



Mesur Hawliau Plant a Phobl Ifanc (Cymru) 2011

2011 mccc 2

Rights of Children and Young Persons (Wales) Measure 2011

2011 nawm 2

Lluniwyd Nodiadau Esboniadol yn gymorth i ddeall y Mesur hwn ac maent ar gael ar wahân.

Explanatory Notes have been produced to assist in the understanding of this Measure and are available separately.

£ 9.75



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Mesur Hawliau Plant a Phobl Ifanc (Cymru) 2011

MESUR gan Gynulliad Cenedlaethol Cymru i wneud darpariaeth ynghylch ac mewn cysylltiad â rhoi effaith bellach yng Nghymru i'r hawliau a'r rhwymedigaethau a roddir yng Nghonfensiwn y Cenedloedd Unedig ar Hawliau'r Plentyn; ac at ddibenion cysylltiedig.

Mae'r Mesur hwn, a basiwyd gan Gynulliad Cenedlaethol Cymru ar 18 Ionawr 2011 ac a gymeradwywyd gan Ei Mawrhydi yn Ei Chyngor ar 16 Mawrth 2011, yn deddfu'r darpariaethau a ganlyn:—

1 Dyletswydd i roi sylw dyledus i'r Confensiwn ar Hawliau'r Plentyn

- (1) Oddi ar ddechrau Mai 2014, rhaid i Weinidogion Cymru, wrth arfer unrhyw un neu ragor o'u swyddogaethau, roi sylw dyledus i ofynion—
 - (a) Rhan I o'r Confensiwn,
 - (b) erthyglau 1 i 7 o'r Protocol Dewisol i'r Confensiwn ar Hawliau'r Plentyn ar dynnu plant i mewn i wrthdaro arfog, ac eithrio erthygl 6(2), ac
 - (c) erthyglau 1 i 10 o'r Protocol Dewisol i'r Confensiwn ar Hawliau'r Plentyn ar werthu plant, puteindra plant a phornograffi plant.
- (2) Oddi ar ddechrau Mai 2012 hyd at ddiwedd Ebrill 2014, rhaid i Weinidogion Cymru, wrth wneud unrhyw benderfyniad sydd yn dod o fewn is-adran (3), roi sylw dyledus i ofynion Rhan I o'r Confensiwn a'r Protocolau.
- (3) Mae penderfyniad yn dod o dan yr is-adran hon os yw'r penderfyniad yn ymwneud ag unrhyw un neu ragor o'r canlynol—
 - (a) darpariaeth y bwriedir ei chynnwys mewn deddfiad;
 - (b) fformiwleiddio polisi newydd;
 - (c) adolygiad o bolisi sydd eisoes mewn bod neu newid i bolisi sydd eisoes mewn bod.
- (4) Mae cyfeiriadau yn y Mesur hwn at ddyletswydd Gweinidogion Cymru o dan yr adran hon yn cyfeirio—
 - (a) oddi ar ddechrau Mai 2012 hyd at ddiwedd Ebrill 2014, at y ddyletswydd yn is adran (2); a
 - (b) oddi ar ddechrau Mai 2014, at y ddyletswydd yn is-adran (1).



Rights of Children and Young Persons (Wales) Measure 2011

A MEASURE of the National Assembly for Wales to make provision for and in connection with giving further effect in Wales to the rights and obligations set out in the United Nations Convention on the Rights of the Child; and for connected purposes.

This Measure, passed by the National Assembly for Wales on 18 January 2011 and approved by Her Majesty in Council on 16 March 2011, enacts the following provisions:—

1 Duty to have due regard to Convention on the Rights of the Child

- (1) From the beginning of May 2014, the Welsh Ministers must, when exercising any of their functions, have due regard to the requirements of—
 - (a) Part I of the Convention,
 - (b) articles 1 to 7 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, except article 6(2), and
 - (c) articles 1 to 10 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
- (2) From the beginning of May 2012 until the end of April 2014, the Welsh Ministers must, in making any decision which falls within subsection (3), have due regard to the requirements of Part I of the Convention and the Protocols.
- (3) A decision falls within this subsection if it is a decision about any of the following—
 - (a) provision proposed to be included in an enactment;
 - (b) formulation of a new policy;
 - (c) a review of or change to an existing policy.
- (4) References in this Measure to the Welsh Ministers' duty under this section are—
 - (a) from the beginning of May 2012 until the end of April 2014, to the duty in subsection (2); and
 - (b) from the beginning of May 2014, to the duty in subsection (1).

- (5) Mae'r adran hon yn gymwys i'r Prif Weinidog ac i Weinidogion Cymru fel ei gilydd (ac mae unrhyw gyfeiriad yn y Mesur hwn at y ddyletswydd o dan yr adran hon i'w ddarllen yn unol â hynny).

2 Cynllun y plant

- (1) Rhaid i Weinidogion Cymru wneud cynllun ("cynllun y plant") sy'n gosod y trefniadau y maent wedi eu gwneud, neu y maent yn bwriadu eu gwneud, at ddiben sicrhau cydymffurfiaeth â'r ddyletswydd o dan adran 1.
- (2) Caiff y cynllun—
- (a) ei gwneud yn ofynnol i Weinidogion Cymru gyhoeddi adroddiadau ar weithrediad y cynllun neu ar unrhyw fater arall a grybwyllir ynddo (yn ychwanegol at yr adroddiadau sy'n ofynnol o dan adran 4(1)), a
 - (b) pennu materion y mae'n rhaid eu cynnwys yn yr adroddiadau hynny neu mewn adroddiadau o dan adran 4(1).
- (3) Caiff y cynllun gynnwys unrhyw faterion eraill y mae Gweinidogion Cymru yn barnu eu bod yn briodol.
- (4) Rhaid i Weinidogion Cymru, cyn pen chwe mis ar ôl i'r Pwyllgor wneud unrhyw awgrym neu argymhelliad cyffredinol o dan erthygl 45(d) seiliedig ar adroddiad gan y DU, ystyried p'un ai i adolygu neu ail-wneud y cynllun yng ngoleuni'r awgrym hwnnw neu'r argymhelliad hwnnw.
- (5) Caiff Gweinidogion Cymru adolygu neu ail-wneud y cynllun ar unrhyw adeg.
- (6) Yn yr adran hon—
- (a) ystyr "y Pwyllgor" yw'r Pwyllgor ar Hawliau'r Plentyn a sefydlwyd o dan erthygl 43(1);
 - (b) ystyr "adroddiad gan y DU" yw adroddiad a gyflwynir gan y Deyrnas Unedig o dan erthygl 44(1)(b); ac
 - (c) mae unrhyw gyfeiriad at erthygl yn gyfeiriad at yr erthygl honno o'r Confensiwn.

3 Llunio a chyhoeddi'r cynllun

- (1) Wrth lunio, ail-wneud neu adolygu cynllun y plant, rhaid i Weinidogion Cymru roi sylw i—
- (a) unrhyw adroddiad gan y Pwyllgor o dan erthygl 44(5) neu astudiaeth a wneir o dan erthygl 45(c);
 - (b) unrhyw adroddiadau, awgrymiadau, argymhellion cyffredinol neu ddogfennau eraill a ddyroddir gan y Pwyllgor sy'n ymwneud â rhoi'r Confensiwn neu'r Protocolau ar waith gan y Deyrnas Unedig.
- (2) Wrth lunio, ail-wneud neu adolygu cynllun y plant, caiff Gweinidogion Cymru roi sylw i unrhyw ddogfennau eraill (p'un a ddyroddir hwy gan y Pwyllgor ai peidio) ac i unrhyw faterion eraill sydd yn eu barn hwy yn berthnasol.
- (3) Cyn gwneud, ail-wneud neu adolygu cynllun y plant, rhaid i Weinidogion Cymru gyhoeddi drafft o'r—
- (a) cynllun, neu

- (5) This section applies to the First Minister as to the Welsh Ministers (and any reference in this Measure to the duty under this section is to be read accordingly).

2 The children's scheme

- (1) The Welsh Ministers must make a scheme (“the children's scheme”) setting out the arrangements they have made, or propose to make, for the purpose of securing compliance with the duty under section 1.
- (2) The scheme may –
- (a) require the Welsh Ministers to publish reports on the operation of the scheme or on any other matter mentioned in it (in addition to the reports required under section 4(1)), and
 - (b) specify matters which must be included in such reports or in reports under section 4(1).
- (3) The scheme may contain such other matters as the Welsh Ministers consider appropriate.
- (4) The Welsh Ministers must, within six months of the Committee making any suggestion or general recommendation under article 45(d) based on a UK report, consider whether to revise or remake the scheme in the light of that suggestion or recommendation.
- (5) The Welsh Ministers may revise or remake the scheme at any time.
- (6) In this section –
- (a) “the Committee” means the Committee on the Rights of the Child established under article 43(1);
 - (b) “UK report” means a report submitted by the United Kingdom under article 44(1)(b); and
 - (c) any reference to an article is a reference to that article of the Convention.

3 Preparation and publication of the scheme

- (1) In preparing, remaking or revising the children's scheme, the Welsh Ministers must have regard to –
- (a) any report of the Committee under article 44(5) or study undertaken under article 45(c);
 - (b) any other reports, suggestions, general recommendations or other documents issued by the Committee relating to the implementation of the Convention or the Protocols by the United Kingdom.
- (2) In preparing, remaking or revising the children's scheme, the Welsh Ministers may have regard to any other documents (whether or not issued by the Committee) and to any other matters which they consider to be relevant.
- (3) Before making, remaking or revising the children's scheme, the Welsh Ministers must publish a draft of –
- (a) the scheme, or

- (b) pan fônt yn bwriadu adolygu'r cynllun, naill ai'r adolygiadau neu'r cynllun fel y'i adolygwyd.
- (4) Wrth lunio drafft i'w gyhoeddi o dan is-adran (3), rhaid i Weinidogion Cymru sicrhau bod –
- (a) plant a phobl ifanc,
 - (b) Comisiynydd Plant Cymru, ac
 - (c) unrhyw bobl neu gyrff eraill y mae Gweinidogion Cymru yn barnu eu bod yn briodol,
- yn cael rhan mewn llunio'r drafft.
- (5) Cyn gwneud, ail-wneud neu adolygu cynllun y plant, rhaid i Weinidogion Cymru ymgynghori â'r bobl a ganlyn ynghylch y drafft a gyhoeddir o dan is-adran (3) –
- (a) plant a phobl ifanc,
 - (b) Comisiynydd Plant Cymru, ac
 - (c) unrhyw bobl neu gyrff eraill y mae Gweinidogion Cymru yn barnu eu bod yn briodol.
- (6) Rhaid i Weinidogion Cymru beidio â gwneud, ail-wneud nac adolygu cynllun y plant oni bai bod drafft o'r –
- (a) cynllun, neu
 - (b) pan fônt yn bwriadu adolygu'r cynllun, naill ai'r adolygiadau neu'r cynllun fel y'i adolygwyd,
- wedi ei osod gerbron y Cynulliad ac wedi ei gymeradwyo drwy benderfyniad gan y Cynulliad.
- (7) Rhaid i Weinidogion Cymru osod drafft o'r cynllun gerbron y Cynulliad (yn unol ag is-adran (6)(a)) ar neu cyn 31 Mawrth 2012.
- (8) Rhaid i Weinidogion Cymru gyhoeddi cynllun y plant pan fyddant yn ei wneud a phryd bynnag y byddont yn ei ail-wneud; ac, os ydynt yn adolygu'r cynllun heb ei ail-wneud, rhaid iddynt gyhoeddi naill ai'r adolygiadau neu'r cynllun fel y'i adolygwyd (fel sy'n briodol yn eu barn hwy).
- (9) Os yw Gweinidogion Cymru yn cyhoeddi cynllun neu adolygiadau o dan is-adran (8) rhaid iddynt osod copi o'r cynllun neu'r adolygiadau gerbron y Cynulliad.
- (10) Yn yr adran hon –
- (a) ystyr “y Pwyllgor” yw'r Pwyllgor ar Hawliau'r Plentyn a sefydlwyd o dan erthygl 43(1); a
 - (b) mae unrhyw gyfeiriad at erthygl yn gyfeiriad at yr erthygl honno o'r Confensiwn.

4 Adroddiadau

- (1) Rhaid i Weinidogion Cymru –
- (a) ar neu cyn 31 Ionawr 2013, a
 - (b) ar neu cyn diwedd pob cyfnod dilynol o bum mlynedd, neu o unrhyw hyd arall a bennir yng nghynllun y plant,

- (b) where they intend to revise the scheme, either the revisions or the scheme as revised.
- (4) In preparing a draft to be published under subsection (3), the Welsh Ministers must ensure that –
 - (a) children and young persons,
 - (b) the Children's Commissioner for Wales, and
 - (c) such other persons or bodies as the Welsh Ministers consider appropriate,are involved in the preparation of the draft.
- (5) Before making, remaking or revising the children's scheme, the Welsh Ministers must consult the following persons on the draft published under subsection (3) –
 - (a) children and young persons,
 - (b) the Children's Commissioner for Wales, and
 - (c) such other persons or bodies as the Welsh Ministers consider appropriate.
- (6) The Welsh Ministers must not make, remake or revise the children's scheme unless a draft of –
 - (a) the scheme, or
 - (b) where they intend to revise the scheme, either the revisions or the scheme as revised,has been laid before, and approved by a resolution of, the Assembly.
- (7) The Welsh Ministers must lay a draft of the scheme before the Assembly (in accordance with subsection (6)(a)) on or before 31 March 2012.
- (8) The Welsh Ministers must publish the children's scheme when they make it and whenever they remake it; and, if they revise the scheme without remaking it, they must publish either the revisions or the scheme as revised (as they consider appropriate).
- (9) If the Welsh Ministers publish a scheme or revisions under subsection (8) they must lay a copy of the scheme or revisions before the Assembly.
- (10) In this section –
 - (a) “the Committee” means the Committee on the Rights of the Child established under article 43(1); and
 - (b) any reference to an article is a reference to that article of the Convention.

4 Reports

- (1) The Welsh Ministers must –
 - (a) on or before 31 January 2013, and
 - (b) at or before the end of each succeeding period of five years, or of such other length as may be specified in the children's scheme,

gyhoeddi adroddiad ar sut y maent hwy a'r Prif Weinidog wedi cydymffurfio â'r ddyletswydd o dan adran 1.

- (2) Rhaid i Weinidogion Cymru gyhoeddi unrhyw adroddiadau eraill sy'n ofynnol yn unol ag adran 2(2)(a).
- (3) Rhaid i Weinidogion Cymru osod gerbron y Cynulliad gopi o bob adroddiad a gyhoeddir o dan is-adran (1) neu (2).

5 Dyletswydd i hybu gwybodaeth o'r Confensiwn

Rhaid i Weinidogion Cymru gymryd y camau priodol i hybu gwybodaeth a dealltwriaeth o'r Confensiwn a'r Protocolau ymhlith y cyhoedd (gan gynnwys plant).

6 Pŵer i ddiwygio deddfwriaeth etc

- (1) Mae'r adran hon yn gymwys os yw adroddiad a gyhoeddir o dan 4(1) neu (2) yn dod i'r casgliad y byddai'n ddymunol, at ddibenion rhoi effaith bellach neu effaith well i'r hawliau a'r rhwymedigaethau a nodir yn Rhan I o'r Confensiwn a'r Protocolau, i ddiwygio deddfiad neu offeryn uchelfreiniol.
- (2) Caiff Gweinidogion Cymru wneud drwy orchymyn unrhyw ddiwygiadau i'r deddfiad hwnnw neu i'r offeryn hwnnw sydd yn eu barn hwy yn briodol yn sgil yr adroddiad.
- (3) Ond ni chaiff Gweinidogion Cymru wneud gorchymyn o dan is-adran (2) os nad yw'r ddarpariaeth a wneir gan y gorchymyn o fewn cymhwysedd deddfwriaethol y Cynulliad ar y pryd.
- (4) Cyn gwneud gorchymyn o dan is-adran (2) rhaid i Weinidogion Cymru ymgynghori â'r bobl hynny neu â'r cyrff hynny sydd ym marn Gweinidogion Cymru yn briodol.

7 Cymhwyso i bobl ifanc

- (1) Rhaid i Weinidogion Cymru ystyried p'un a gaiff ac (os felly) i ba raddau a chyda pha ddiwygiadau y caiff –
 - (a) gofynion Rhan I o'r Confensiwn a'r Protocolau fod yn berthnasol i bobl ifanc, a
 - (b) gofynion y Mesur hwn gael eu cymhwyso o ran pobl ifanc.
- (2) Rhaid i gynllun y plant (pan wneir ef yn gyntaf) gynnwys datganiad ar fwriadau Gweinidogion Cymru i ymgynghori ar y materion a grybwyllir yn is-adran (1).
- (3) Caiff Gweinidogion Cymru, wrth ymgynghori ar y materion a grybwyllir yn is-adran (1), ymgynghori ar unrhyw fater arall sy'n ymwneud â phobl ifanc sydd yn eu barn hwy yn briodol.
- (4) Rhaid i Weinidogion Cymru gyhoeddi adroddiad ar eu casgliadau o dan is-adran (1).
- (5) Rhaid i Weinidogion Cymru osod gerbron y Cynulliad gopi o unrhyw adroddiad a gyhoeddir o dan is-adran (4).
- (6) Caiff Gweinidogion Cymru, drwy orchymyn –
 - (a) gymhwyso unrhyw ddarpariaeth yn y Mesur hwn o ran pobl ifanc;
 - (b) wneud unrhyw ddarpariaeth arall sydd yn eu barn hwy yn briodol er mwyn rhoi effaith, o ran pobl ifanc, i unrhyw un neu ragor o'r gofynion yn Rhan I o'r Confensiwn a'r Protocolau.

publish a report on how they and the First Minister have complied with the duty under section 1.

- (2) The Welsh Ministers must publish such other reports as may be required in pursuance of section 2(2)(a).
- (3) The Welsh Ministers must lay before the Assembly a copy of each report published under subsection (1) or (2).

5 Duty to promote knowledge of the Convention

The Welsh Ministers must take such steps as are appropriate to promote knowledge and understanding amongst the public (including children) of the Convention and the Protocols.

6 Power to amend legislation etc

- (1) This section applies if a report published under section 4(1) or (2) concludes that it would be desirable, for the purpose of giving further or better effect to the rights and obligations set out in Part I of the Convention and the Protocols, to amend an enactment or prerogative instrument.
- (2) The Welsh Ministers may by order make such amendments of that enactment or instrument as they consider appropriate in the light of the report.
- (3) But the Welsh Ministers may not make an order under subsection (2) unless the provision made by the order would be within the legislative competence for the time being of the Assembly.
- (4) Before making an order under subsection (2) the Welsh Ministers must consult such persons or bodies as they consider appropriate.

7 Application to young persons

- (1) The Welsh Ministers must consider whether and (if so) to what extent and with what amendments –
 - (a) the requirements of Part I of the Convention and the Protocols may be relevant to young persons, and
 - (b) the provisions of this Measure may be applied in relation to young persons.
- (2) The children's scheme must (when first made) include a statement of the Welsh Ministers' proposals to consult on the matters mentioned in subsection (1).
- (3) The Welsh Ministers may, when consulting on the matters mentioned in subsection (1), consult on any other matter relating to young persons that they consider appropriate.
- (4) The Welsh Ministers must publish a report of their conclusions under subsection (1).
- (5) The Welsh Ministers must lay before the Assembly a copy of any report published under subsection (4).
- (6) The Welsh Ministers may by order –
 - (a) apply any provision of this Measure in relation to young persons;
 - (b) make such other provision as they consider appropriate for giving effect, in relation to young persons, to any of the requirements of Part I of the Convention and the Protocols.

- (7) Caiff gorchymyn o dan is-adran (6)(a) wneud unrhyw addasiadau o'r darpariaethau a gymhwysir ganddo sydd yn briodol ym marn Gweinidogion Cymru.
- (8) Cyn gwneud gorchymyn o dan is-adran (6) rhaid i Weinidogion Cymru –
 - (a) gyhoeddi drafft o'r gorchymyn, a
 - (b) ymgynghori ar y drafft â'r bobl neu'r cyrff sydd yn eu barn hwy yn briodol.

8 Y Confensiwn ar Hawliau'r Plentyn

- (1) Yn y Mesur hwn –
 - (a) ystyr “y Confensiwn” yw Confensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn a fabwysiadwyd ac a agorwyd i'w lofnodi, ei gadarnhau a'i gytuno gan benderfyniad y Cynulliad Cyffredinol 44/25 20 Tachwedd 1989, a
 - (b) ystyr “y Protocolau” yw'r Protocolau Dewisol a grybwyllir yn adran 1(1)(b) ac (c).
- (2) Yn yr Atodlen i'r Mesur hwn –
 - (a) mae Rhan 1 yn rhoi testun Rhan I o'r Confensiwn,
 - (b) mae Rhan 2 yn rhoi testun erthyglau'r Protocolau y cyfeirir atynt yn adran 1(1)(b) ac (c), a
 - (c) mae Rhan 3 yn rhoi testun y datganiadau gan y Deyrnas Unedig i'r Confensiwn a'r Protocolau.
- (3) At ddibenion y Mesur hwn, mae'r Confensiwn a'r Protocolau i'w trin fel petai iddynt effaith –
 - (a) fel y'u rhoddir am y tro yn Rhannau 1 a 2 o'r Atodlen, ond
 - (b) yn ddarostyngedig i unrhyw ddatganiad neu neilltuad fel y'u rhoddir am y tro yn Rhan 3 o'r Atodlen.
- (4) Mae is-adran (5) yn gymwys os yw'r Deyrnas Unedig wedi llofnodi neu wedi mynegi fel arall ei chytundeb i –
 - (a) diwygiad i'r Confensiwn neu i brotocol a roddir am y tro yn yr Atodlen, neu
 - (b) protocol ychwanegol i'r Confensiwn.

Ond nid yw'r is-adran honno yn gymwys os yw is-adran (7) yn gymwys o ran y diwygiad neu'r protocol.

- (5) Caiff Gweinidogion Cymru wneud drwy orchymyn ddiwygiadau i adran 1(1), 8(1), 8(2) neu 8(3) o'r Mesur hwn neu i'r Atodlen i'r Mesur hwn i adlewyrchu –
 - (a) y diwygiad neu'r protocol, a
 - (b) unrhyw ddatganiad neu neilltuad gan y Deyrnas Unedig i'r diwygiad neu i'r protocol.
- (6) Mae is-adran (7) yn gymwys os yw'r Deyrnas Unedig wedi cadarnhau –
 - (a) diwygiad i'r Confensiwn neu i brotocol a roddir am y tro yn yr Atodlen, neu
 - (b) protocol ychwanegol i'r Confensiwn.

- (7) An order under subsection (6)(a) may make such modifications of the provisions applied by it as the Welsh Ministers consider appropriate.
- (8) Before making an order under subsection (6) the Welsh Ministers must—
 - (a) publish a draft of the order, and
 - (b) consult such persons or bodies as they consider appropriate on the draft.

8 The Convention on the Rights of the Child

- (1) In this Measure—
 - (a) “the Convention” means the United Nations Convention on the Rights of the Child adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989, and
 - (b) “the Protocols” means the Optional Protocols mentioned in section 1(1)(b) and (c).
- (2) In the Schedule to this Measure—
 - (a) Part 1 sets out the text of Part I of the Convention,
 - (b) Part 2 sets out the text of the articles of the Protocols referred to in section 1(1)(b) and (c), and
 - (c) Part 3 sets out the text of the declarations by the United Kingdom to the Convention and the Protocols.
- (3) For the purposes of this Measure, the Convention and Protocols are to be treated as having effect—
 - (a) as set out for the time being in Parts 1 and 2 of the Schedule, but
 - (b) subject to any declaration or reservation as set out for the time being in Part 3 of the Schedule.
- (4) Subsection (5) applies if the United Kingdom has signed or otherwise indicated its agreement to—
 - (a) an amendment to the Convention or to a protocol for the time being set out in the Schedule, or
 - (b) an additional protocol to the Convention.

But that subsection does not apply if subsection (7) applies in relation to the amendment or protocol.

- (5) The Welsh Ministers may by order make amendments to section 1(1), 8(1), 8(2) or 8(3) of, or the Schedule to, this Measure to reflect—
 - (a) the amendment or protocol, and
 - (b) any declaration or reservation by the United Kingdom to the amendment or protocol.
- (6) Subsection (7) applies if the United Kingdom has ratified—
 - (a) an amendment to the Convention or to a protocol for the time being set out in the Schedule, or
 - (b) an additional protocol to the Convention.

- (7) Rhaid i Weinidogion Cymru wneud drwy orchymyn ddiwygiadau i adran 1(1), 8(1), 8(2) neu 8(3) o'r Mesur hwn neu i'r Atodlen i'r Mesur hwn i adlewyrchu –
- (a) y diwygiad neu'r protocol, a
 - (b) unrhyw ddatganiad neu neilltuad gan y Deyrnas Unedig i'r diwygiad neu i'r protocol.
- (8) Rhaid i Weinidogion Cymru wneud drwy orchymyn ddiwygiadau i Ran 3 o'r Atodlen i adlewyrchu unrhyw weithred o ddiwygio neu dynnu yn ôl o unrhyw ddatganiad neu neilltuad a roddir am y tro yn y Rhan honno.

9 Darpariaethau dehongli eraill

Yn y Mesur hwn –

ystyr “y Cynulliad” (*the Assembly*) yw Cynulliad Cenedlaethol Cymru;

ystyr “deddfiad” (*enactment*) yw –

- (i) Deddf Seneddol,
- (ii) Mesur neu Ddeddf Cynulliad,
- (iii) is-ddeddfwriaeth o fewn ystyr adran 21(1) o Ddeddf Dehongli 1978 (p. 30), neu
- (iv) is-ddeddfwriaeth a wneir o dan unrhyw un o Fesurau neu Ddeddfau'r Cynulliad;

ystyr “plentyn” (*child*) yw person nad yw wedi cyrraedd 18 oed;

ystyr “pobl ifanc” (*young person*) yw pobl sydd wedi cyrraedd 18 oed ond nid 25 oed.

10 Gorchmynion

- (1) Mae unrhyw orchymyn o dan y Mesur hwn i'w wneud drwy offeryn statudol.
- (2) Rhaid i offeryn statudol sy'n cynnwys gorchymyn o dan adran 6 neu 7 beidio â chael ei wneud oni bai bod drafft o'r offeryn wedi cael ei osod gerbron y Cynulliad a'i gymeradwyo drwy benderfyniad gan y Cynulliad.
- (3) Ni chaniateir i unrhyw drafodion gael eu cynnal yn y Cynulliad er mwyn cymeradwyo drafft offeryn sy'n cynnwys gorchymyn o dan adran 6 neu 7 cyn diwedd y cyfnod o 40 niwrnod fel y'i diffinnir yn is-adran (6).
- (4) Rhaid i ddrafft o offeryn statudol sy'n cynnwys gorchymyn o dan adran 8 gael ei osod gerbron y Cynulliad cyn i'r offeryn gael ei wneud a rhaid peidio â gwneud yr offeryn cyn diwedd y cyfnod o 40 niwrnod fel y'i diffinnir yn is-adran (6).
- (5) Nid yw adran 6(1) o Ddeddf Offerynnau Statudol 1946 yn gymwys i ddrafft o offeryn sy'n cynnwys gorchymyn o dan adran 8.
- (6) At ddibenion is-adrannau (3) a (4), mae'r cyfnod o 40 niwrnod yn dechrau ar y diwrnod pryd y gosodir yr offeryn drafft gerbron y Cynulliad, heb gymryd i ystyriaeth unrhyw amser pryd y bydd y Cynulliad wedi ei ddiddymu neu ar doriad am fwy na phedwar diwrnod.

- (7) The Welsh Ministers must by order make amendments to section 1(1), 8(1), 8(2) or 8(3) of, or the Schedule to, this Measure to reflect –
 - (a) the amendment or protocol, and
 - (b) any declaration or reservation by the United Kingdom to the amendment or protocol.
- (8) The Welsh Ministers must by order make amendments to Part 3 of the Schedule to reflect any amendment to or withdrawal of any declaration or reservation for the time being set out in that Part.

9 Other interpretive provisions

In this Measure –

“the Assembly” (*y Cynulliad*) means the National Assembly for Wales;

“child” (*plentyn*) means a person who has not attained the age of 18;

“enactment” (*deddfiad*) means –

- (i) Act of Parliament,
- (ii) Measure or Act of the Assembly,
- (iii) subordinate legislation within the meaning of section 21(1) of the Interpretation Act 1978 (c. 30), or
- (iv) subordinate legislation made under any Measure or Act of the Assembly;

“young person” (*pobl ifanc*) means a person who has attained the age of 18 but not the age of 25.

10 Orders

- (1) Any order under this Measure is to be made by statutory instrument.
- (2) A statutory instrument containing an order under section 6 or 7 must not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Assembly.
- (3) No proceedings may take place in the Assembly for the purpose of approving the draft of an instrument containing an order under section 6 or 7 before the end of the period of 40 days as defined in subsection (6).
- (4) A draft of a statutory instrument containing an order under section 8 must be laid before the Assembly before the instrument is made and the instrument must not be made before the end of the period of 40 days as defined in subsection (6).
- (5) Section 6(1) of the Statutory Instruments Act 1946 does not apply to a draft of an instrument containing an order under section 8.
- (6) For the purposes of subsections (3) and (4), the period of 40 days begins on the day on which the draft instrument is laid before the Assembly, disregarding any time during which the Assembly is dissolved or is in recess for more than four days.

11 Cychwyn

Daw'r Mesur hwn i rym ar ddiwedd y cyfnod o ddau fis sy'n dechrau ar y diwrnod pan gymeradwyir ef gan Ei Mawrhydi yn ei Chyngor.

12 Enw byr

Enw'r Mesur hwn yw Mesur Hawliau Plant a Phobl Ifanc (Cymru) 2011.

11 Commencement

This Measure comes into force at the end of the period of two months beginning on the day on which it is approved by Her Majesty in Council.

12 Short title

This Measure may be cited as the Rights of Children and Young Persons (Wales) Measure 2011.

YR ATODLEN

(a gyflwynwyd gan adran 8)

Y CONFENSIWN, Y PROTOCOLAU, Y DATGANIADAU A'R NEILLTUADAU

RHAN 1

RHAN I O'R CONFENSIWN

Erthygl 1

At ddibenion y Confensiwn presennol, mae plentyn yn golygu pob bod dynol sydd o dan ddeunaw mlwydd oed oni ddeuir i lawn oed yn gynt o dan y gyfraith sy'n gymwysadwy i'r plentyn.

Erthygl 2

- 1 Rhaid i Bartïon Gwladwriaethau barchu'r hawliau sydd wedi eu nodi yn y Confensiwn presennol a'u sicrhau i bob plentyn o fewn eu hawdurdodaeth heb gamwahaniaethu o unrhyw fath, ni waeth beth fo hil, lliw, rhyw, iaith, crefydd, barn wleidyddol neu farn arall, tarddiad cenedlaethol, ethnig neu gymdeithasol, eiddo, anabled, genedigaeth neu statws arall y plentyn neu ei riant neu ei warcheidwad cyfreithiol.
- 2 Rhaid i Bartïon Gwladwriaethau gymryd pob mesur priodol i sicrhau bod y plentyn yn cael ei amddiffyn rhag pob ffurf ar gamwahaniaethu neu gosbi ar sail statws, gweithgareddau, barnau datganedig, neu gredoau rhieni, gwarcheidwaid cyfreithiol, neu aelodau teulu'r plentyn.

Erthygl 3

- 1 Ym mhob gweithred sy'n ymwneud â phlant, p'un a ymgymerir â hwy gan sefydliadau lles cymdeithasol cyhoeddus neu breifat, llysoedd barn, awdurdodau gweinyddol neu gyrff deddfwriaethol, rhaid i les pennaf y plentyn fod yn brif ystyriaeth.
- 2 Mae Partïon Gwladwriaethau yn ymrwymo i sicrhau i'r plentyn yr amddiffyniad a'r gofal sy'n angenrheidiol i'w lesiant, gan ystyried hawliau a dyletswyddau ei rieni, ei warcheidwaid cyfreithiol, neu unigolion eraill sydd â chyfrifoldeb cyfreithiol drosto, ac, i'r perwyl hwn, rhaid iddynt gymryd pob mesur deddfwriaethol a gweinyddol sy'n briodol.
- 3 Rhaid i Bartïon Gwladwriaethau sicrhau y bydd y sefydliadau, y gwasanaethau a'r cyfleusterau sy'n gyfrifol am ofalu am blant neu am eu hamddiffyn yn cydymffurfio â'r safonau a sefydlwyd gan awdurdodau cymwys, yn enwedig ym meysydd diogelwch, iechyd, yn nifer ac addasrwydd eu staff, yn ogystal â goruchwyliaeth gymwys.

Erthygl 4

Rhaid i Bartïon Gwladwriaethau ymgymryd â phob mesur deddfwriaethol a gweinyddol sy'n briodol a phob mesur priodol arall ar gyfer gweithredu'r hawliau a gydnabyddir yn y Confensiwn presennol. O ran hawliau economaidd, cymdeithasol a diwylliannol, rhaid i Bartïon Gwladwriaethau ymgymryd â'r mesurau hynny hyd eithaf maint yr adnoddau sydd ar gael iddynt, a phan fo angen, o fewn fframwaith cydweithredu rhyngwladol.

SCHEDULE
(introduced by section 8)

THE CONVENTION, PROTOCOLS, DECLARATIONS AND RESERVATIONS

PART 1

PART I OF THE CONVENTION

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

- 1 States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- 2 States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

- 1 In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
- 2 States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
- 3 States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Erthygl 5

Rhaid i Bartïon Gwladwriaethau barchu cyfrifoldebau, hawliau a dyletswyddau rhieni neu, pan fo'n gymwysadwy, aelodau'r teulu estynedig neu'r gymuned fel y darperir ar gyfer hynny yn ôl yr arfer lleol, gwarcheidwaid cyfreithiol neu bersonau eraill sy'n gyfrifol am y plentyn yn ôl y gyfraith, i ddarparu, mewn modd sy'n gyson â gallueddau datblygol y plentyn, gyfarwyddyd a chanllawiau priodol i'r plentyn arfer yr hawliau a gydnabyddir yn y Confensiwn presennol.

Erthygl 6

- 1 Mae Partïon Gwladwriaethau yn cydnabod bod gan bob plentyn hawl gynhenid i fywyd.
- 2 Rhaid i Bartïon Gwladwriaethau sicrhau i'r graddau eithaf sy'n bosibl y bydd y plentyn yn goroesi ac yn datblygu.

Erthygl 7

- 1 Rhaid i'r plentyn gael ei gofrestru yn union ar ôl ei eni a bydd ganddo hawl o ddyddiad ei eni i gael enw, hawl i gael cenedligrwydd a chyn belled ag y bo modd, hawl i adnabod ei rieni ac i gael gofal ganddynt.
- 2 Rhaid i Bartïon Gwladwriaethau sicrhau bod yr hawliau hyn yn cael eu gweithredu'n unol â'u cyfraith genedlaethol a'u rhwymedigaethau o dan yr offerynnau rhyngwladol perthnasol yn y maes hwn, yn enwedig pan fyddai'r plentyn fel arall heb wladwriaeth.

Erthygl 8

- 1 Mae Partïon Gwladwriaethau yn ymrwymo i barchu hawl y plentyn i gadw ei hunaniaeth, gan gynnwys ei genedligrwydd, ei enw a'i berthnasau teuluol fel y'u cydnabyddir gan y gyfraith heb amhariad anghyfreithlon.
- 2 Pan fo plentyn wedi ei amddifadu'n anghyfreithlon o rai neu bob un o elfennau ei hunaniaeth, rhaid i Bartïon Gwladwriaethau ddarparu cymorth ac amddiffyniad priodol, gyda golwg ar ailsefydlu'n gyflym ei hunaniaeth.

Erthygl 9

- 1 Rhaid i Bartïon Gwladwriaethau sicrhau na chaiff plentyn ei wahanu oddi wrth ei rieni yn erbyn eu hewyllys, ac eithrio pan fo awdurdodau cymwys, yn ddarostyngedig i adolygiad barnwrol, yn penderfynu, yn unol â'r gyfraith a'r gweithdrefnau sy'n gymwysadwy, fod angen y gwahanu hwnnw er lles pennaf y plentyn. Gall penderfyniad o'r fath fod yn angenrheidiol mewn achos penodol megis un sy'n golygu bod y plentyn yn cael ei cam-drin neu ei esgeuluso gan y rhieni, neu un lle mae'r rhieni'n byw ar wahân a bod rhaid gwneud penderfyniad ynghylch preswylfan y plentyn.
- 2 Mewn unrhyw reithdrefn yn unol â pharagraff 1 o'r erthygl bresennol, rhaid i bob parti sydd â buddiant gael cyfle i gymryd rhan yn y rheithdrefn ac i wneud eu sylwadau'n hysbys.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

- 1 States Parties recognize that every child has the inherent right to life.
- 2 States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

- 1 The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
- 2 States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

- 1 States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
- 2 Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

- 1 States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.
- 2 In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

- 3 Rhaid i Bartïon Gwladwriaethau barchu hawl plentyn sydd wedi ei wahanu oddi wrth un o'i rieni neu'r ddau ohonynt i gadw perthynas bersonol a chysylltiad uniongyrchol â'r ddau riant yn rheolaidd, ac eithrio os yw'n groes i les penaf y plentyn.
- 4 Pan fo'r gwahanu hwnnw yn ganlyniad i unrhyw gamau a gychwynwyd gan Barti Gwladwriaeth, megis cadwad, carchariad, alltudiaeth, allgludiad neu farwolaeth (gan gynnwys marwolaeth sy'n deillio o unrhyw achos tra bo'r person yn nalfa'r Wladwriaeth) un rhiant neu'r ddau ohonynt neu'r plentyn, rhaid i'r Parti Gwladwriaeth, ar archiad, ddarparu i'r rhieni, y plentyn neu, os yw'n briodol, aelod arall o'r teulu yr wybodaeth hanfodol ynghylch lleoliad aelod(au) absennol y teulu oni fyddai darparu'r wybodaeth yn niweidiol i lesiant y plentyn. Rhaid i Bartïon Gwladwriaethau sicrhau ymhellach na fyddai cyflwyno'r archiad hwnnw ynddo'i hun yn peri unrhyw ganlyniadau andwyol i'r person(au) o dan sylw.

Erthygl 10

- 1 Yn unol ag ymrwymiad y Partïon Gwladwriaethau o dan erthygl 9, paragraff 1, rhaid i geisiadau gan blentyn neu ei rieni i ddod i mewn i diriogaeth Parti Gwladwriaeth neu ymadael â hi at ddiben ailuno gael eu trin gan Bartïon Gwladwriaethau mewn modd cadarnhaol, dyngarol a hwylus. Rhaid i Bartïon Gwladwriaethau sicrhau ymhellach na fyddai cyflwyno'r archiad hwnnw yn peri unrhyw ganlyniadau andwyol i'r ceiswyr nac i aelodau o'u teulu.
- 2 Bydd gan blentyn y mae ei rieni yn preswyllo mewn gwahanol Wladwriaethau hawl i gadw yn rheolaidd, oddigerth o dan amgylchiadau eithriadol, berthynas bersonol a chysylltiadau uniongyrchol â'r ddau riant. I'r perwyl hwnnw ac yn unol ag ymrwymiad Partïon Gwladwriaethau o dan erthygl 9, paragraff 2, rhaid i Bartïon Gwladwriaethau barchu hawl y plentyn a'i rieni i adael unrhyw wlad, gan gynnwys gwlad eu hunain, ac i fynd i mewn i'w gwlad eu hunain. Yr unig gyfyngiadau y bydd yr hawl i adael unrhyw wlad yn ddarostyngedig iddynt yw'r cyfyngiadau sydd wedi eu rhagnodi gan y gyfraith ac sy'n angenrheidiol i warchod diogeledd gwladol, trefn gyhoeddus (ordre public), iechyd neu foesau cyhoeddus neu hawliau a rhyddidau personau eraill ac sy'n gyson â'r hawliau eraill a gydnabyddir yn y Confensiwn presennol.

Erthygl 11

- 1 Rhaid i Bartïon Gwladwriaethau gymryd mesurau i ymladd y weithred anghyfreithlon o symud plant dramor a pheidio â'u dychwelyd.
- 2 I'r perwyl hwn, rhaid i Bartïon Gwladwriaethau hybu'r broses o gwblhau cytundebau dwyochrog neu amlochrog neu gydsynio â chytundebau sy'n bodoli eisoes.

Erthygl 12

- 1 Rhaid i Bartïon Gwladwriaethau sicrhau i'r plentyn sy'n gallu ffurfio ei farn ei hun hawl i leisio'r farn honno'n ddirwystr ym mhob mater sy'n effeithio arno, a bod pwys priodol yn cael ei roi ar farn y plentyn yn ôl ei oedran a'i aeddfedrwydd.
- 2 At y diben hwn, rhaid rhoi cyfle i'r plentyn yn benodol i gael gwrandawriad mewn unrhyw reithdrefn farnwrol a gweinyddol sy'n effeithio arno, naill ai'n uniongyrchol, neu drwy gynrychiolydd neu gorff priodol, mewn modd sy'n gyson â rheolau gweithdrefnol y gyfraith genedlaethol.

- 3 States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.
- 4 Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

- 1 In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.
- 2 A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 2, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

- 1 States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
- 2 To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

- 1 States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
- 2 For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Erthygl 13

- 1 Bydd gan y plentyn hawl i ryddid mynegiant. Bydd yr hawl hon yn cynnwys rhyddid i geisio, cael a rhoi gwybodaeth a syniadau o bob math, ni waeth beth fo'r ffiniau, naill ai ar lafar, mewn ysgrifen neu mewn print, ar ffurf celfyddyd, neu drwy unrhyw gyfrwng arall a ddewisir gan y plentyn.
- 2 Caiff y dull o arfer yr hawl hon fod yn ddarostyngedig i gyfyngiadau, ond ni fydd y rhain ond y rhai a ddarperir drwy'r gyfraith ac sy'n angenrheidiol:
 - (a) i barchu hawliau neu enwau da personau eraill; neu
 - (b) i warchod diogeledd gwladol neu drefn gyhoeddus (ordre public), neu iechyd neu foesau cyhoeddus.

Erthygl 14

- 1 Rhaid i Bartïon Gwladwriaethau barchu hawl y plentyn i ryddid meddwl, cydwybod a chrefydd.
- 2 Rhaid i Bartïon Gwladwriaethau barchu hawliau a dyletswyddau'r rhieni a phan fo'n gymwysadwy, gwarcheidwaid cyfreithiol, i roi cyfarwyddyd i'r plentyn i arfer ei hawl mewn modd sy'n gyson â gallueddau datblygol y plentyn.
- 3 Yr unig gyfyngiadau y caiff rhyddid unigolyn i amlygu ei greffydd fod yn ddarostyngedig iddynt yw'r cyfyngiadau sydd wedi eu rhagnodi gan y gyfraith ac sy'n angenrheidiol i warchod diogelwch, trefn, iechyd neu foesau cyhoeddus, neu hawliau a rhyddidau personau eraill.

Erthygl 15

- 1 Mae Partïon Gwladwriaethau yn cydnabod hawliau'r plentyn i gael rhyddid i ymgysylltu a rhyddid i ymgynnull yn heddychlon.
- 2 Ni chaniateir i unrhyw gyfyngiadau gael eu gosod ar y dull o arfer yr hawliau hyn ac eithrio'r rhai a osodir i gydymffurfio â'r gyfraith ac sy'n angenrheidiol mewn cymdeithas ddemocrataidd er budd diogeledd gwladol neu ddiogelwch cyhoeddus, trefn gyhoeddus (ordre public), diogelu iechyd neu foesau cyhoeddus neu amddiffyn hawliau a rhyddidau personau eraill.

Erthygl 16

- 1 Ni chaniateir i unrhyw blentyn gael ei orfodi i ddioddef ymyrraeth fypwyol neu anghyfreithlon â'i breifatrwydd, â'i deulu, â'i gartref na'i ohebiaeth nac ymosodiadau anghyfreithlon ar ei anrhydedd a'i enw da.
- 2 Mae gan y plentyn hawl i gael ei amddiffyn gan y gyfraith yn erbyn unrhyw ymyrraeth neu ymosodiadau o'r fath.

Article 13

- 1 The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
- 2 The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) for respect of the rights or reputations of others; or
 - (b) for the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

- 1 States Parties shall respect the right of the child to freedom of thought, conscience and religion.
- 2 States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
- 3 Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

- 1 States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
- 2 No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

- 1 No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.
- 2 The child has the right to the protection of the law against such interference or attacks.

Erthygl 17

Mae Partion Gwladwriaethau yn cydnabod y swyddogaeth bwysig sy'n cael ei chyflawni gan y cyfryngau torfol a rhaid iddynt sicrhau bod modd i'r plentyn gael gafael ar wybodaeth a deunyddiau o amryfal ffynonellau cenedlaethol a rhyngwladol, yn enwedig y rhai sydd wedi eu hanelu at hybu ei lesiant cymdeithasol, ysbrydol a moesol a'i iechyd corfforol a'i iechyd meddwl.

I'r perwyl hwn, rhaid i Bartion Gwladwriaethau:

- (a) annog y cyfryngau torfol i ledaenu gwybodaeth a deunyddiau a fyddai o fudd cymdeithasol a diwylliannol i'r plentyn ac yn unol ag ysbryd erthygl 29;
- (b) annog cydweithrediad rhyngwladol i gynhyrchu, cyfnewid a lledaenu gwybodaeth a deunyddiau o'r fath o amryfal ffynonellau diwylliannol, cenedlaethol a rhyngwladol;
- (c) hyrwyddo'r broses o gynhyrchu a lledaenu llyfrau plant;
- (d) annog y cyfryngau torfol i roi sylw penodol i anghenion ieithyddol plentyn sy'n perthyn i grŵp lleiafrifol neu sy'n blentyn brodorol;
- (e) hyrwyddo'r broses o lunio canllawiau priodol i amddiffyn y plentyn rhag gwybodaeth a deunyddiau a fyddai'n niweidiol i'w lesiant, gan gadw mewn cof ddarpariaethau erthyglau 13 a 18.

Erthygl 18

- 1 Rhaid i Bartion Gwladwriaethau wneud eu gorau glas i sicrhau y cydnabyddir yr egwyddor bod gan y ddau riant gyfrifoldebau cyffredin dros fagwraeth a datblygiad y plentyn. Mae gan rieni neu, yn ôl y digwydd, warcheidwaid cyfreithiol, y prif gyfrifoldeb dros fagwraeth a datblygiad y plentyn. Eu consŷrn sylfaenol hwy fydd lles pennaf y plentyn.
- 2 Er mwyn gwarantu a hybu'r hawliau sydd wedi eu nodi yn y Confensiwn presennol, rhaid i Bartion Gwladwriaethau roi cymorth priodol i rieni a gwarcheidwaid cyfreithiol i gyflawni eu cyfrifoldebau magu plant a rhaid iddynt sicrhau bod sefydliadau, cyfleusterau a gwasanaethau'n cael eu datblygu i ofalu dros blant.
- 3 Rhaid i Bartion Gwladwriaethau gymryd pob mesur priodol i sicrhau bod gan blant rhieni sy'n gweithio hawl i fanteisio ar wasanaethau a chyfleusterau gofal plant y maent yn gwmwys i'w cael.

Erthygl 19

- 1 Rhaid i Bartion Gwladwriaethau gymryd pob mesur deddfwriaethol, gweinyddol, cymdeithasol ac addysgol sy'n briodol i amddiffyn y plentyn rhag pob ffurf gorfforol neu feddyliol ar drais, anaf neu gamdriniaeth, esgeulustod neu driniaeth esgeulus, camarfer neu gamfanteisio, gan gynnwys camdriniaeth rywiol, tra bo yng ngofal rhiant (rhieni), gwarcheidwad (gwarcheidwaid) neu unrhyw berson arall sydd â gofal dros y plentyn.
- 2 Dylai'r mesurau amddiffynnol hynny gynnwys, fel y bo'n briodol, weithdrefnau effeithiol ar gyfer sefydlu rhaglenni cymdeithasol i roi cymorth angenrheidiol i'r plentyn ac i'r rhai sydd â gofal drosto, yn ogystal ag ar gyfer ffurfiau eraill ar atal ac ar gyfer canfod achosion o gam-drin plant fel y'u disgrifiwyd cyn hyn, hysbysu o'r achosion hynny, eu hatgyfeirio, ymchwilio iddynt, eu trin a'u dilyn ac, fel y bo'n briodol, ar gyfer cyfranogiad barnwrol.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

- (a) encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) encourage the production and dissemination of children's books;
- (d) encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

- 1 States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
- 2 For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.
- 3 States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

- 1 States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
- 2 Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Erthygl 20

- 1 Bydd hawlogaeth gan blentyn sydd wedi ei amddifadu dros dro neu'n barhaol o'i amgylchfyd teuluol, neu nad oes modd caniatáu iddo, er lles pennaf ef ei hun, aros yn yr amgylchfyd hwnnw, i gael amddiffyniad a chymorth arbennig a ddarperir gan y Wladwriaeth.
- 2 Rhaid i Bartïon Gwladwriaethau, yn unol â'u cyfreithiau cenedlaethol, sicrhau gofal amgen i blentyn o'r fath.
- 3 Gallai'r gofal hwnnw gynnwys, ymhlith pethau eraill, leoliad maeth, caffala cyfraith Islamaidd, mabwysiad neu, os yw'n angenrheidiol, lleoliad mewn sefydliadau addas ar gyfer gofalu am blant. Wrth bwysu a mesur datrysiadau, rhaid rhoi sylw priodol i'r ffaith ei bod yn ddymunol cael parhad ym magwraeth plentyn ac i'w gefndir ethnig, crefyddol, diwylliannol ac ieithyddol.

Erthygl 21

Rhaid i Bartïon Gwladwriaethau sy'n cydnabod ac yn/neu'n caniatáu'r system fabwysiadu sicrhau mai'r ystyriaeth oruchaf fydd lles pennaf y plentyn a rhaid iddynt:

- (a) sicrhau bod mabwysiad plentyn yn cael ei awdurdodi gan neb ond awdurdodau cymwys sy'n penderfynu, yn unol â'r gyfraith a'r gweithdrefnau sy'n gymwysadwy ac ar sail pob gwybodaeth berthnasol a dibynadwy, y gellir caniatáu'r mabwysiad oherwydd statws y plentyn o ran rhieni, perthnasau a gwarcheidwaid cyfreithiol a bod y personau o dan sylw, os yw'n ofynnol iddynt wneud hynny, wedi cydsynio'n ddeallus â'r mabwysiad ar sail unrhyw gwrsela a oedd yn angenrheidiol;
- (b) cydnabod y gellir ystyried mabwysiad trawswladol fel dull amgen o ofalu am blentyn, os na ellir ei leoli mewn teulu maeth neu deulu mabwysiadol neu os na ellir gofalu am y plentyn mewn unrhyw ffordd addas yn y wlad y tarddodd ohoni;
- (c) sicrhau bod y plentyn y mae mabwysiad trawswladol yn ymwneud ag ef yn mwynhau trefniadau diogelu a safonau sy'n cyfateb i'r rhai sy'n bodoli yn achos mabwysiadu cenedlaethol;
- (d) cymryd pob mesur priodol i sicrhau, yn achos mabwysiad trawswladol, na fydd y lleoliad yn arwain at elw ariannol amhriodol i'r rhai sy'n ymwneud â'r mabwysiad hwnnw;
- (e) hybu, pan fo'n briodol, amcanion yr erthygl bresennol drwy gwblhau trefniadau neu gytundebau dwyochrog neu amlochrog, ac ymdrechu, o fewn y fframwaith hwn, i sicrhau bod lleoliad y plentyn mewn gwlad arall yn cael ei gyflawni gan awdurdodau neu gyrff cymwys.

Erthygl 22

- 1 Rhaid i Bartïon Gwladwriaethau gymryd mesurau priodol i sicrhau y caiff plentyn sy'n ceisio statws ffoadur neu sy'n cael ei ystyried yn ffoadur yn unol â chyfraith ryngwladol neu ddomestig a gweithdrefnau rhyngwladol neu ddomestig sy'n gymwysadwy, p'un a yw'n dod heb neb gydag ef neu'n dod gyda'i rieni neu unrhyw berson arall, amddiffyniad priodol a chymorth dyngarol i fwynhau'r hawliau cymwysadwy sydd wedi eu nodi yn y Confensiwn presennol ac mewn offerynnau hawliau dynol rhyngwladol eraill neu offerynnau dyngarol rhyngwladol eraill y mae'r Gwladwriaethau a enwyd yn Bartïon iddynt.

Article 20

- 1 A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
- 2 States Parties shall in accordance with their national laws ensure alternative care for such a child.
- 3 Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

- (a) ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;
- (b) recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
- (c) ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
- (d) take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
- (e) promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

- 1 States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

- 2 At y diben hwn, rhaid i Bartion Gwladwriaethau gydweithredu, yn ôl yr hyn sy'n briodol yn eu barn hwy, ag unrhyw ymdrechion gan y Cenhedloedd Unedig a sefydliadau rhynglywodraethol neu anllywodraethol cymwys eraill sy'n cydweithredu gyda'r Cenhedloedd Unedig i amddiffyn a chynorthwyo'r plentyn hwnnw ac i olrhain rhieni unrhyw blentyn sy'n ffoadur neu aelodau eraill o'i deulu er mwyn cael gwybodaeth a fyddai'n angenrheidiol iddo ailymuno â'i deulu. Mewn achosion lle na ellir dod o hyd i unrhyw rieni neu aelodau eraill o'r teulu, rhaid rhoi i'r plentyn yr un amddiffyniad ag unrhyw blentyn arall sydd wedi ei amddifadu'n barhaol neu dros dro o'i amgylchfyd teuluol am unrhyw reswm, fel a nodwyd yn y Confensiwn presennol.

Erthygl 23

- 1 Mae Partion Gwladwriaethau yn cydnabod y dylai plentyn sydd ag anabledd meddyliol neu gorfforol fwynhau bywyd llawn a gweddus, mewn amodau sy'n sicrhau urddas, yn hybu hunanddibyniaeth ac yn hwyluso cyfranogiad gweithredol y plentyn yn y gymuned.
- 2 Mae Partion Gwladwriaethau yn cydnabod hawl y plentyn anabl i gael gofal arbennig a rhaid iddynt hyrwyddo'r broses, yn ddarostyngedig i'r adnoddau sydd ar gael, o estyn i'r plentyn cymwys a'r rhai sy'n gyfrifol dros ofalu amdano, y cymorth y mae cais yn cael ei wneud amdano ac sy'n briodol i gyflwr y plentyn ac i amgylchiadau'r rhieni neu'r personau eraill sy'n gofalu am y plentyn a rhaid iddynt sicrhau y caiff y cymorth hwnnw ei estyn iddo.
- 3 Gan gydnabod anghenion arbennig plentyn anabl, rhaid i gymorth a estynnir yn unol â pharagraff 2 o'r erthygl bresennol gael ei roi yn ddi-dâl, pryd bynnag y bo'n bosibl, gan ystyried adnoddau ariannol y rhieni neu'r personau eraill sy'n gofalu am y plentyn, a rhaid iddo fod wedi ei gynllunio i sicrhau bod y plentyn anabl yn cael mynediad effeithiol at addysg, hyfforddiant, gwasanaethau gofal iechyd, gwasanaethau adsefydlu, cyfleoedd i baratoi ar gyfer cyflogaeth a chyfleoedd hamdden, a'i fod yn eu cael, a hynny mewn modd sy'n ei gwneud hi'n hwylus i'r plentyn integreiddio i'r graddau llawnaf posibl â'r gymdeithas ac i ddatblygu fel unigolyn, gan gynnwys datblygu yn ddiwylliannol ac yn ysbrydol.
- 4 Rhaid i Bartion Gwladwriaethau hybu, yn ysbryd cydweithrediad rhyngwladol, y broses o gyfnewid gwybodaeth briodol ym maes gofal iechyd ataliol ac ym maes triniaeth feddygol, seicolegol a gweithredol plant anabl, gan gynnwys lledaenu gwybodaeth ynghylch dulliau adsefydlu, addysg a gwasanaethau galwedigaethol a mynediad at yr wybodaeth honno, gan anelu at alluogi Partion Gwladwriaethau i wella eu galluoedd a'u sgiliau ac ehangu eu profiad yn y meysydd hyn. Yn hyn o beth, rhaid rhoi sylw penodol i anghenion gwledydd sy'n datblygu.

Erthygl 24

- 1 Mae Partion Gwladwriaethau yn cydnabod hawl y plentyn i fwynhau'r safon iechyd uchaf y gellir ei chyrraedd ac i gael cyfleusterau ar gyfer trin afiechyd ac adfer i iechyd. Rhaid i Bartion Gwladwriaethau ymdrechu i sicrhau na chaiff unrhyw blentyn ei amddifadu o'i hawl i gael mynediad at y gwasanaethau gofal iechyd hynny.
- 2 Rhaid i Bartion Gwladwriaethau fwrw ymlaen â gweithredu'r hawl hon yn llawn ac, yn benodol, rhaid iddynt gymryd mesurau priodol i wneud y canlynol:
 - (a) lleihau cyfradd marwolaethau babanod a phlant;

- 2 For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

- 1 States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
- 2 States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
- 3 Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development
- 4 States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

- 1 States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
- 2 States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
 - (a) to diminish infant and child mortality;

- (b) sicrhau bod cymorth meddygol a gofal iechyd angenrheidiol yn cael eu darparu i bob plentyn gyda phwyslais ar ddatblygu gofal iechyd sylfaenol;
 - (c) ymladd afiechydon a diffyg maeth, gan gynnwys o fewn fframwaith gofal iechyd sylfaenol, drwy, ymhlith pethau eraill, ddefnyddio technoleg sydd ar gael yn rhwydd a thrwy ddarparu digon o fwydydd maethlon a dŵr yfed glân, gan ystyried peryglon a risgiau llygredd amgylcheddol;
 - (d) sicrhau gofal iechyd priodol i famau cyn geni ac ar ôl geni plant;
 - (e) sicrhau bod pob segment cymdeithas, yn enwedig rhieni a phlant, yn wybodus, yn gallu cael mynediad at addysg ynghylch iechyd a maeth plant, manteision bwydo ar y fron, hylendid a glanweithdra amgylcheddol ac atal damweiniau ac yn cael cymorth i ddefnyddio gwybodaeth sylfaenol am y materion hynny;
 - (f) datblygu gofal iechyd ataliol, llunio canllawiau i rieni a datblygu addysg a gwasanaethau ynghylch cynllunio teulu.
- 3 Rhaid i Bartïon Gwladwriaethau gymryd pob mesur effeithiol a phriodol gyda golwg ar ddiddymu arferion traddodiadol sy'n niweidiol i iechyd plant.
 - 4 Mae Partïon Gwladwriaethau yn ymrwymo i hybu ac annog cydweithrediad rhyngwladol gyda golwg ar sicrhau'n raddol wireddiad llawn yr hawl a gydnabyddir yn yr erthygl hon. Yn hyn o beth, rhaid rhoi sylw penodol i anghenion gwledydd sy'n datblygu.

Erthygl 25

Mae Partïon Gwladwriaethau yn cydnabod hawl plentyn, sydd wedi ei leoli gan yr awdurdodau cymwys er mwyn gofalu am ei iechyd corfforol neu feddyliol, diogelu neu drin yr iechyd hwnnw, i gael adolygiad o bryd i'w gilydd o'r driniaeth sy'n cael ei rhoi i'r plentyn ac o'r holl amgylchiadau eraill sy'n berthnasol i'w leoliad.

Erthygl 26

- 1 Rhaid i Partïon Gwladwriaethau gydnabod yn achos pob plentyn ei hawl i gael budd nawdd cymdeithasol, gan gynnwys yswiriant cymdeithasol, a rhaid iddynt gymryd y mesurau angenrheidiol i sicrhau bod yr hawl hon yn cael ei gwireddu'n llawn yn unol â'u cyfraith genedlaethol.
- 2 Pan fo'n briodol, dylid caniatáu'r budd-daliadau, gan ystyried adnoddau ac amgylchiadau'r plentyn a'r personau sydd â chyfrifoldeb dros gynnal y plentyn, yn ogystal ag unrhyw ystyriaeth arall sy'n berthnasol i gais am fudd-daliadau a wneir gan neu ar ran y plentyn.

Erthygl 27

- 1 Mae Partïon Gwladwriaethau yn cydnabod hawl pob plentyn i gael safon byw sy'n ddigonol ar gyfer datblygiad corfforol, meddyliol, ysbrydol, moesol a chymdeithasol y plentyn.
- 2 Y rhiant (rhieni) neu'r personau eraill sy'n gyfrifol am y plentyn sy'n bennaf cyfrifol am sicrhau, o fewn eu galluedd a'u gallueddau ariannol, yr amodau byw sy'n angenrheidiol i ddatblygiad y plentyn.

- (b) to ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
 - (c) to combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
 - (d) to ensure appropriate pre-natal and post-natal health care for mothers;
 - (e) to ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
 - (f) to develop preventive health care, guidance for parents and family planning education and services.
- 3 States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.
- 4 States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

- 1 States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.
- 2 The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

- 1 States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
- 2 The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

- 3 Rhaid i Bartïon Gwladwriaethau, yn unol â'r amodau cenedlaethol ac o fewn eu moddion, gymryd mesurau priodol i gynorthwyo rhieni a phersonau eraill sy'n gyfrifol am y plentyn i weithredu'r hawl hon ac, os bydd angen, rhaid i Bartïon Gwladwriaethau roi cymorth materol a darparu rhaglenni cynnal, yn enwedig mewn perthynas â maeth, dillad a thai.
- 4 Rhaid i Bartïon Gwladwriaethau gymryd pob mesur priodol i sicrhau bod cynhaliaeth i'r plentyn yn cael ei hadennill o'r rhieni neu'r personau eraill sydd â chyfrifoldeb ariannol dros y plentyn, o fewn y Parti Gwladwriaeth ac oddi dramor. Yn benodol, pan fo'r person sydd â chyfrifoldeb ariannol dros y plentyn yn byw mewn Gwladwriaeth sy'n wahanol i un y plentyn, rhaid i'r Partïon Gwladwriaethau hybu'r broses o gydsynio â chytundebau rhyngwladol neu gwblhau'r cytundebau hynny, yn ogystal â gwneud trefniadau priodol eraill.

Erthygl 28

- 1 Mae Partïon Gwladwriaethau yn cydnabod hawl y plentyn i gael addysg, a chyda golwg ar sicrhau'r hawl hon yn raddol ac ar sail cyfle cyfartal, rhaid iddynt, yn benodol:
 - (a) gwneud addysg gynradd yn orfodol a threfnu iddi fod ar gael yn ddi-dâl i bawb;
 - (b) hybu datblygiad gwahanol ffurfiau ar addysg uwchradd, gan gynnwys addysg gyffredinol a galwedigaethol, trefnu iddynt fod ar gael ac o fewn cyrraedd pob plentyn, a chymryd mesurau priodol megis cyflwyno addysg ddi-dâl a chynnig cymorth ariannol pan fo angen;
 - (c) trefnu bod addysg uwch o fewn cyrraedd pawb ar sail galluedd drwy bob ffordd bosibl;
 - (d) trefnu bod gwybodaeth a chanllawiau addysgol a galwedigaethol ar gael ac o fewn cyrraedd pob plentyn;
 - (e) cymryd mesurau i annog presenoldeb rheolaidd mewn ysgolion ac i leihau cyfraddau gadael yn rhy gynnar.
- 2 Rhaid i Bartïon Gwladwriaethau gymryd pob mesur priodol i sicrhau y caiff disgyblaeth ysgol ei gweinyddu mewn modd sy'n gyson ag urddas ddynol y plentyn ac yn cydymffurfio â'r Confensiwn presennol.
- 3 Rhaid i Bartïon Gwladwriaethau hybu a annog cydweithrediad rhyngwladol mewn materion sy'n ymwneud ag addysg, yn enwedig gyda golwg ar gyfrannu at y broses o gael gwared ar anwybodaeth ac anllythrennedd ledled y byd a hwyluso mynediad at wybodaeth wyddonol a thechnegol a dulliau addysgu modern. Yn hyn o beth, rhaid rhoi sylw penodol i anghenion gwledydd sy'n datblygu.

Erthygl 29

- 1 Mae Partïon Gwladwriaethau yn cytuno bod rhaid cyfeirio addysg y plentyn at y canlynol:
 - (a) datblygu personoliaeth, doniau a galluedd meddyliol a chorfforol y plentyn hyd eithaf eu potensial;
 - (b) magu parch at hawliau dynol a rhyddidau sylfaenol, ac at yr egwyddorion sydd wedi eu corffori yn Siarter y Cenhedloedd Unedig;

- 3 States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.
- 4 States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

- 1 States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
 - (a) make primary education compulsory and available free to all;
 - (b) encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
 - (c) make higher education accessible to all on the basis of capacity by every appropriate means;
 - (d) make educational and vocational information and guidance available and accessible to all children;
 - (e) take measures to encourage regular attendance at schools and the reduction of drop-out rates.
- 2 States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
- 3 States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

- 1 States Parties agree that the education of the child shall be directed to:
 - (a) the development of the child's personality, talents and mental and physical abilities to their fullest potential;
 - (b) the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

- (c) magu parch at rieni'r plentyn, ei hunaniaeth ddiwylliannol, ei iaith a'i werthoedd ei hun, at werthoedd cenedlaethol y wlad lle mae'r plentyn yn byw, y wlad y gall ei fod yn tarddu ohoni, ac at wareiddiadau sy'n wahanol i un ei hun;
 - (d) paratoi'r plentyn ar gyfer bywyd cyfrifol mewn cymdeithas rydd, mewn ysbryd dealltwriaeth, heddwch, goddefgarwch, cydraddoldeb rhwng y rhywiau, a chyfeillgarwch ymhlith yr holl bobloedd, grwpiau ethnig, cenedlaethol a chrefyddol a phersonau o darddiad brodorol;
 - (e) magu parch at yr amgylchedd naturiol.
- 2 Rhaid peidio â dehongli unrhyw ran o'r erthygl bresennol nac erthygl 28 yn y fath fodd ag i amharu ar ryddid unigolion a chyrrff i sefydlu a chyfarwyddo sefydliadau addysgol, a bydd hynny'n ddarostyngedig bob amser i'r rheidrwydd i ddilyn yr egwyddor a nodwyd ym mharagraff 1 o'r erthygl bresennol ac i'r gofynion bod rhaid i'r addysg a roddir yn y sefydliadau hynny gydymffurfio ag unrhyw safonau gofynnol a osodir gan y Wladwriaeth.

Erthygl 30

Yn y Gwladwriaethau hynny lle mae lleiafrifoedd ethnig, crefyddol neu ieithyddol neu bersonau o darddiad brodorol yn bodoli, rhaid peidio â gwrthod hawl i blentyn sy'n perthyn i'r lleiafrif hwnnw, neu sy'n frodor, i fwynhau mewn cymuned ag aelodau eraill o'i grŵp, ei ddiwylliant ei hun, i broffesu ac arfer ei grefydd ei hun, neu i ddefnyddio ei iaith ei hun.

Erthygl 31

- 1 Mae Partïon Gwladwriaethau yn cydnabod hawl y plentyn i orffwys a chael hamdden, i chwarae ac ymroi i weithgareddau adloniadol sy'n briodol i oedran y plentyn ac i gymryd rhan ddirwysr mewn bywyd diwylliannol a'r celfyddydau.
- 2 Rhaid i Bartïon Gwladwriaethau barchu a hybu hawl y plentyn i gymryd rhan lawn mewn bywyd diwylliannol a chelfyddydol a rhaid iddynt hyrwyddo'r broses o ddarparu cyfleoedd priodol a chyfartal ar gyfer gweithgareddau diwylliannol, celfyddydol ac adloniadol a gweithgareddau hamdden.

Erthygl 32

- 1 Mae Partïon Gwladwriaethau yn cydnabod hawl y plentyn i gael ei amddiffyn rhag unrhyw gamfanteisio economaidd a rhag cyflawni unrhyw waith sy'n debyg o fod yn beryglus neu o amharu ag addysg y plentyn, neu o niweidio iechyd y plentyn neu ei ddatblygiad corfforol, meddyliol, ysbrydol, moesol neu gymdeithasol.
- 2 Rhaid i Bartïon Gwladwriaethau gymryd mesurau deddfwriaethol, gweinyddol, cymdeithasol ac addysgol i sicrhau bod yr erthygl bresennol yn cael ei gweithredu. I'r perwyl hwn, a chan roi sylw i ddarpariaethau perthnasol offerynnau rhyngwladol eraill, rhaid i Bartïon Gwladwriaethau, yn benodol:
 - (a) darparu ar gyfer oedran isaf neu oedrannau isaf i gael derbyniad i gyflogaeth;
 - (b) darparu ar gyfer rheoleiddio oriau ac amodau cyflogaeth yn briodol;
 - (c) darparu ar gyfer cosbau priodol neu sancsiynau eraill i sicrhau y caiff yr erthygl bresennol ei gorfodi'n effeithiol.

- (c) the development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
 - (d) the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
 - (e) the development of respect for the natural environment.
- 2 No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

- 1 States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
- 2 States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

- 1 States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
- 2 States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
- (a) provide for a minimum age or minimum ages for admission to employment;
 - (b) provide for appropriate regulation of the hours and conditions of employment;
 - (c) provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Erthygl 33

Rhaid i Bartïon Gwladwriaethau gymryd pob mesur priodol, gan gynnwys mesurau deddfwriaethol, gweinyddol, cymdeithasol ac addysgol, i amddiffyn plant rhag unrhyw ddefnydd anghyfreithlon ar gyffuriau narcotig a sylweddau seicotropig fel y'u diffinnir yn y cytuniadau rhyngwladol perthnasol, ac i atal unrhyw ddefnydd ar blant yn y gwaith anghyfreithlon o gynhyrchu a masnachu'r sylweddau hynny.

Erthygl 34

Mae Partïon Gwladwriaethau yn ymrwymo i amddiffyn y plentyn rhag pob ffurf ar gamfanteisio'n rhywiol a cham-drin yn rhywiol. At y dibenion hyn, rhaid i Bartïon Gwladwriaethau gymryd yn benodol bob mesur cenedlaethol, dwyochrog ac amlochrog sy'n briodol i atal unrhyw berson neu bersonau rhag:

- (a) cymell neu orfodi plentyn i ymgymryd ag unrhyw weithgaredd rhywiol anghyfreithlon;
- (b) camfanteisio ar blant drwy eu defnyddio mewn gweithgareddau puteinio neu arferion rhywiol anghyfreithlon eraill;
- (c) camfanteisio ar blant drwy eu defnyddio mewn perfformiadau a deunyddiau pornograffig.

Erthygl 35

Rhaid i Bartïon Gwladwriaethau gymryd pob mesur cenedlaethol, dwyochrog ac amlochrog i atal herwyddio, gwerthu neu fasnachu plant at unrhyw ddiben neu ar unrhyw ffurf.

Erthygl 36

Rhaid i Bartïon Gwladwriaethau amddiffyn y plentyn rhag unrhyw ffurf arall ar gamfanteisio sy'n niweidiol i unrhyw agweddau ar les y plentyn.

Erthygl 37

Rhaid i Bartïon Gwladwriaethau sicrhau:

- (a) na chaiff unrhyw blentyn ei arteithio na'i orfodi i ddioddef triniaeth arall neu gosb arall sydd yn greulon, yn annynol neu'n ddiraddiol. Rhaid peidio â gosod cosb ddienyddio neu garcharu am oes heb bosibilrwydd o ryddhad am dramgwyddau a gyflawnwyd gan bersonau sydd o dan ddeunaw mlwydd oed;
- (b) na chaiff unrhyw blentyn ei amddifadu yn anghyfreithlon neu'n fymrwyl o'i ryddid. Rhaid i'r broses o arestio, cadw neu garcharu plentyn gydymffurfio â'r gyfraith a rhaid peidio â'i defnyddio ond pan fetho popeth arall a rhaid ei defnyddio am y cyfnod priodol byrraf;
- (c) y caiff pob plentyn a amddifadir o'i ryddid ei drin â dyngarwch a pharch at urddas gynhenid y person dynol, ac mewn modd sy'n cymryd i ystyriaeth anghenion personau o'i oedran. Yn benodol, rhaid i bob plentyn a amddifadir o'i ryddid gael ei wahanu oddi wrth oedolion oni fernir y byddai er lles pennaf y plentyn i beidio â gwneud hynny a chael hawl i gadw cysylltiad â'i deulu drwy ohebiaeth ac ymweliadau, oddigerth mewn amgylchiadau eithriadol;

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) the inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) the exploitative use of children in prostitution or other unlawful sexual practices;
- (c) the exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

- (a) no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) no child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

- (d) bydd gan bob plentyn a amddifadir o'i ryddid hawl i gael mynediad buan at gymorth cyfreithiol a chymorth priodol arall, yn ogystal â hawl i herio cyfreithlondeb y weithred o'i amddifadu o'i ryddid gerbron llys neu awdurdod cymwys, annibynnol a diduedd arall, ac i gael penderfyniad buan ar unrhyw achos o'r fath.

Erthygl 38

- 1 Mae Partïon Gwladwriaethau yn ymrwymo i barchu rheolau cyfraith ddyngarol ryngwladol sy'n gymwysadwy iddynt mewn gwrthdrawiadau arfog sy'n berthnasol i'r plentyn ac i sicrhau bod y rheolau hynny'n cael eu parchu.
- 2 Rhaid i Bartïon Gwladwriaethau gymryd pob mesur dichonadwy i sicrhau na fydd personau sydd heb gyrraedd pymtheng mlwydd oed yn cymryd rhan uniongyrchol mewn ymladdiadau.
- 3 Rhaid i Bartïon Gwladwriaethau ymatal rhag recriwtio unrhyw berson sydd heb gyrraedd pymtheng mlwydd oed i'w lluoedd arfog. Wrth recriwtio ymhlith y personau hynny sydd wedi cyrraedd pymtheng mlwydd oed ond nad ydynt wedi cyrraedd deunaw mlwydd oed, rhaid i Bartïon Gwladwriaethau ymdrechu i roi blaenoriaeth i'r rhai hynaf.
- 4 Yn unol â'u rhwymedigaethau o dan gyfraith ddyngarol ryngwladol i amddiffyn y boblogaeth sifil mewn gwrthdrawiadau arfog, rhaid i Bartïon Gwladwriaethau gymryd pob mesur dichonadwy i sicrhau bod plant y mae gwrthdaro arfog yn effeithio arnynt yn cael gofal ac yn cael eu hamddiffyn.

Erthygl 39

Rhaid i Bartïon Gwladwriaethau gymryd pob mesur priodol i hybu adferiad corfforol a seicolegol ac ailintegreiddiad cymdeithasol plentyn sydd wedi dioddef gan: unrhyw ffurf ar esgeuluso, camfanteisio neu gam-drin; arteithio neu unrhyw ffurf arall ar driniaeth neu gosb sy'n greulon, yn annynol neu'n ddiraddiol; neu gan wrthdrawiadau arfog. Rhaid i'r cyfryw adferiad ac ailintegreiddiad ddigwydd mewn amgylchedd sy'n meithrin iechyd, hunan-barch ac urddas y plentyn.

Erthygl 40

- 1 Mae Partïon Gwladwriaethau yn cydnabod yr hawl sydd gan bob plentyn yr honnir neu y cydnabyddir ei fod wedi torri'r gyfraith trosedd, neu y cyhuddir ef o wneud hynny, i gael ei drin mewn modd sy'n gyson â dyrchafu synnwyr y plentyn o'i urddas a'i werth, sy'n atgyfnerthu parch y plentyn at hawliau dynol a rhyddidau sylfaenol personau eraill sy'n cymryd i ystyriaeth oedran y plentyn a'r ffaith ei bod yn ddymunol hybu ailintegreiddiad y plentyn a bod y plentyn yn derbyn rôl adeiladol mewn cymdeithas.
- 2 I'r perwyl hwn, ac o roi sylw i ddarpariaethau perthnasol offerynnau rhyngwladol, rhaid i Bartïon Gwladwriaethau sicrhau, yn benodol:
 - (a) na fydd unrhyw honiad, cyhuddiad na chydnabyddiaeth bod unrhyw blentyn wedi torri'r gyfraith trosedd oherwydd gweithredoedd neu anweithiau nad oeddent wedi eu gwahardd gan y gyfraith genedlaethol neu ryngwladol adeg eu cyflawni;

- (d) every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

- 1 States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
- 2 States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
- 3 States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
- 4 In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

- 1 States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.
- 2 To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:
 - (a) no child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

- (b) bod gan bob plentyn, yr honnir ei fod wedi torri'r gyfraith trosedd neu y cyhuddir ef o wneud hynny, y gwarantau canlynol o leiaf:
- (i) ei fod yn cael ei ragdybio'n ddieuog hyd nes y profir ei fod yn euog yn ôl y gyfraith.
 - (ii) ei fod yn cael ei hysbysu'n fuan ac yn uniongyrchol o'r cyhuddiadau yn ei erbyn, ac, os yw'n briodol, drwy ei rieni neu ei warcheidwaid cyfreithiol, ac i gael cymorth cyfreithiol neu gymorth priodol arall i baratoi a chyflwyno ei amddiffyniad;
 - (iii) ei fod yn cael awdurdod neu gorff barnwrol sy'n gymwys, yn annibynnol ac yn ddiuedd i benderfynu'r mater mewn gwrandawriad teg yn ôl y gyfraith, ym mhresenoldeb cynhorthwy cyfreithiol neu gynhorthwy priodol arall ac, oni fernir nad yw er lles pennaf y plentyn, yn benodol, o ystyried ei oedran neu ei sefyllfa, ei rieni neu ei warcheidwaid cyfreithiol;
 - (iv) ei fod yn peidio â chael ei orfodi i roi tystiolaeth neu i gyffesu ei fod yn euog; ei fod yn cael holi tystion gelyniaethus neu beri iddynt gael eu holi ac yn cael sicrhau bod tystion ar ei ran yn cymryd rhan ac yn cael eu holi o dan amodau cydraddoldeb;
 - (v) os bernir ei fod wedi torri'r gyfraith trosedd, ei fod yn cael awdurdod neu gorff barnwrol uwch yn ôl y gyfraith sy'n gymwys, yn annibynnol ac yn ddiuedd i adolygu'r penderfyniad hwn ac unrhyw fesurau a osodir o ganlyniad iddo;
 - (vi) ei fod yn cael cynhorthwy di-dâl cyfieithydd os nad yw'r plentyn yn gallu deall neu siarad yr iaith sy'n cael ei defnyddio;
 - (vii) bod ei breifatrwydd yn cael ei barchu'n llawn ym mhob cam o'r rheithdrefn.
- 3 Rhaid i Bartïon Gwladwriaethau geisio hybu'r broses o sefydlu cyfreithiau, gweithdrefnau, awdurdodau a sefydliadau sy'n gymwysadwy yn benodol i blant yr honnir neu y cydnabyddir eu bod wedi torri'r gyfraith trosedd, neu y cyhuddir hwy o wneud hynny, ac, yn benodol:
- (a) pennu oedran isaf y rhagdybir na fydd galluedd gan blant sydd oddi tano i dorri'r gyfraith trosedd;
 - (b) pryd bynnag y bo'n briodol ac yn ddymunol, mesurau i ymdrin â phlant o'r fath heb ddefnyddio rheithdrefn farnwrol, ar yr amod bod hawliau dynol a threfniadau diogelu cyfreithiol yn cael eu parchu'n llawn.
- 4 Rhaid i amryw o drefniadaethau, megis gorchmynion gofalu, cyfarwyddo a goruchwylio; cwnsela; profiannaeth; gofal maeth; addysg a rhaglenni hyfforddiant galwedigaethol a dewisiadau eraill heblaw gofal sefydliadol fod ar gael i sicrhau bod plant yn cael eu trin mewn modd sy'n briodol i'w llesiant ac yn gymesur â'u hamgylchiadau a'r tramgwydd.

Erthygl 41

Ni fydd dim yn y Confensiwn presennol yn effeithio ar unrhyw ddarpariaethau sy'n fwy ffafriol i wireddu hawliau'r plentyn ac a allai fod wedi eu cynnwys:

- (a) yng nghyfraith Parti Gwladwriaeth; neu
- (b) mewn cyfraith ryngwladol sydd mewn grym ar gyfer y Wladwriaeth honno.

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- (b) every child alleged as or accused of having infringed the penal law has at least the following guarantees:
- (i) to be presumed innocent until proven guilty according to law;
 - (ii) to be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;
 - (iii) to have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;
 - (iv) not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;
 - (v) if considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;
 - (vi) to have the free assistance of an interpreter if the child cannot understand or speak the language used;
 - (vii) to have his or her privacy fully respected at all stages of the proceedings.
- 3 States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:
- (a) the establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
 - (b) whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.
- 4 A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

- (a) the law of a State party; or
- (b) international law in force for that State.

RHAN 2

PROTOCOLAU

PROTOCOL DEWISOL I'R CONFENSIWN AR HAWLIAU'R PLENTYN YNGHYLCH
TYNNU PLANT I MEWN I WRTHDARO ARFOG*Erthygl 1*

Rhaid i Bartïon Gwladwriaethau gymryd pob mesur dichonadwy i sicrhau na fydd aelodau o'u lluoedd arfog sydd heb gyrraedd 18 mlwydd oed yn cymryd rhan uniongyrchol mewn ymladdiadau.

Erthygl 2

Rhaid i Bartïon Gwladwriaethau sicrhau na chaiff personau nad ydynt wedi cyrraedd 18 mlwydd oed eu recriwtio dan orfodaeth i'w lluoedd arfog.

Erthygl 3

- 1 Rhaid i Bartïon Gwladwriaethau godi'r oedran isaf ar gyfer recriwtio personau o'u gwirfodd i'w lluoedd arfog cenedlaethol o'r hyn a nodwyd yn erthygl 38, paragraff 3, o'r Confensiwn ar Hawliau'r Plentyn, gan ystyried yr egwyddorion sydd wedi eu cynnwys yn yr erthygl honno a chydnabod bod gan bersonau sydd o dan 18 mlwydd oed hawlogaeth o dan y Confensiwn i gael amddiffyniad arbennig.
- 2 Rhaid i bob Parti Gwladwriaeth adneuo datganiad rhwymol pan gadarnheir neu pan gytunir y Protocol hwn sy'n nodi'r oedran isaf y bydd yn caniatáu recriwtio gwirfoddol i'w lluoedd arfog cenedlaethol a disgrifiad o'r trefniadau diogelu y mae wedi eu mabwysiadu i sicrhau na chaiff y recriwtio hwnnw ei fforsio na'i dirio.
- 3 Rhaid i Bartïon Gwladwriaethau sy'n caniatáu recriwtio gwirfoddol i'w lluoedd arfog cenedlaethol gadw trefniadau diogelu i sicrhau, o leiaf:
 - (a) bod y recriwtio hwnnw'n wirioneddol wirfoddol;
 - (b) bod y recriwtio hwnnw'n cael ei wneud gyda chydysyniad deallus rhieni'r person neu ei warcheidwaid cyfreithiol;
 - (c) bod gan y personau hynny wybodaeth lawn am y dyletswyddau sydd ynghlwm wrth wasanaeth milwrol o'r fath;
 - (d) bod y personau hynny'n darparu prawf dibynadwy o'u hoedran cyn iddynt gael eu derbyn i wasanaeth milwrol cenedlaethol.
- 4 Caiff pob Parti Gwladwriaeth atgyfnerthu ei ddatganiad ar unrhyw bryd drwy hysbysiad i'r perwyl hwnnw sydd wedi ei gyfeirio at Ysgrifennydd Cyffredinol y Cenedloedd Unedig, a bydd yn rhaid iddo yntau hysbysu pob Parti Gwladwriaeth. Daw'r hysbysiad hwnnw'n weithredol ar y dyddiad y daw i law'r Ysgrifennydd Cyffredinol.
- 5 Nid yw'r gofyniad i godi'r oedran ym mharagraff 1 o'r erthygl bresennol yn gymwys i ysgolion sy'n cael eu rhedeg gan lluoedd arfog y Partïon Gwladwriaethau neu sydd o dan eu rheolaeth, a hynny'n unol ag erthyglau 28 a 29 y Confensiwn ar Hawliau'r Plentyn.

PART 2

PROTOCOLS

OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON
THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

Article 1

States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.

Article 2

States Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.

Article 3

- 1 States Parties shall raise the minimum age for the voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention on the Rights of the Child, taking account of the principles contained in that article and recognizing that under the Convention persons under the age of 18 years are entitled to special protection.
- 2 Each State Party shall deposit a binding declaration upon ratification of or accession to this Protocol that sets forth the minimum age at which it will permit voluntary recruitment into its national armed forces and a description of the safeguards that it has adopted to ensure that such recruitment is not forced or coerced.
- 3 States Parties that permit voluntary recruitment into their national armed forces under the age of 18 years shall maintain safeguards to ensure, as a minimum, that:
 - (a) such recruitment is genuinely voluntary;
 - (b) such recruitment is done with the informed consent of the person's parents or legal guardians;
 - (c) such persons are fully informed of the duties involved in such military service;
 - (d) such persons provide reliable proof of age prior to acceptance into national military service.
- 4 Each State Party may strengthen its declaration at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall inform all States Parties. Such notification shall take effect on the date on which it is received by the Secretary-General.
- 5 The requirement to raise the age in paragraph 1 of the present article does not apply to schools operated by or under the control of the armed forces of the States Parties, in keeping with articles 28 and 29 of the Convention on the Rights of the Child.

Erthygl 4

- 1 Ni ddylai grwpiau arfog sydd ar wahân i luoedd arfog Gwladwriaeth, o dan unrhyw amgylchiadau, recriwtio na defnyddio mewn ymladdiadau bersonau sydd o dan 18 mlwydd oed.
- 2 Rhaid i Bartïon Gwladwriaethau gymryd pob mesur dichonadwy i atal y cyfryw recriwtio a defnyddio, gan gynnwys mabwysiadu mesurau cyfreithiol sy'n angenrheidiol i wahardd a throreddoli arferion o'r fath.
- 3 Ni fydd cymhwysu'r erthygl bresennol o dan y Protocol hwn yn effeithio ar statws cyfreithiol unrhyw barti mewn gwrthdrawiad arfog.

Erthygl 5

Rhaid peidio â dehongli unrhyw beth yn y Protocol presennol fel petai'n rhagwahardd darpariaethau yng nghyfraith Parti Gwladwriaeth neu mewn offerynnau rhyngwladol a chyfraith ddyngarol ryngwladol sy'n fwy ffafriol i wireddu hawliau'r plentyn.

Erthygl 6

- 1 Rhaid i bob Parti Gwladwriaeth gymryd pob mesur cyfreithiol, pob mesur gweinyddol a phob mesur arall sy'n angenrheidiol i sicrhau bod darpariaethau'r Protocol hwn yn cael eu gweithredu a'u gorfodi'n effeithiol o fewn ei awdurdodaeth.
- 2 ...
- 3 Rhaid i Bartïon Gwladwriaethau gymryd pob mesur dichonadwy i sicrhau y bydd personau o fewn eu hawdurdodaeth sydd wedi eu recriwtio neu wedi eu defnyddio mewn ymladdiadau yn groes i'r Protocol presennol yn cael eu dadfyddino neu eu gollwng o'u gwasanaeth mewn modd arall. Rhaid i Bartïon Gwladwriaethau roi, pan fo'n angenrheidiol, bob cymorth priodol i'r personau hyn er mwyn iddynt ymadfer yn gorfforol ac yn seicolegol ac ailintgreiddio â'r gymdeithas.

Erthygl 7

- 1 Rhaid i Bartïon Gwladwriaethau gydweithredu i weithredu'r Protocol presennol, gan gynnwys cydweithredu ym maes atal unrhyw weithgaredd sy'n groes i'r Protocol ac adsefydlu ac ailintgreiddio â'r gymdeithas bersonau sy'n ddiodefnyr gweithredoedd sy'n groes i'r Protocol hwn, gan gynnwys drwy gydweithrediad technegol a chymorth ariannol. Ymgymerir â'r gwaith cynorthwyo a chydweithredu hwnnw gan ymgynghori â'r Partïon Gwladwriaethau o dan sylw a chyrrff rhyngwladol perthnasol.
- 2 Rhaid i Bartïon Gwladwriaethau sydd mewn sefyllfa i wneud hynny roi'r cymorth hwnnw drwy raglenni amlochrog, rhaglenni dwyochrog neu raglenni eraill neu, ymhlith eraill, drwy gronfa wirfoddol a sefydlir yn unol â rheolau'r Cynulliad Cyffredinol.

Article 4

- 1 Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.
- 2 States Parties shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices.
- 3 The application of the present article under this Protocol shall not affect the legal status of any party to an armed conflict.

Article 5

Nothing in the present Protocol shall be construed as precluding provisions in the law of a State Party or in international instruments and international humanitarian law that are more conducive to the realization of the rights of the child.

Article 6

- 1 Each State Party shall take all necessary legal, administrative and other measures to ensure the effective implementation and enforcement of the provisions of this Protocol within its jurisdiction.
- 2 ...
- 3 States Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to the present Protocol are demobilized or otherwise released from service. States Parties shall, when necessary, accord to these persons all appropriate assistance for their physical and psychological recovery and their social reintegration.

Article 7

- 1 States Parties shall cooperate in the implementation of the present Protocol, including in the prevention of any activity contrary to the Protocol and in the rehabilitation and social reintegration of persons who are victims of acts contrary to this Protocol, including through technical cooperation and financial assistance. Such assistance and cooperation will be undertaken in consultation with concerned States Parties and relevant international organizations.
- 2 States Parties in a position to do so shall provide such assistance through existing multilateral, bilateral or other programmes or, inter alia, through a voluntary fund established in accordance with the rules of the General Assembly.

PROTOCOL DEWISOL I'R CONFENSIWN AR HAWLIAU'R PLENTYN AR WERTHU
PLANT, PUTEINDRA PLANT A PHORNOGRAFFI PLANT

Erthygl 1

Rhaid i Bartion Gwladwriaethau wahardd gwerthu plant, puteindra plant a phornograffi plant fel y darperir ar eu cyfer gan y Protocol presennol.

Erthygl 2

At ddibenion y Protocol presennol:

- (a) mae gwerthu plant yn golygu unrhyw weithred neu drafodiad a ddefnyddir gan unrhyw unigolyn neu grŵp o bersonau i drosglwyddo plentyn i un arall am dâl neu unrhyw gydnabyddiaeth arall;
- (b) mae puteindra plant yn golygu defnyddio plentyn mewn gweithgareddau rhywiol am dâl neu unrhyw ffurf arall ar gydnabyddiaeth;
- (c) mae pornograffi plant yn golygu unrhyw bortread, drwy ba fodd bynnag, o blentyn sy'n ymgymryd â gweithgareddau rhywiol diamwys real neu ddynwaredol neu unrhyw bortread o rannau rhywiol plentyn at ddibenion rhywiol yn bennaf.

Erthygl 3

1 Rhaid i bob Parti Gwladwriaeth sicrhau, o leiaf, fod y gweithredoedd a'r gweithgareddau canlynol wedi eu cwmpasu'n llawn o dan ei gyfraith trosedd, p'un a yw'r tramgwyddau hynny wedi eu cyflawni yn fewnwladol neu'n drawswladol neu ar sail unigol neu gyfundrefnol:

- (a) yng nghyd-destun gwerthu plant fel y diffiniwyd y term hwnnw yn erthygl 2:
 - (i) cynnig, traddodi neu dderbyn plentyn, drwy ba ddull bynnag, at ddibenion:
 - a. camfanteisio'n rhywiol ar y plentyn;
 - b. trosglwyddo organau'r plentyn am elw;
 - c. cymryd y plentyn ymlaen i wneud llafur gorfod;
 - (ii) cymell cydsynio yn amhriodol, fel canolwr, i fabwysiadu plentyn gan dorri offerynnau cyfreithiol rhyngwladol cymwysadwy am fabwysiadu;
- (b) cynnig, sicrhau, caffael neu ddarparu plentyn ar gyfer puteindra plant, fel y'i diffiniwyd yn erthygl 2;
- (c) cynhyrchu, dosbarthu, lledaenu, mewnforio, allforio, cynnig, gwerthu neu feddiannu at y dibenion uchod bornograffi plant fel y'i diffiniwyd yn erthygl 2.

2 Yn ddarostyngedig i ddarpariaethau cyfraith genedlaethol Parti Gwladwriaeth, bydd yr un peth yn gymwys i ymgais i gyflawni unrhyw un o'r gweithredoedd hyn ac i gydgyllwynio i gyflawni unrhyw un o'r gweithredoedd hyn neu i gymryd rhan ynddynt.

OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON
THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

Article 1

States Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present Protocol.

Article 2

For the purpose of the present Protocol:

- (a) sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration;
- (b) child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration;
- (c) child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

Article 3

- 1 Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether these offences are committed domestically or transnationally or on an individual or organized basis:
 - (a) in the context of sale of children as defined in article 2:
 - (i) the offering, delivering or accepting, by whatever means, a child for the purpose of:
 - a. sexual exploitation of the child;
 - b. transfer of organs of the child for profit;
 - c. engagement of the child in forced labour;
 - (ii) improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption;
 - (b) offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2;
 - (c) producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in article 2.
- 2 Subject to the provisions of a State Party's national law, the same shall apply to an attempt to commit any of these acts and to complicity or participation in any of these acts.

- 3 Rhaid i bob Parti Gwladwriaeth wneud y tramgwyddau hyn yn rhai y gellir eu cosbi â chosbau priodol sy'n cymryd i ystyriaeth eu natur ddifrifol.
- 4 Yn ddarostyngedig i ddarpariaethau ei gyfraith genedlaethol, rhaid i bob Parti Gwladwriaeth gymryd mesurau, pan fo'n briodol, i sefydlu atebolrwydd personau cyfreithiol am dramgwyddau a sefydlwyd ym mharagraff 1 o'r erthygl bresennol. Yn ddarostyngedig i egwyddorion cyfreithiol y Parti Gwladwriaeth, gall yr atebolrwydd hwn sydd ar bersonau cyfreithiol fod yn droseddol, yn sifil neu'n weinyddol.
- 5 Rhaid i Bartion Gwladwriaethau gymryd pob mesur cyfreithiol a gweinyddol sy'n briodol i sicrhau bod pob person sy'n ymwneud â mabwysiadu plentyn yn gweithredu'n unol â'r offerynnau cyfreithiol rhyngwladol sy'n gymwysadwy.

Erthygl 4

- 1 Rhaid i bob Parti Gwladwriaeth gymryd unrhyw fesurau sy'n angenrheidiol i sefydlu ei awdurdodaeth dros y tramgwyddau y cyfeiriwyd atynt yn erthygl 3, paragraff 1, pan fo'r tramgwyddau'n cael eu cyflawni yn ei diriogaeth neu ar fwrdd llong neu awyren sydd wedi ei chofrestru yn y Wladwriaeth honno.
- 2 Caiff pob Parti Gwladwriaeth gymryd unrhyw fesurau sy'n angenrheidiol i sefydlu ei awdurdodaeth dros y tramgwyddau y cyfeiriwyd atynt yn erthygl 3, paragraff 1, yn yr achosion canlynol:
 - (a) pan fo'r tramgwyddwr honedig yn wladolyn y Wladwriaeth honno neu'n berson y mae ganddo ei breswylfan arferol yn ei thiriogaeth;
 - (b) pan fo'r dioddefwr yn wladolyn y Wladwriaeth honno.
- 3 Rhaid i bob Parti Gwladwriaeth gymryd hefyd unrhyw fesurau sy'n angenrheidiol i sefydlu ei awdurdodaeth dros y tramgwyddau uchod pan fo'r tramgwyddwr honedig yn bresennol yn ei diriogaeth ac nad yw'n ei estraddodi i Barti Gwladwriaeth arall ar y sail nad yw'r tramgwydd wedi ei gyflawni gan un o'i wladolion.
- 4 Nid yw'r Protocol hwnnw yn eithrio unrhyw awdurdodaeth droseddol sy'n cael ei harfer yn unol â chyfraith fewnol.

Erthygl 5

- 1 Rhaid barnu bod y tramgwyddau y cyfeiriwyd atynt yn erthygl 3, paragraff 1, wedi eu cynnwys fel tramgwyddau estradoddadwy mewn unrhyw gytuniad estraddodi sy'n bodoli rhwng Partion Gwladwriaethau a rhaid eu cynnwys fel tramgwyddau estradoddadwy ym mhob cytuniad estraddodi a gwblheir rhyngddynt wedi hynny, yn unol â'r amodau a nodir yn y cytuniadau hynny.
- 2 Os yw Parti Gwladwriaeth sy'n gwneud estraddodi'n amodol ar fodolaeth cytuniad yn cael cais am estraddodiad oddi wrth Barti Gwladwriaeth arall nad oes ganddo unrhyw gytuniad estraddodi ag ef, caiff ystyried y Protocol hwn yn sail gyfreithiol dros estraddodi mewn perthynas â'r tramgwyddau hynny. Bydd estraddodi'n ddarostyngedig i'r amodau a ddarperir o dan gyfraith y Wladwriaeth y gwneir y cais iddo.
- 3 Rhaid i Bartion Gwladwriaethau nad ydynt yn gwneud estraddodi'n amodol ar fodolaeth cytuniad gydnabod rhyngddynt fod y tramgwyddau hynny'n dramgwyddau estradoddadwy yn ddarostyngedig i'r amodau y darperir ar eu cyfer o dan gyfraith y Wladwriaeth y gwneir y cais iddo.

- 3 Each State Party shall make these offences punishable by appropriate penalties that take into account their grave nature.
- 4 Subject to the provisions of its national law, each State Party shall take measures, where appropriate, to establish the liability of legal persons for offences established in paragraph 1 of the present article. Subject to the legal principles of the State Party, this liability of legal persons may be criminal, civil or administrative.
- 5 States Parties shall take all appropriate legal and administrative measures to ensure that all persons involved in the adoption of a child act in conformity with applicable international legal instruments.

Article 4

- 1 Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, when the offences are committed in its territory or on board a ship or aircraft registered in that State.
- 2 Each State Party may take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, in the following cases:
 - (a) when the alleged offender is a national of that State or a person who has his habitual residence in its territory;
 - (b) when the victim is a national of that State.
- 3 Each State Party shall also take such measures as may be necessary to establish its jurisdiction over the above-mentioned offences when the alleged offender is present in its territory and it does not extradite him or her to another State Party on the ground that the offence has been committed by one of its nationals.
- 4 This Protocol does not exclude any criminal jurisdiction exercised in accordance with internal law.

Article 5

- 1 The offences referred to in article 3, paragraph 1, shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties and shall be included as extraditable offences in every extradition treaty subsequently concluded between them, in accordance with the conditions set forth in such treaties.
- 2 If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Protocol as a legal basis for extradition in respect of such offences. Extradition shall be subject to the conditions provided by the law of the requested State.
- 3 States Parties that do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

- 4 Rhaid ymdrin â'r tramgwyddau hynny, at ddibenion estraddodi rhwng Partïon Gwladwriaethau, fel petaent wedi eu cyflawni nid yn unig yn y man lle y digwyddasant ond hefyd yn nhiriogaethau'r Gwladwriaethau y mae'n ofynnol iddynt sefydlu eu hawdurdodaeth yn unol ag erthygl 4.
- 5 Os yw cais am estraddodi'n cael ei wneud mewn cysylltiad â thrangwydd a ddisgrifiwyd yn erthygl 3, paragraff 1, ac os nad yw'r Parti Gwladwriaeth y gwnaed y cais iddo yn estraddodi ar sail cenedligrwydd y tramgwyddwr neu os nad ewyllysia wneud hynny, rhaid i'r Wladwriaeth honno gymryd mesurau addas i gyflwyno'r achos i'w awdurdodau cymwys at ddibenion erlyn.

Erthygl 6

- 1 Rhaid i Bartïon Gwladwriaethau roi i'w gilydd y cymorth mwyaf mewn cysylltiad ag ymchwiliadau neu achosion troseddol neu achosion estraddodi a ddygir mewn perthynas â'r tramgwyddau a nodwyd yn erthygl 3, paragraff 1, gan gynnwys cymorth i gael dystiolaeth at eu gwasanaeth a fyddai'n angenrheidiol ar gyfer yr achosion.
- 2 Rhaid i Bartïon Gwladwriaethau gyflawni eu rhwymedigaethau o dan baragraff 1 o'r erthygl bresennol yn unol ag unrhyw gytuniadau neu drefniadau eraill ynghylch cymorth cyfreithiol i'w gilydd a all fodoli rhyngddynt. Yn absenoldeb cytuniadau neu drefniadau o'r fath, rhaid i Bartïon Gwladwriaethau roi cymorth i'w gilydd yn unol â'u cyfraith ddomestig.

Erthygl 7

Rhaid i Bartïon Gwladwriaethau, yn ddarostyngedig i ddarpariaethau eu cyfraith genedlaethol:

- (a) cymryd mesurau i ddarparu ar gyfer ymafael yn y canlynol a'u hatafael, fel y bo'n briodol:
 - (i) nwyddau, megis deunyddiau, asedau a chyfryngiadau eraill a ddefnyddiwyd i gyflawni neu hwyluso tramgwyddau o dan y Protocol presennol;
 - (ii) yr enillion sy'n tarddu o'r tramgwyddau hynny;
- (b) cyflawni ceisiadau gan Barti Gwladwriaeth arall am ymafael yn y nwyddau neu'r enillion y cyfeiriwyd atynt yn is-baragraff (a)(i) neu am eu hatafael;
- (c) cymryd mesurau sydd wedi eu hanelu at gau, dros dro neu yn derfynol, fangreoedd a ddefnyddiwyd i gyflawni'r tramgwyddau hynny.

Erthygl 8

- 1 Rhaid i Bartïon Gwladwriaethau fabwysiadu mesurau priodol i amddiffyn hawliau a buddiannau plant sydd wedi bod yn ddioddefwyr yr arferion a waherddir o dan y Protocol presennol ym mhob cam yn y broses cyfiawnder troseddol, a hynny'n benodol drwy wneud y canlynol:
 - (a) cydnabod hyglwyfedd plant sy'n ddioddefwyr ac addasu gweithdrefnau i gydnabod eu hanghenion arbennig, gan gynnwys eu hanghenion arbennig fel tystion;

- 4 Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 4.
- 5 If an extradition request is made with respect to an offence described in article 3, paragraph 1, and if the requested State Party does not or will not extradite on the basis of the nationality of the offender, that State shall take suitable measures to submit the case to its competent authorities for the purpose of prosecution.

Article 6

- 1 States Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 3, paragraph 1, including assistance in obtaining evidence at their disposal necessary for the proceedings.
- 2 States Parties shall carry out their obligations under paragraph 1 of the present article in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their domestic law.

Article 7

States Parties shall, subject to the provisions of their national law:

- (a) take measures to provide for the seizure and confiscation, as appropriate, of:
 - (i) goods, such as materials, assets and other instrumentalities used to commit or facilitate offences under the present Protocol;
 - (ii) proceeds derived from such offences;
- (b) execute requests from another State Party for seizure or confiscation of goods or proceeds referred to in subparagraph (a)(i);
- (c) take measures aimed at closing, on a temporary or definitive basis, premises used to commit such offences.

Article 8

- 1 States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by:
 - (a) recognizing the vulnerability of child victims and adapting procedures to recognize their special needs, including their special needs as witnesses;

- (b) hysbysu plant sy'n ddioddefwyr o'u hawliau, eu rôl a chwmpas, amseriad a chynnydd y rheithdrefn ac o'r penderfyniad ar eu hachosion;
 - (c) caniatáu i sylwadau, anghenion a phryderon plant sy'n ddioddefwyr gael eu cyflwyno a'u hystyried mewn rheithdrefnau lle'r effeithir ar eu buddiannau personol, mewn modd sy'n gyson â rheolau gweithdrefnol y gyfraith genedlaethol;
 - (d) darparu gwasanaethau cymorth priodol i blant sy'n ddioddefwyr drwy gydol y broses gyfreithiol;
 - (e) diogelu, fel y bo'n briodol, breifatrwydd a hunaniaeth plant sy'n ddioddefwyr a chymryd mesurau'n unol â'r gyfraith genedlaethol i osgoi lledaenu'n amhriodol wybodaeth a allai arwain at ganfod pwy yw'r plant sy'n ddioddefwyr;
 - (f) darparu, mewn achosion priodol, ar gyfer diogelu plant sy'n ddioddefwyr, yn ogystal â'u teuluoedd a'r rhai sy'n tystiolaethu ar eu rhan, rhag bygyly a dial;
 - (g) osgoi oedi diangen cyn penderfynu achosion ac ufuddhau i orchmynion neu archddyfarniadau sy'n rhoi iawndal i blant sy'n ddioddefwyr.
- 2 Rhaid i Bartïon Gwladwriaethau sicrhau na fydd ansicrwydd ynghylch oedran gwirioneddol y dioddefwr yn atal camau i gychwyn ymchwiliadau troseddol, gan gynnwys ymchwiliadau sydd wedi eu hanelu at gadarnhau oedran y dioddefwr.
 - 3 Rhaid i Bartïon Gwladwriaethau sicrhau, yn y modd y mae plant sy'n ddioddefwyr y tramgwyddau a ddisgrifir yn y Protocol presennol yn cael eu trin gan y system cyfiawnder troseddol, mai lles pennaf y plentyn fydd y prif ystyriaeth.
 - 4 Rhaid i Bartïon Gwladwriaethau gymryd mesurau i sicrhau hyfforddiant priodol, yn enwedig hyfforddiant cyfreithiol a seicolegol, ar gyfer y personau sy'n gweithio gyda dioddefwyr y tramgwyddau a waherddir o dan y Protocol presennol.
 - 5 Rhaid i Bartïon Gwladwriaethau fabwysiadu mesurau, mewn achosion priodol, er mwyn amddiffyn diogelwch ac uniondeb y personau a'r/neu'r cyrff sy'n ymwneud ag atal a/neu amddiffyn ac adsefydlu ddioddefwyr y tramgwyddau hynny.
 - 6 Rhaid peidio â dehongli unrhyw beth yn yr erthygl bresennol fel petai'n niweidiol i hawliau'r cyhuddedig i gael prawf teg a diduedd neu'n anghyson â'r hawliau hynny.

Erthygl 9

- 1 Rhaid i Bartïon Gwladwriaethau fabwysiadu neu gryfhau, gweithredu a lledaenu cyfreithiau, mesurau gweinyddol, polisiâu a rhaglenni cymdeithasol i atal y tramgwyddau y cyfeirir atynt yn y Protocol presennol. Rhaid rhoi sylw penodol i amddiffyn plant sy'n arbennig o hyglwyf gan yr arferion hyn.
- 2 Rhaid i Bartïon Gwladwriaethau hybu ymhlith y cyhoedd yn gyffredinol, gan gynnwys plant, drwy wybodaeth drwy bob modd priodol, addysg briodol a hyfforddiant priodol, ymwybyddiaeth o'r mesurau i atal y tramgwyddau y cyfeirir atynt yn y Protocol presennol ac o'u heffeithiau andwyol. Wrth gyflawni eu rhwymedigaethau o dan yr erthygl hon, rhaid i Bartïon Gwladwriaethau hyrwyddo'r broses o gael y gymuned ac yn benodol, plant a phlant sy'n ddioddefwyr, i fod yn rhan o'r rhaglenni gwybodaeth, addysgu a hyfforddi hynny, gan gynnwys ar lefel ryngwladol.
- 3 Rhaid i Bartïon Gwladwriaethau gymryd pob mesur dichonadwy gan anelu at sicrhau pob cymorth priodol i ddioddefwyr y tramgwyddau hynny, gan gynnwys eu hailintegreiddiad cymdeithasol llawn a'u hadferiad corfforol a seicolegol llawn.

- (b) informing child victims of their rights, their role and the scope, timing and progress of the proceedings and of the disposition of their cases;
 - (c) allowing the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected, in a manner consistent with the procedural rules of national law;
 - (d) providing appropriate support services to child victims throughout the legal process;
 - (e) protecting, as appropriate, the privacy and identity of child victims and taking measures in accordance with national law to avoid the inappropriate dissemination of information that could lead to the identification of child victims;
 - (f) providing, in appropriate cases, for the safety of child victims, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;
 - (g) avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting compensation to child victims.
- 2 States Parties shall ensure that uncertainty as to the actual age of the victim shall not prevent the initiation of criminal investigations, including investigations aimed at establishing the age of the victim.
 - 3 States Parties shall ensure that, in the treatment by the criminal justice system of children who are victims of the offences described in the present Protocol, the best interest of the child shall be a primary consideration.
 - 4 States Parties shall take measures to ensure appropriate training, in particular legal and psychological training, for the persons who work with victims of the offences prohibited under the present Protocol.
 - 5 States Parties shall, in appropriate cases, adopt measures in order to protect the safety and integrity of those persons and/or organizations involved in the prevention and/or protection and rehabilitation of victims of such offences.
 - 6 Nothing in the present article shall be construed to be prejudicial to or inconsistent with the rights of the accused to a fair and impartial trial.

Article 9

- 1 States Parties shall adopt or strengthen, implement and disseminate laws, administrative measures, social policies and programmes to prevent the offences referred to in the present Protocol. Particular attention shall be given to protect children who are especially vulnerable to these practices.
- 2 States Parties shall promote awareness in the public at large, including children, through information by all appropriate means, education and training, about the preventive measures and harmful effects of the offences referred to in the present Protocol. In fulfilling their obligations under this article, States Parties shall encourage the participation of the community and, in particular, children and child victims, in such information and education and training programmes, including at the international level.
- 3 States Parties shall take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offences, including their full social reintegration and their full physical and psychological recovery.

- 4 Rhaid i Bartïon Gwladwriaethau sicrhau bod gan bob plentyn sy'n ddioddefwr gan y tramgwyddau a ddisgrifir yn y Protocol presennol fynediad at weithdrefnau digonol i geisio, heb unrhyw gamwahaniaethu, iawndal oddi wrth y rhai a fu'n gyfrifol yn ôl y gyfraith.
- 5 Rhaid i Bartïon Gwladwriaethau gymryd mesurau priodol sydd wedi eu hanelu at wahardd yn effeithiol y broses o gynhyrchu a lledaenu deunydd sy'n hysbysebu'r tramgwyddau a ddisgrifir yn y Protocol presennol.

Erthygl 10

- 1 Rhaid i Bartïon Gwladwriaethau gymryd yr holl gamau sy'n angenrheidiol i gryfhau cydweithrediad rhyngwladol drwy drefniadau amlochrog, rhanbarthol a dwyochrog ar gyfer atal y rhai sy'n gyfrifol am weithredoedd sy'n cynnwys gwerthu plant, puteindra plant, pornograffi plant a thwristiaeth rhyw plant ac ar gyfer eu datgelu, ymchwilio iddynt, eu herlyn a'u cosbi. Rhaid i Bartïon Gwladwriaethau hybu cydweithrediad a chydlyniaid rhyngwladol hefyd rhwng eu hawdurdodau, cyrff anllywodraethol cenedlaethol a rhyngwladol a chyrrff rhyngwladol.
- 2 Rhaid i Bartïon Gwladwriaethau hybu cydweithrediad rhyngwladol i gynorthwyo plant sy'n ddioddefwyr i ymadfer yn gorfforol ac yn seicolegol, i ailintegreiddio â'r gymdeithas ac i ddychwelyd i'w mamwlad.
- 3 Rhaid i Bartïon Gwladwriaethau hybu gwaith i gryfhau cydweithrediad rhyngwladol er mwyn mynd i'r afael â'r achosion sylfaenol, megis tlodi a thanddatblygu, sy'n cyfrannu at hyglwyfedd plant gan weithgareddau gwerthu plant, puteindra plant, pornograffi plant a thwristiaeth rhyw plant.
- 4 Rhaid i Bartïon Gwladwriaethau sydd mewn sefyllfa i wneud hynny roi cymorth ariannol, cymorth technegol neu gymorth arall drwy raglenni amlochrog, rhanbarthol, dwyochrog neu raglenni eraill sy'n bodoli eisoes.

RHAN 3

DATGANIADAU A NEILLTUADAU

Datganiadau

- (a) Mae'r Deyrnas Unedig yn dehongli'r Confensiwn fel un sy'n gymwysadwy yn dilyn genedigaeth fyw yn unig.
- (b) Mae'r Deyrnas Unedig yn dehongli'r cyfeiriadau yn y Confensiwn at 'rieni' i olygu neb ond y personau hynny, sydd, fel mater o gyfraith genedlaethol, yn cael eu trin fel rhieni. Mae hyn yn cynnwys achosion lle mae'r gyfraith yn ystyried y plentyn yn blentyn ag un rhiant yn unig, er enghraifft pan fo plentyn wedi ei fabwysiadu gan un person yn unig ac mewn achosion penodol lle caiff plentyn ei genhedlu mewn modd gwahanol i ganlyniad cyfathrach rhywiol gan y fenyw sy'n esgor arno a bod hithau'n cael ei thrin fel yr unig riant.

- 4 States Parties shall ensure that all child victims of the offences described in the present Protocol have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible.
- 5 States Parties shall take appropriate measures aimed at effectively prohibiting the production and dissemination of material advertising the offences described in the present Protocol.

Article 10

- 1 States Parties shall take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism. States Parties shall also promote international cooperation and coordination between their authorities, national and international non-governmental organizations and international organizations.
- 2 States Parties shall promote international cooperation to assist child victims in their physical and psychological recovery, social reintegration and repatriation.
- 3 States Parties shall promote the strengthening of international cooperation in order to address the root causes, such as poverty and underdevelopment, contributing to the vulnerability of children to the sale of children, child prostitution, child pornography and child sex tourism.
- 4 States Parties in a position to do so shall provide financial, technical or other assistance through existing multilateral, regional, bilateral or other programmes.

PART 3

DECLARATIONS AND RESERVATIONS

Declarations

- (a) The United Kingdom interprets the Convention as applicable only following a live birth.
- (b) The United Kingdom interprets the references in the Convention to 'parents' to mean only those persons who, as a matter of national law, are treated as parents. This includes cases where the law regards a child as having only one parent, for example where a child has been adopted by one person only and in certain cases where a child is conceived other than as a result of sexual intercourse by the woman who gives birth to it and she is treated as the only parent.

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