



Save the Children

Achub y Plant

David Melding AM
Chair, Legislation Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

5th June 2006

Dear Mr Melding

**Monitoring Implementation of the UN Convention on the Rights of the Child
(UNCRC) in Wales**

As a non-governmental group, the UNCRC Monitoring Group¹ seeks to work constructively with government and statutory bodies to promote implementation of the UNCRC, as well as monitoring progress on its implementation in Wales. The group comprises representatives of non-governmental children's organisations in Wales, academics in law and medicine from the University of Wales and observers from the Welsh Assembly Government and the office of the Children's Commissioner for Wales. The group is working towards the preparation of the Welsh non-governmental organisations' report to the UN Committee on the Rights of the Child in the current UK reporting round.

We resolved at our last meeting to approach you as the Chair of the Assembly's Legislation Committee to ask that the Committee consider whether it could adopt a policy of routine 'UNCRC proofing' of relevant Assembly legislation.

As you know, in its plenary resolution of 14 January 2004, the National Assembly for Wales adopted the United Nations Convention on the Rights of the Child as its overarching policy framework in relation to children and young people.

Further to that resolution, the Welsh Assembly Government has applied the UNCRC in the development of various key strategies, for example in its '7 core aims for children' and in *Rights to Action*, which now form the basis for further legal and policy work including the production of Assembly legislation and guidance to implement the Children Act 2004 in Wales. The WAG has also included reference to the UNCRC in the guidance accompanying its policy integration tool.

¹ *Current UNCRC Monitoring Group Membership:* Aberystwyth University, Amnesty International Wales, Barnardo's Cymru, Cardiff University, Children in Wales, Funky Dragon, Nacro Cymru, NSPCC Cymru, Save the Children (Chair), Swansea University. *Observers:* Children's Strategy Group, DELLS, Welsh Assembly Government, Children's Commissioner for Wales.

**Achub y Plant
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We consider that a further step to bolster this approach would be for the Legislation Committee to undertake to examine Assembly legislation for compatibility with the requirements of the UNCRC in a similar manner to the way in which it examines legislation for compatibility with the Convention rights guaranteed under the Human Rights Act. We appreciate that there is no statutory requirement for the suggested approach; unlike the position of Convention Rights guaranteed by the Human Rights Act, the Government of Wales Act does not make compliance with the UNCRC a matter of *vires*. However, it seems to us that there is also no statutory bar to the Legislation Committee routinely carrying out an audit of the compatibility of legislation with children's rights under the UNCRC when considering proposed Assembly legislation. We believe that this would provide a valuable mechanism to promote the Assembly's declared policy and to focus attention on the contribution of new legislation to furthering that policy.

Naturally, we would be pleased to discuss this suggestion with you and with the Committee should you find this helpful.

Yours sincerely,



Keith Towler
Chair of the UNCRC Monitoring Group

Cc Jane Hutt AM, Minister for Assembly Business, Equalities and Children