

Legislation Committee No 5

Proposed Rights of Children and Young Persons (Wales) Measure

Supplementary evidence from UNICEF UK

Note from UNICEF UK on Legislation Review and Legal Redress

UNICEF UK considers the draft Measure to be the beginning of the law reform process and as such it is one of the most effective entry points and strategies to advance the concept of children's rights in Wales. It provides an opportunity for holistic incorporation of the Convention on the Rights of the Child (CRC) standards into Welsh law, allowing the National Assembly for Wales and the Welsh Assembly Government to:

- Identify laws to be amended or abolished in order to harmonise Welsh legislation with CRC standards;
- Make a clear pronouncement on the status of the CRC in Welsh law;
- Help Wales as a society to internalise the CRC.
- Remove discrimination and inequalities in order to create a culture of respect for human rights;
- Examine the use of the CRC and new laws in Courts of law, and the manner in which Courts are contributing to law reform on children's rights through interpretation;
- Examine the way laws are implemented and disseminated;
- Examine the way institutions that support laws are functioning.
- Examine and promote participation of civil society, social partners such as the corporate sector, and children themselves in ensuring that law reform is effective in a country as a tool of social transformation.

Law reform and law enforcement are interconnected. Law reform requires resource allocation. Consequently, once this Measure is adopted it will create a demand for:

- A focus on realistic resource allocation and budgeting for enforcement of laws;
- Awareness-raising campaigns, in particular law awareness activities (translation of laws into national, local, minority languages, education

campaign and dissemination of laws, making new legislation available to public in reader-friendly format etc.);

- Incorporation of courses on children's rights in school/university curricula;
- Training of professionals working for and with children such as teachers, psychologists, law enforcement officers, police officers, lawyers, etc.;
- Appropriate remedies and mechanisms to ensure redress in case of violation of rights.

UNICEF UK hope the Welsh authorities will ensure, by all appropriate means, that the provisions of the CRC are given legal effect within the Welsh legal system. This will remain a challenge for Wales even after this Measure is passed: this is because the Measure will make the CRC part of the Welsh law but it will not amount to incorporation as defined by the UN Committee in the General Comment No. 5 ("Incorporation should mean that the provisions of the Convention can be directly invoked before the courts and applied by national authorities and that the Convention will prevail where there is a conflict with domestic legislation"). The Measure will not automatically ensure respect for the rights of children. In order to promote the full implementation of these rights, including, where appropriate, the exercise of rights by children themselves, additional legislative and other measures may be necessary. For instance, the role and the powers of the Children's Commissioner for Wales could be considered to be strengthened.

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