

National Assembly for Wales
Environment and Sustainability Committee
WFG 36
Well-being of Future Generations (Wales) Bill
Response from Wales UNCRC Monitoring Group

September 5th 2014

Catherine Hunt
Clerk, Environment and Sustainability Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

Dear Ms Hunt

Re: Inquiry into the general principles of the Well-being of Future Generations (Wales) Bill.

I write on behalf of the Wales UNCRC Monitoring Group. The Monitoring Group is a national alliance of non-governmental and academic agencies, co-ordinated and chaired by Save the Children's Wales programme. The group monitors and promotes the implementation of the United Nations Convention on the Rights of the Child (UNCRC) within Wales.

The Wales UNCRC Monitoring Group is pleased to have the opportunity to input into the consultation on the general principles of the Well-being of Future Generations (Wales) Bill. We support the Welsh Government's intention to legislate to ensure that the needs of present generations are met in a sustainable way, without compromising those of future generations.

The Wales UNCRC Monitoring Group considers that the Future Generations Bill does not give sufficient focus to the enforcement of human rights which we believe is a precondition for sustainable development and a prosperous Wales. Without acknowledging and acting to realise the rights of people, sustainable development is not possible.

We believe that the delivery of public services in Wales must be done through a human rights lens and that the Future Generations Bill presents us with a key opportunity for a human rights framework to be enshrined into law.

For example, the Group would have liked to see a much clearer link between the content of the Bill and the realisation of children's rights in Wales. Even though the Children's Rights Impact Assessment (CRIA) states that the Bill will have a positive impact on children's rights in Wales, we are concerned that the Bill itself does not make direct reference to the UNCRC. The Social Services and

Well-being (Wales) Act includes provision that *'a person exercising functions under this Act in relation to a child' ... 'must have due regard to Part 1 of the United Nations Convention on the Rights of the Child'*. The Well-being of Future Generations (Wales) Bill would be considerably strengthened if the same provision were to be included on the face of the Bill. Such provision would also ensure the Minister's duty to give due regard to the United Nations Convention on the Rights of the Child was clearly demonstrated. The omission of such provision represents a lost opportunity to promote children's rights and the UNCRC in Wales in a way that will impact on the lived experiences of children in Wales.

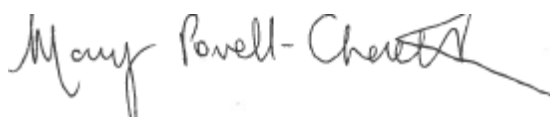
Another key gap in our view is the lack of inclusion of rights within the overarching context of well-being. There should be a definition of well-being on the face of the Bill, and this should clearly include securing rights and entitlements, in a similar way to section 2 of the Social Services and Well-being (Wales) Act 2014.

In addition, we feel that the CRIA overplays the link between the well-being goals and children's rights. While we do not disagree that the Bill could potentially help realise children's rights in Wales (through tackling child poverty for example), the Group would like to see much clearer evidence of how it will do so. The well-being goals, as currently worded, do not make any direct reference to rights. The equality goal should be changed to read "a society that enables people to fulfil their **rights** no matter what their background or circumstances", and clearly reference relevant treaties such as the UNCRC and the European Convention on Human Rights (ECHR). This would ensure that well-being objectives and plans are truly rights-based, and public bodies would have to evidence clearly the progress they have made towards ensuring the realisation of human rights through policy and delivery.

We are pleased that the CRIA makes reference to children and young people's participation. However, while it does show that the Welsh Government has consulted some children and young people in the run up to the introduction of the Bill, it does not give any information on how their views have helped shape the content of the Bill. Article 12 of the UNCRC includes the principle of respect for children's views as well as the right to be heard, so it would be helpful for the CRIA to include further information on any impact of children and young people's views have had on the content of the Bill.

In conclusion, the Group would like to re-emphasise the need to clearly place the Bill within an overarching human rights framework in order to ensure that public bodies' policies are drawn up in a way which systematically contributes to the realisation of people's rights in Wales.

Yours sincerely

A handwritten signature in black ink that reads "Mary Powell-Chandler". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Mary Powell-Chandler
Chair, Wales UNCRC Monitoring Group

Wales UNCRC Monitoring Group is a national alliance of non-governmental and academic institutions tasked with monitoring and promoting the United Nations Convention on the Rights of the Child in Wales.

Membership: Aberystwyth University Centre of Welsh Legal Affairs, Barnardo's Cymru, Cardiff University Department of Child Health, Children in Wales, Funky Dragon, NSPCC Cymru, Play Wales, Save the Children Wales (Chair & Coordinator), Wales Observatory on Human Rights of Children and Young People, YMCA Wales.

Observers include: Children's Commissioner Office for Wales, Welsh Government, Welsh Local Government Association, UNICEF UK.