Proposed Measure has been a challenge to understand and children/young people have been confused by the terminology of the language throughout the reports. NYAS therefore recommends that a child friendly version of the Proposed Measure is produced.

Consultation Question 8

Are there any other comments you wish to make about specific sections of the proposed Measure?

Response:

NYAS recommends that the Children's Commissioner for Wales and Funky Dragon formally agree to scrutinise the Children's Scheme at key stages and to review whether the Welsh Assembly Ministers and Government have met their duties.

We also suggest that the Welsh Assembly Government produce an evaluation of the Scheme once a year and for this report to be available to the public.

Progress reports from children's rights organisations should be included with the reporting to the UNCRC committee.

NYAS recommends that the Welsh Assembly Government explore the possibility of children and young people having the right to make a complaint if they feel Welsh Ministers have not taken into account "due regard" in relation to the UNCRC Measure.

The Children Scheme must complement the Seven Core Aims for Wales.

Consultation Question 9

In responding to this consultation the Committee would be grateful if you could indicate how you have gathered views of children and young people in forming your response.

Response:

Children and young people in South Wales participated in a consultation event to look at the Proposed Measure. The feedback received included:

- The Proposed Measure and its current documentation is confusing and needs to be translated into a child friendly version.
- The commitment to promote the UNCRC is a positive step.
- Children and young people would like to be involved in creating the Children's Scheme.

End of report.

