

# **Welsh Government Children's Rights Impact Assessment**

## **Consultation on the 2022-2026 National Strategy for Violence Against Women, Domestic Abuse and Sexual Violence**

### **Describe and explain the impact of the proposal on children and young people**

This Children's Rights Impact Assessment supports the public consultation on the draft Violence against Women, Domestic Abuse and Sexual Violence (VAWDASV) National Strategy 2022-2026.

It is not anticipated that there will be any specific negative impacts of the draft VAWDASV National Strategy with regards to children's rights and the United Nations Convention on the Rights of the Child (UNCRC).

As part of the consultation process, we will welcome any evidence to support the impact our proposals are likely to have on children's rights and will update this impact assessment as appropriate.

During the consultation period, we will be working with our partners to target appropriate engagement activity towards children and young people. The details of the engagement activity is not yet confirmed, but may include an online survey for children and young people promoted by our partner organisations.

The delivery of the new curriculum for Wales includes promoting and supporting healthy relationships as part of the new Relationships and Sexuality Education (RSE) Code and guidance. Successful implementation of this will support learners' rights to enjoy fulfilling, healthy and safe relationships throughout their lives. Whilst boys and young men who currently exhibit misogynistic attitudes or behaviours will be aided and encouraged to change their behaviours, we consider this to be a positive impact on them.

The Crime Survey for England and Wales provides the best available indicator of the prevalence of abuse during childhood by measuring the prevalence of adults who experienced abuse before the age of 16. In 2018/19, the Survey estimated that approximately 8.5 million adults aged 18 to 74 experienced abuse before the age of 16. This is equivalent to 20.7 per cent of the 18 to 74 population.

In 2020, the Office for National Statistics (ONS) published its first report to focus on [Child Abuse in England and Wales](#) covering sexual abuse, physical abuse, emotional abuse and neglect. An estimated 3.1 million adults aged 18 to 74 were victims of sexual abuse before the age of 16 years – this includes abuse by both adult and child perpetrators. Around half of adults (52 per cent) who experienced abuse before the age of 16 also experienced domestic abuse later in life, compared with 13 per cent of those who did not experience abuse before the age of 16.

Childline delivered 19,847 counselling sessions to children in the UK where abuse was the primary cause of concern in 2018/19 – sexual abuse accounted for nearly half (45 per cent) of these and has become the most common type of abuse counselled by Childline in recent years.

In June 2021, Ofsted published a [Review of sexual abuse in schools and colleges](#) in England which investigated the prevalence of sexual harassment, including online sexual abuse, and found it has become ‘normalised’ for children and young people. The review found that children often don’t see the point of challenging or reporting this harmful behaviour because it is seen as a normal experience.

In September 2021, the Welsh Government published the Phase 1 summary report of [Research with under-represented survivor groups of VAWDASV](#) which included younger people. The research will support the creation of a Survivor Engagement Framework for VAWDASV. Suggestions were made by respondents for what could be done to encourage participation and engagement work to improve the work to prevent VAWDASV. This research will be reviewed and will feed into the delivery of the draft National Strategy.

The draft National Strategy extends to all victims and survivors of VAWDASV, including children and young people. All the measures proposed for preventing VAWDASV and supporting victims/survivors will apply to children, as well as services designed specifically for children and young people. However, it is recognised that children under the age of 18 are also supported by existing legislation, for example the Children Act 1989, Children Act 2004, the Social Services and Well-being (Wales) Act 2014 and existing Children and Family Court Advisory and Support Service (CAFCASS) procedures.

There are issues that cross-cut with safeguarding. Whilst VAWDASV is not captured by statutory safeguarding duties and guidance, we intend propose our response be joined up with action to protect children and young people at risk of abuse.

VAWDASV encompasses concepts such as sexual exploitation, female genital mutilation and so-called ‘honour’ based violence, which may affect girls and young women in particular.

Experiences of domestic abuse and sexual violence are recognised as adverse childhood experiences (ACEs). There is a significant evidence base on the risks to those who experience VAWDASV as they are growing up and how the experience can contribute to negative health and social outcomes for them in adulthood.

We will require services and commissioners to understand the impact on the child and take action to prevent and mitigate that, and then provide support to children that recognises the trauma they have experienced.

We need to reduce the ACEs being experience by children and young people, mitigate their impacts and understand the impact ACEs can have on those who have experienced VAWDASV, including those who themselves have carried out abuse.

## **Explain how the proposal is likely to impact on children's rights**

The draft VAWDASV National Strategy will support many of the articles within the UNCRC. The Strategy is intended to stop VAWDASV from occurring and, where it does occur, to protect and support victims and survivors. This will have a positive impact, not just on children and young people, but on people of all ages.

The children's rights impact assessment has identified the following articles as those the draft National Strategy will most affect:

### **Article 1 – Everyone under 18 years of age has all the rights in this Convention:**

This article defines the age range covered by the UNCRC.

### **Article 2 – The Convention applies to everyone whatever their race, religion, abilities, whatever they think or say and whatever type of family they come from:**

The draft National Strategy makes no distinctions based on race, religion or abilities, whatever children think or say and whatever type of family they come from.

### **Article 3 – All organisations concerned with children should work towards what is best for each child:**

The VAWDASV (wales) Act 2015 places a duty on Local Authorities and Health Boards to produce and report on local strategies for tackling domestic abuse, gender-based violence and sexual violence. This will ensure the organisations concerned all work towards putting these strategies in place which will assist children who are exposed to any of these issues happening within their families. These local strategies are expected to take note of the National Strategy and show how they will align with the Strategy's objectives.

### **Article 6 – All children have the right of life. Governments should ensure that children survive and develop healthily:**

Research shows there is a strong association between witnessing violence in the home and the chances of living with violence in later life. There is a strong association between children's exposure to domestic violence with emotional and behavioural problems, as well as poor peer relationships, low academic attainment and engagement in risky health behaviours. Evidence from the Crime Survey for England and Wales shows that young people can also be victims of domestic violence.

The draft Strategy aims to contribute to improving arrangements for preventing domestic abuse, gender based violence and sexual assault and to better protect and support the victims and survivors of it. By striving towards this, the Welsh Government will help to ensure children are better protected from the adverse affects of violence and abuse.

The draft Strategy will complement existing safeguarding procedures.

### **Article 9 – Children should not be separated from their parents unless it is for their own safety, for example if a parent is mistreating or neglecting a child.**

**Children whose parents have separated have the right to stay in contact with both parents, unless this might hurt the child:**

In this regard, actions as a result of the draft Strategy will complement existing safeguarding and CAFCASS procedures.

**Article 12 – Children have the right to say what they think should happen when adults are making decisions that affect them, and to have their opinions taken into account:**

We are working with our partners to target specific engagement activity at children and young people during the public consultation on the draft Strategy.

In commissioning VAWDASV services for children and young people, services providers will be required to take into account their specific needs in designing and delivering services.

**Article 19 – Governments should ensure that children are properly cared for, and protect them from violence, abuse and neglect by their parents or anyone else who looks after them:**

The draft National Strategy seeks to complement the existing criminal law by focusing on the social issues within the elements of prevention, protection and support. The proposals aim to prevent such acts from occurring and to support and protect victims and survivors when they do.

The draft Strategy recognises the damaging effect domestic abuse and witnessing such abuse can have on a child's development and later life. As such the draft Strategy promotes earlier intervention and support from appropriately trained professionals.

**Article 27 – Children have a right to a standard of living that is good enough to meet their physical and mental needs. The Government should help families who cannot afford to provide this:**

VAWDASV and witnessing such violence as a child has a detrimental effect on the development of the child and in some cases impacts upon behaviour in later life. This may mean the standard of living for these children is not good enough to meet their physical and mental needs. Preventing domestic abuse, gender-based violence and sexual violence from occurring, particularly in families, and protecting and supporting victims when this does occur, will ensure children will be supported. This will help to ensure their mental needs are met.

**Article 34 – The Government should protect children from sexual abuse:**

The draft National Strategy is aimed at preventing VAWDASV and as such will help to protect children from sexual abuse in conjunction with existing safeguarding procedures.

**Article 39 - Children who have been neglected or abused should receive special help to restore their self respect:**

Support will be provided for all victims of VAWDASV. Children under the age of 18 are also already accommodated under other legislation, which can lead to a better integrated response to children who are victims of VAWDASV.

# THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

[www.uncrcletsgetitright.co.uk](http://www.uncrcletsgetitright.co.uk)

The United Nations Convention on the Rights of the Child is an international agreement that protects the human rights of the children under the age of 18. On 16 December 1991, the United Kingdom of Great Britain and Northern Ireland formally agreed to make sure that every child in the UK has all the rights as listed in the convention. The Welsh Government has shown its commitment to the convention by adopting it as the basis for policy making for children in Wales.

Altogether there are 54 articles in the convention. Articles 43-54 are about how adults and governments should work together to make sure all children are entitled to their rights. The information contained here is about articles 1-42 which set out how children should be treated.

## Article 1

Everyone under 18 years of age has all the rights in this Convention.

## Article 2

The Convention applies to everyone whatever their race, religion, abilities, whatever they think or say and whatever type of family they come from.

## Article 3

All organisations concerned with children should work towards what is best for each child.

## Article 4

Governments should make these rights available to children.

## Article 5

Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly.

## Article 6

All children have the right of life. Governments should ensure that children survive and develop healthy.

## Article 7

All children have the right to a legally registered name, the right to a nationality and the right to know and, as far as possible, to be cared for by their parents.

## Article 8

Governments should respect children's right to a name, a nationality and family ties.

## Article 9

Children should not be separated from their parents unless it is for their own good, for example if a parent is mistreating or neglecting a child. Children whose parents have separated have the right to stay in contact with both parents, unless this might hurt the child.

## Article 10

Families who live in different countries should be allowed to move between those countries so that parents and children can stay in contact or get back together as a family.

## Article 11

Governments should take steps to stop children being taken out of their own country illegally.

## Article 12

Children have the right to say what they think should happen, when adults are making

decisions that affect them, and to have their opinions taken into account.

## Article 13

Children have the right to get and to share information as long as the information is not damaging to them or to others.

## Article 14

Children have the right to think and believe what they want and to practise their religion, as long as they are not stopping other people from enjoying their rights. Parents should guide their children on these matters.

## Article 15

Children have the right to meet together and to join groups and organisations, as long as this does not stop other people from enjoying their rights.

## Article 16

Children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes.

## Article 17

Children have the right to reliable information from the mass media. Television, radio and newspapers should provide information that children can understand, and should not promote materials that could harm children.

## Article 18

Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments should help parents by providing services to support them, especially if both parents work.

## Article 19

Governments should ensure that children are properly cared for, and protect them from violence, abuse and neglect by their parents or anyone else who looks after them.

## Article 20

Children who cannot be looked after by their own family must be looked after properly, by people who respect their religion, culture and language.

## Article 21

When children are adopted the first concern must be what is best for them. The same rules should apply whether the children are adopted in the country where they were born or taken to live in another country.

## Article 22

Children who come into a country as refugees should have the same rights as children born in that country.

## Article 23

Children who have any kind of disability should have special care and support so that they can lead full and independent lives.

## Article 24

Children have the right to good quality health care and to clean water, nutritious food and a clean environment so that they will stay healthy. Rich countries should help poorer countries achieve this.

## Article 25

Children who are looked after by their local authority rather than their parents should have their situation reviewed regularly.

## Article 26

The Government should provide extra money for the children of families in need.

## Article 27

Children have a right to a standard of living that is good enough to meet their physical and mental needs. The Government should help families who cannot afford to provide this.

## Article 28

Children have a right to an education. Discipline in schools should respect children's human dignity. Primary education should be free. Wealthy countries should help poorer countries achieve this.

## Article 29

Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, and their own and other cultures.

## Article 30

Children have a right to learn and use the language and customs of their families, whether these are shared by the majority of people in the country or not.

## Article 31

All children have a right to relax and play, and to join in a wide range of activities.

## Article 32

The Government should protect children from work that is dangerous or might harm their health or their education.

## Article 33

The Government should provide ways of protecting children from dangerous drugs.

## Article 34

The Government should protect children from sexual abuse.

## Article 35

The Government should make sure that children are not abducted or sold.

## Article 36

Children should be protected from any activities that could harm their development.

## Article 37

Children who break the law should not be treated cruelly. They should not be put in prison with adults and should be able to keep in contact with their families.

## Article 38

Governments should not allow children under 15 to join the army. Children in war zones should receive special protection.

## Article 39

Children who have been neglected or abused should receive special help to restore their self respect.

## Article 40

Children who are accused of breaking the law should receive legal help. Prison sentences for children should only be used for the most serious offences.

## Article 41

If the laws of a particular country protect children better than the articles of the Convention, then those laws should stay.

## Article 42

The Government should make the Convention known to all parents and children.

For further information on the United Nations Convention on the Rights of the Child please visit: The Welsh Government's UNCRC Website: [www.uncrcletsgetitright.co.uk/](http://www.uncrcletsgetitright.co.uk/)

Cic - The National Information and Advice Service for Young People [www.ciconline.co.uk/news/](http://www.ciconline.co.uk/news/)



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