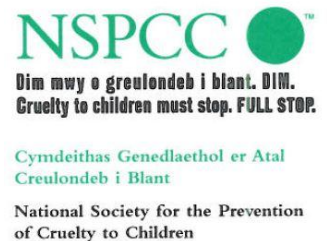


GBV 23a

Communities, Equality and Local Government Committee

Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill: Stage 1

Response from: NSPCC Wales



19th September 2014

Dear Christine

NSPCC Cymru/Wales was grateful for the opportunity to provide oral evidence on the Gender-based Violence, Domestic Abuse and Sexual Violence Bill on Wednesday 17th September as part of the Communities, Equalities and Local Government Committee's Stage One scrutiny inquiry.

I am aware that we provided a fairly technical response to the question asked by Gwyn Price AM, Labour Assembly Member for Islwyn about international examples where the UNCRC has been used for legislation on domestic abuse. I would therefore like to provide full references for the reports and documents cited in order to support the CELG Committee team in any further research to underpin Committee's Stage One report.

NSPCC Cymru/Wales believes that the due regard duty under the Rights of Children and Young Persons (Wales) Measure, means that it is incumbent on Welsh Government to continually monitor and draw on international learning and experience on the incorporation of the CRC into domestic legislation. We believe this needs to be an ongoing process to underpin the Child's Rights Impact Assessments (CRIA) and should inform the development of policy and legislation at every stage.

During our evidence session we highlighted several examples that we would recommend should inform the development of this Legislation and subsequent Guidance in order to ensure a child right's approach.

Firstly, **UNCRC General Comment No. 13 (2011) 'The Right of the Child to Freedom from all forms of Violence – CRC/C/GC13'** provides a detailed analysis of UNCRC Article 19 on the 'right to protection from violence, abuse and neglect' that is highly pertinent to this Bill. It provides a comprehensive range of suggestions for the implementation of measures to counter all forms of violence against children in accordance with Article 19. We would recommend that this General Comment would be an important starting point for a child rights approach under this Bill. General Comment 13 is available at:

Noddur: Ei Maurhydi y Frenhines

Syllfaenodd 1884. Cuddfoddd trwy Sarnar Brenhona. Mae ChildLine yn wahanol i a ddiarpru gan yr NSPCC, rhifau cofrestru'r clonni 216401 a SC037717. Mae enwau i chi cywllto gada ni yn Gymraeg neu'n Saesneg.

Patron: Her Majesty The Queen

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Furthermore, a **UNICEF report 'Protecting the World's Children: Impact of the Convention on the Rights of the Child in Diverse Legal Systems'** published in 2008 has been specifically developed as a reference for legal reformers, public officials and child-rights advocates. It demonstrates how the CRC can be implemented in different country contexts in an effort to achieve children's rights uniformly across widely divergent legal traditions. The book proposes a framework for enhancing compatibility of national legislation with human rights instruments and with the CRC in particular. Chapter one provides a useful analysis of the journey of Commonwealth Caribbean Countries in implementing the CRC, in particular Jamaica's 2004 Child Care and Protection Act. More details about the volume can be accessed at:

<http://www.cambridge.org/asia/catalogue/catalogue.asp?isbn=9780521875134&ss=fro>

The UN Convention on the Rights of the Child: a study of legal implementation in 12 countries (UNICEF UK and Queens University, Belfast 2012) is also a useful resource both in terms of the General Measures of Implementation and implementation in various policy areas/sectors. The report is available at:

http://www.unicef.org.uk/Documents/Publications/UNICEFUK_2012CRCImplementationreport.pdf

Finally, as mentioned during our evidence, we would urge the Welsh Government to seek expert input on the incorporation of the CRC into domestic legislation on issues such as Gender-based Violence, Domestic Abuse and Sexual Violence from global experts such as UNICEF. We would however also underline that Wales possesses sector-leading academic expertise on these issues in the form of Swansea University's Wales Observatory on Human Rights of Children and Young People. We are aware that the Observatory have submitted evidence on to the Committee but we would recommend that the National Assembly and Welsh Government make use of this expertise to ensure that the opportunity to ensure that the measures in this Bill that apply to children are delivered in a child right's focused way.

I trust this information is useful.

Yours sincerely



Des Mannion

NSPCC National Head of Service - Wales