

**Realising Children's Rights in
Wales:
A Children's Rights Approach**

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Why a Children's Rights Approach?

It is an unfortunate reality that despite lots of effort by organisations working with children, there remains much to do in order to make rights a reality for all children in Wales.

- Many children are living in poverty and are not receiving the services or resources they need to be healthy, well-educated and to develop to the best of their abilities. These children are not receiving rights they are entitled to under the United Nations Convention on the Rights of the Child (UNCRC). A Children's Rights Approach means that organisations will be sensitive to children's rights in their work with children and families to improve children's lives.
- Many children do not have the opportunities to develop their talents and potential, and face discrimination because of their background, or because they are children. A Children's Rights Approach means that all children are given the opportunities to make the most of their talents and potential.
- Too often children do not know they have human rights which means they cannot take advantage of the rights they possess. A Children's Rights Approach means that children are given access to information and resources to enable them to take full advantage of their rights.
- Children are often powerless to influence decisions that affect their lives. Despite being experts on their own lives children are often excluded from decisions that affect them. A Children's Rights Approach means that children are provided meaningful opportunities to influence decisions about their lives or that affect them.
- Children are often powerless to hold to account decision-makers, or those responsible for services. A Children's Rights Approach means that organisations and individuals are accountable to children for their decisions and for outcomes that affect children's lives.

A Children's Rights Approach is a principled and practical framework for working with children, grounded in the UNCRC. It is about placing the UNCRC at the core of planning and service delivery and integrating children's rights thinking into every aspect of decision-making and practice.

Policy and legislation on children in Wales is underpinned by the UNCRC. The [*Rights of Children and Young Persons \(Wales\) Measure 2011*](#) , the [*Social Services and Well-being \(Wales\) Act 2014*](#) and the [*Well-being of Future Generations \(Wales\) Act 2015*](#) all establish duties on public authorities that contribute toward the realisation of children's rights. A Children's Rights Approach is consistent with these duties, and will help public sector bodies to meet their statutory duties.

Similarly, a range of organisations in the private and non-governmental sectors in Wales have a significant part to play in the implementation of children services, and therefore have an obligation to contribute toward realisation of children's rights in Wales. A Children's Rights Approach will help organisations in the private and NGO sectors give effect to children's rights.

How to use this guide

This guide provides principled guidance and practical help on a Children's Rights Approach to planning and delivering services for children.

The guide is in two parts:

- [Part One](#) explains human rights and their relevance for public authorities and other organisations. It introduces sources of human rights and human rights duties. [Part One](#) also introduces the human rights of children, and sets out the principles of a Children's Rights Approach as a framework for organisations seeking to give effect to children's rights.
- [Part Two](#) builds on [Part One](#) by explaining how each of the principles of a Children's Rights Approach may be put into operation. The focus is practical, offering guidance on procedures to give effect to children's rights.

Hyperlinks included in this document allow users to navigate between sections, and to access additional resources to develop a deeper understanding of children's rights.

PART ONE

About human rights

Human rights guarantee basic freedoms and meet the basic needs of all humanity. They are underpinned by respect for human dignity. Human rights are binding on government and on public authorities at all levels in the UK, and provide a strong ethical framework for planning, decision-making and action.

It is a misconception that the only human rights guaranteed to individuals in the UK are those set out in the European Convention on Human Rights (ECHR). In fact human rights guarantees are found in a range of international human rights treaties ('core treaties'), as well as the ECHR. Children are entitled to benefit from the full range of human rights.

[Find the core international human rights texts here](#)

Human rights duties

Organisations can work toward the realisation of human rights for children by ensuring that they:

- **Respect Rights.** This means not doing anything that interferes with the enjoyment of human rights. For example, authorities should not ignore a child's human right because they are below a certain age, or because they believe they know what is best for the child.
- **Protect Rights.** This means seeking to ensure that others do not infringe human rights. For example, by taking action where there is evidence that children's rights are being violated, e.g. where children are subject to abuse, exploitation, or discrimination.

- **Fulfil Rights.** This means taking action to facilitate the enjoyment or better enjoyment of human rights. For example, making children and others aware of their rights, and ensuring that children's rights receive proper prioritisation for resources.

The human rights of children

Children are entitled to their human rights, including being able to access and exercise their rights. Children's rights are set out in international treaties, including the ECHR. Children's rights are entitlements, they are not optional. Children aged 0-17 years are given special human rights protection by the United Nations Convention on the Rights of the Child (UNCRC).

The [UNCRC](#) recognises that children are in a different situation than adults and will often have different needs, and that children face particular challenges because childhood involves stages of physical or emotional development. The rights set out in the [UNCRC](#) are an additional safeguard of their safety and development, and support children's capacity to take decisions and act autonomously.

About the UNCRC

Part 1 of the [UNCRC](#) contains 41 articles, which guarantee children a comprehensive set of rights. Article 42, in Part 2 of the [UNCRC](#) requires the State to make the [UNCRC](#) widely known to children and adults. The remainder of Part 2, and Part 3 of the [UNCRC](#) deal with the State's monitoring and reporting responsibilities to the Committee on the Rights of the Child.

There are also three optional protocols to the [UNCRC](#):

- [The Optional Protocol on the involvement of children in armed conflict](#): requires governments to increase the minimum age that children can join the armed forces, and to ensure that children in the armed forces do not take a direct part in armed conflict.
- [The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#): requires governments to end sexual exploitation and abuse of children, and protects children from forced labour, illegal adoption or organ donation.
- [The Optional Protocol on a Communications Procedure](#): allows children to submit a complaint to the United Nations when their [UNCRC](#) rights have been violated and their country's legal system does not offer a solution. This protocol is not available to children in the UK.

The Committee on the Rights of the Child is a committee of experts responsible for monitoring the implementation of the UNCRC. The Committee holds regular sessions to review and assess the progress toward realisation of children's rights by governments across the world, including the UK. The Committee also make suggestions to help governments better realise children's rights. These are set out in documents called General Comments.

- Find out more about the Committee on the Rights of the Child [here](#)
- Read General Comments published by the Committee [here](#)
- Read the Committee's observations on progress on Children's Rights in the UK [here](#)

A 'Children's Rights Approach'

There is no agreed model of a Children's Rights Approach. The model set out in this guide has been developed with public authorities in Wales in mind. It takes account of themes consistently highlighted as integral to a Children's Rights Approach rooted in the [UNCRC](#). Many authorities will already have procedures which are consistent with a Children's Rights Approach and often adopting the principles and practices described below will complement or improve what is already working.

The principles of a Children's Rights Approach are:

- [Embedding children's rights](#)
- [Equality and Non-discrimination](#)
- [Empowering children](#)
- [Participation](#)
- [Accountability](#)

Overlapping principles

The principles of Children's Rights Approach are not intended to be used in any particular order. Instead they should be thought about and used together to inform decision-making and service delivery. Inevitably there are some overlaps. For example, empowering children to take decisions and make choices is very close to providing opportunities for children to participate in decisions that affect their lives, and participation will only realise rights for children if it is carried out based on the principle of non-discrimination and equality. However, these

overlapping principles are mutually re-enforcing and contribute to a holistic, coherent and comprehensive approach to realising children's rights.

Embedding children's rights

Children's rights should be at the core of planning and service delivery. The [UNCRC](#) needs to be integrated into every aspect of decision-making through procedures and actions. At its most basic this requires acknowledgement of the [UNCRC](#) as a framework for services impacting on children. Children's rights should guide decisions and actions having a substantial impact on children's lives in areas such as education, health or social care, but also in other areas such as planning, transport and the environment. There should be coordination across departments, and with external organisations to ensure application of the principles and practice of a Children's Rights Approach. Children's rights should not be an afterthought, but a primary consideration given equal priority with other pressing interests when decisions are taken, and actions carried out. This will help ensure that the best interests of the child are a primary consideration in all decision-making affecting the child (as guaranteed by [Article 3 of the UNCRC](#)). Policy, procedures and actions, as well budgets should all be developed and implemented taking into account their impact on children's rights. It should be clear and transparent where children's rights have been taken into account.

For practical guidance and examples on embedding children's rights go [here](#).

Equality and Non-discrimination

Equality is about ensuring that every child has an equal opportunity to make the most of their lives and talents, and that no child has to endure poor life chances because of discrimination. Equality involves treating all children fairly, and providing them with opportunities and resources

according to their needs, equal with others, ensuring that they are able to develop to their fullest potential. Promoting equality means taking action to tackle discrimination. Non-discrimination is a right under the [UNCRC](#) (Article 2). There should be no discrimination against children as individuals or as a group, and authorities must be aware of the damaging impact of multiple discrimination, when a child faces discrimination on more than one ground (e.g. a disabled child who is living in poverty). Authorities should be aware of the many barriers impeding access to services, including socio-economic, institutional, and cultural, and should be responsive to the situation of children subject to discrimination and unfair treatment who will need special assistance to enjoy their human rights. Authorities should understand that decisions taken today can have a discriminatory impact on future generations of children.

For practical guidance and examples of equality and non-discrimination in practice go [here](#).

Empowering children

Human rights should empower children. Children's rights should be seen as entitlements; they are not optional. Empowerment means enhancing children's capabilities as individuals so they are better able to take advantage of rights, and to engage with, influence and hold accountable those individuals and institutions that affect their lives. Children should be given information to increase their understanding about human rights, and access to resources to enable them to make use of rights in their everyday lives. Empowering means removing barriers to children's access to information or resources that enable them to understand and exercise their rights. Empowerment is about enabling children to make choices and to affect outcomes for themselves and their families. Empowerment changes the relationship between children and authorities. It means adults handing over some or all power to children, or sharing power with children, so that children can better control and direct their lives, in particular in areas where this ability was previously unavailable to them. This principle applies equally to

younger children and should be seen as an important contribution to the development of the child (guaranteed by Article 6 of the [UNCRC](#)). It may be especially relevant to children who are members of excluded, marginalised or disadvantaged social groups.

For practical guidance and examples of empowering children go [here](#)

Participation

Participation means listening to children and taking their views meaningfully into account. All children should be supported to freely express their opinion; they should be both heard and listened to. Their views should be taken seriously when decisions or actions are taken that affect their lives directly or indirectly (as guaranteed by Article 12 of the [UNCRC](#)). Children should be supported to take part in decisions that contribute to the lives of their family, shape the communities they live in and wider society. Children's views will need to be taken into account and given due weight in light of their age and maturity, but young age or relative immaturity is no reason for discounting children's opinions or for giving them less attention in decision-making processes. Children should be fully informed and given opportunities to be involved in decision making. It should be clear how children have influenced decisions and how their views have been taken into account, with feedback always given to the children who are involved in the process. Participation should not be understood as an end in itself, but as a process, which is safe, enabling and inclusive and supports dialogue between children and professionals. Barriers to participation should be identified and removed.

For practical guidance and examples on participation go [here](#)

Accountability

Children's human rights give rise to obligations which demand accountability (guaranteed by Article 4 of the UNCRC). Authorities should be accountable to children for decisions and actions which affect their lives. Children should be provided with information and given access to procedures which enable them to question and challenge decision-makers. Accountability requires effective monitoring of children's rights standards as well as effective remedies where there is a failure to meet these standards. For this to be effective authorities need to be transparent and provide reasons for their decisions and actions. Authorities, and all staff with responsibilities that impact on children, must understand that children have human rights and that they have an obligation to [respect, protect and fulfil](#) children's rights. All those involved should understand that they are accountable to children for meeting this obligation. Children should be made aware of their human rights, and should be given information to understand the responsibilities and obligations of public authorities and other organisations. To obtain any human right a child must know they are entitled to it and be able to actively claim their human rights, including when making a complaint or challenging decisions and actions. Accountability means holding decision-makers to account, which requires information and data on performance against children's rights standards.

For practical guidance and examples on accountability go [here](#)

PART TWO

Putting a Children's Rights Approach into practice

This section provides guidance on practices to give effect to the Children's Rights Approach principles set out in [Part One](#). Links are provided to illustrative case studies. If your organisation is innovating new practices which supports one or more of the Children's Rights Approach principles, we would welcome a case study (we will help you to write this up). [**Add email address for submission of case studies**](#)

Overlapping practices

As is the case for the principles of a Children's Rights Approach, there will inevitably be overlap in some of the practices suggested below. Some of these will relate to two or more principles. As is the case with overlapping principles, overlapping practices are mutually re-enforcing and contribute to a holistic, coherent and comprehensive approach to realising children's rights.

Embedding children's rights in practice

Children's rights should be at the core of planning and service delivery. The [UNCRC](#) needs to be integrated into every aspect of decision-making: procedures and actions. Authorities should adopt a 'children's rights lens' to all decisions and actions that affect children.

In order to put this [principle](#) into practice authorities should aim to:

- Make express reference to the [UNCRC](#) as a framework for service planning and delivery in all significant policy statements or other documents setting out the authority's vision or key objectives (e.g. the corporate plan). This should come from the highest level of an authority. For example: a policy statement, adoption of a charter or pledge (or other instrument).
- Ensure that leaders and staff, who are required to put the commitment into practice, are aware of this commitment and familiar with the [UNCRC](#).
- Carry out an initial and then regular audit of all significant policy statements or other documents to assess compliance with the above.
- Prioritise protection of children's rights through commissioning, and incorporate the principles of a Children's Rights Approach throughout the commissioning cycle.
- Identify key individuals and/or establish a team with responsibility to promote children's rights within the authority and to act as champions of children human rights.
- Develop a strategy or scheme setting out how it intends to ensure that children's rights are taken into account at all levels of decision-making to facilitate a coordinated Children's Rights Approach across departments and with external organisations.
- Identify expertise on children's rights and ensure that this is available to support staff to implement children's rights in their area of responsibility.

- Carry out an initial and on-going evaluation of levels of knowledge and understanding of children’s rights amongst staff at all levels.
- Prioritise training on children’s rights for all staff, with the intensity of training appropriate to context and role that a member of staff performs.
- Introduce procedures to give effect to children’s rights, these might include:
 - developing a communication plan for staff setting out how the organisation intends to develop awareness and understanding of children’s rights.
 - developing and making use of performance indicators which reflect children’s rights (e.g. should be incorporated in business planning, budgeting and other strategic planning).
 - children’s rights impact assessment i.e. the proofing of any policy and budgetary decisions for their direct or indirect impact on children (or children’s rights assessment integrated into Equality Impact Assessment);
 - introducing children’s rights implementation as standing items on the agenda of key strategy meetings;
 - requiring reporting on progress on children’s rights implementation to strategic policy meeting or groups.
- There should be a clear commitment to ensuring adequate human and financial resources are allocated to support the organisation to implement children’s rights.

Some examples of embedding children’s rights in practice:

CCfW to add – selecting from collated case studies provided as additional document.

Equality and non-discrimination in practice

Equality is about ensuring that every child has an equal opportunity to make the most of their lives and talents, and that no child should endure poor life chances because of discrimination. Authorities should see all children as rights holders, entitled to all their human rights.

In order to put this [principle](#) into practice authorities should aim to:

- Include a clear commitment to promoting equality and tackling discrimination (including multiple discrimination) against children and specific groups of children in all significant policy statements or other documents setting out the authority's vision or key objectives (e.g. the corporate plan).
- Make all staff aware that discrimination can lead to unfair and unequal outcomes and should make the implications of discrimination against children widely understood by staff, service users and children themselves.
- Ensure staff understand the need to take account of the impact of decisions on future generations, including any discriminatory impacts.
- Require commissioned services to be provided in ways that do not discriminate against children or groups of children.
- Gather relevant data, including disaggregated data, to enable identification of discrimination or inequalities in the realisation of children's rights to identify children who are being or may be discriminated against.
- Develop appropriate priorities, targets and programmes of action to reduce discrimination against excluded, socially marginalised, disadvantaged and vulnerable groups and to promote equality for these groups.
- Include impact assessment of children's rights in any equality impact assessment (treating age as a protected characteristic), where there is no separate procedure for a Children's Rights Impact Assessment (CRIA).

- Through the use of CRIA or Equality Impact Assessment (EIA), ensure children are involved in the proofing of all budgetary decisions that have a direct or indirect impact on them.
- Provide information to children to support their involvement in any of the above procedures, in a language or format appropriate to their age and maturity, culture, or disability.

Some examples of equality and non-discrimination in practice:

CCfW to add – selecting from collated case studies provided as additional document.

Empowering children in practice

Children's rights should empower children and be seen as entitlements; they are not optional. Authorities must give children the resources, opportunities and capabilities to be aware of, understand and take advantage of their human rights.

In order to put this [principle](#) into practice authorities should aim to:

- Gather relevant data, including disaggregated data and longitudinal data, on resources available to children, in particular in relation to excluded/marginalised or disadvantaged social groups, and make this available to children.
- Review services and resources to identify barriers to children's access, including in collaboration with children as service users, in particular in relation to services to excluded/marginalised or disadvantaged social groups.
- Develop appropriate priorities, targets and programmes of action that enable all children to develop their capabilities and to gain access to resources that support realisation of their human rights (for example, health, education or play).
- Provide children with opportunities and the skills to engage with and influence policy processes and mechanisms, (including commissioning), by offering training or information accessible to children of (different ages/abilities) and establish clear guidelines for how children will influence decisions.
- Provide children with opportunities to act collectively to develop ideas and proposals, to take action and to influence decisions.
- Proactively identify opportunities for children to take decisions according to age and maturity, including opportunities to make significant choices which transform their lives, and inform children of these opportunities.
- Provide children with accessible information to develop their understanding of their human rights, including educational and awareness raising initiatives.

- Provide children with training and education to develop their understanding of their human rights.
- Provide children with accessible information on mechanisms and the process for holding the authority/organisation or individual staff, to account .
- Provide children with accessible information on independent human rights providers, advocacy services and professional legal advice.
- Ensure that resources are identified in budgets to support education, training and development opportunities for children.

Some examples of empowering children in practice:

CCfW to add – selecting from collated case studies provided as additional document.

Participation in practice

Participation means listening to children and taking their views meaningfully into account. Authorities should provide children with opportunities to influence decisions about their lives and involve children in all decisions that affect them.

In order to put this [principle](#) into practice authorities should aim to:

- Include a clear commitment to participation of children in all significant policy statements or other documents setting out the authority's vision or key objectives (e.g. the corporate plan) and adopt the [National Participation Standards](#).
- Carry out initial and regular assessment of children's participation across all areas of a public authority functions.
- Prioritise children's participation throughout the commissioning cycle.
- Develop appropriate priorities, targets and programmes of action to increase participation, in particular amongst otherwise excluded/marginalised or disadvantaged groups.
- Involve children directly in the design, monitoring and evaluation of service delivery, and involve children in the proofing of all policy and budgets that have a direct or indirect impact on them, including CRIA or EIA.
- Identify safe places and space, including time, for children to participate.
- Involve children in the recruitment of all staff who have responsibilities that impact on children.
- Provide feedback to children and staff on the outcomes of children's involvement in any of the above procedures, proactively highlighting any changes and/or benefits brought about by their participation.
- Provide information to children to support their involvement in any of the above procedures, in a language or format appropriate to their age and maturity, culture, or disability.
- Ensure that resources are identified in budgets to support participation.

Some examples of participation in participation:

CCfW to add – selecting from collated case studies provided as additional document.

Accountability in practice

Children's human rights give rise to obligations which demand accountability. Authorities should be accountable to children for decisions and actions which affect their lives.

In order to put this [principle](#) into practice authorities should aim to:

- Include a clear commitment to accountability in all significant policy statements or other documents setting out the authority's vision or key objectives (e.g. the corporate plan).
- Ensure that accountability is continued even where services are commissioned from third parties.
- Ensure that staff understand their responsibilities and obligations to children including by making this explicit in job descriptions and policies governing the conduct of staff.
- Staff supervision and performance management should include individual responsibility for children's rights, including by use of individual performance indicators as appropriate.
- Carry out children's human rights monitoring consistently against children's rights standards, including developing applicable children's human rights indicators (which should be developed with the participation of children and made relevant to policy or service areas).
- Publish annual reports on performance against children's rights indicators and disseminate the findings widely.
- Encourage independent monitoring of performance against children's rights standards, including by involving children in monitoring and/or external review/inspection.
- Provide children with accessible information on mechanisms and the process for making complaints, and for holding the authority, or individual staff, to account.

- Provide children with accessible information on how to access advice, such as advisory services, human rights advocacy services or professional legal advice.

Some examples of accountability in practice:

CCfW to add – selecting from collated case studies provided as additional document.