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Children's
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Wales

Observatory on Human Rights of Children and Children's Legal Centre Wales Response to the Senedd Finance Committee Consultation on the Welsh Government Draft Budget

1. Children's Rights Impact Assessment on the Welsh Government Draft Budget

The Rights of Children and Young Persons (Wales) Measure 2011 requires the Welsh Government to implement a Scheme which sets out how they will meet the duty to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) in the exercise of their functions.¹ Children's Rights Impact Assessments (CRIAs) are included within the statutory scheme as a means for delivering on the duty and are to be applied to all proposals for legislation, policy and budgetary considerations which directly or indirectly impact on children.

There is currently a lack of transparency on expenditure on children in public budgeting across all ministerial portfolios. The Welsh Government's preference for a holistic Strategic Integrated Impact Assessment (SIIA) to accompany the draft budget means it is not possible to assess whether the Welsh Government is complying with the obligation imposed by the UNCRC to allocate the maximum level of available resources to fulfil children's rights in Wales.² The CRIA template included within the SIIA does not meet relevant guidance on impact assessment of public budgeting.³ The Welsh Government Budget Improvement Plan makes no reference to children or the UNCRC.⁴

¹ Welsh Government., *Children's Rights Scheme* (Welsh Government 2014).

<https://senedd.wales/Laid%20Documents/GEN-LD9732%20-%20Children's%20Rights%20Scheme%202014-22042014-255569/gen-ld9732-e-English.pdf>.

² Senedd Children and Young People and Education Committee, *National Inquiry Report into Children's Rights* (Senedd Children and Young People Education Committee August 26 2020). <https://senedd.wales/laid%20documents/cr-ld13405-r/cr-ld13405-r-e.pdf>.

³ UN Committee on the Rights of the Child, General Comment No. 19 on public budgeting for the realization of children's rights, *crc/c/gc/19/2016*.

⁴ Welsh Government (2019) [Budget Improvement Plan](#)

Evidence given to the Senedd Children and Young People and Education Committee on the Welsh Government Draft Budget 2022-2023 (January 13th 2022)⁵ confirms that (once again) Ministers have failed to implement their own policy as set out in the Scheme and apply a comprehensive CRIA to the draft budget. This is an echo of the situation which confronted the CYPEC's predecessor in the Fifth Senedd, in their National Inquiry on Children's Rights.⁶ In a plenary meeting of Senedd in February 2022, Jane Bryant MS, CYPEC Chair communicated on record⁷ that it is a statutory obligation to demonstrate how the draft budget has given due regard to the UNCRC and commented that it is inadequate that the SIIA does not mention children's rights. Without the transparency provided by CRIA it is not possible to properly determine whether the Welsh Government has complied with its duty to have due regard to the UNCRC in the drafting of the budget.

Hoffman and O'Neill have reported on the ad hoc, patchy and inconsistent application of CRIA.⁸ Lack of proper human rights impact assessment was also identified as an issue of concern in the recent research led by Swansea University on 'Strengthening and advancing equality and human rights in Wales' for the Welsh Government.⁹ In addition, the UN Committee on the Rights of the Child recommended in 2016, that Welsh Government 'regularly conduct children's rights impact assessments of budget and economic decision-making processes and outcomes', this recommendation has not been implemented.¹⁰

Given recent announcements by the UK Government concerning spending cuts it is vital that children's interests are protected in future spending reviews through the application of CRIA to identify any potential adverse impacts. We therefore ask that the Finance Committee recommend:

- **Welsh Government meet their obligations on children's rights under the UNCRC and on CRIA under the Child Rights Measure and Scheme by undertaking and publishing a detailed CRIA on the draft budget.**

⁵ Senedd Children and Young People and Education Committee, Scrutiny of the Welsh Government Draft Budget 2022-2023 Evidence Session 1
<https://record.senedd.wales/Committee/12571#A69191>

⁶ Senedd Children and Young People and Education Committee, *National Inquiry Report into Children's Rights* (Senedd Children and Young People Education Committee August 26 2020). <https://senedd.wales/laid%20documents/cr-ld13405-r/cr-ld13405-r-e.pdf>.

⁷ [@JBryantWales](https://twitter.com/JBryantWales) debate on the Welsh Government's 2022-23 Draft Budget.:
<http://ow.ly/2N9c50HMiZv>

⁸ Hoffman, S. and O'Neill, S., (2018), *The Impact of Legal Integration of the UN Convention on the Rights of the Child in Wales*, EHRC

⁹ Hoffman, S.; Nason, S.; Beacock, R.; Hicks, E. (with contribution by Croke, R.)(2021). *Strengthening and advancing equality and human rights in Wales*. Cardiff: Welsh Government, GSR report number 54/2021

<https://gov.wales/strengthening-and-advancing-equality-and-human-rights-wales>

¹⁰ UN Committee on the Rights of the Child, Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland 2016, Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/GBR/CO/5&Lang=Enhttps://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/GBR/CO/5&Lang=En

¹⁰ Ibid

2. Children's Rights Budgeting

We would also like to take this opportunity to emphasise the importance of children's rights budgeting, an area where the Welsh Government has previously taken a leading role in the UK. This progressive agenda seems recently to have lost momentum.¹¹

Children's rights budgeting is a way of examining government budgets to assess how they support implementation of children's rights. This in turn makes it possible to identify interventions and changes that might speed up the delivery of children's rights and improve outcomes.¹²

Children's budgeting is recommended by the UN Committee on the Rights of the Child in their General Comments: Number 5¹³ and 19.¹⁴ Routine analysis of public expenditure on children is a powerful tool for understanding and monitoring what national and local governments and their partners are doing to fulfil rights. Information on public expenditure on children needs to be considered alongside government policies, strategies and information on the outcomes of these policies for children and young people. More transparency is needed to improve understanding of the link between policy intentions, public expenditure (both allocated and spend) and improved outcomes for children and young people.¹⁵

The UN Committee on the Rights of the Child indicates that it is necessary to understand the proportions of money allocated and spent on children (and on different groups of children), and, whether they represent the '*maximum extent of available resources*'; to monitor how allocations are changing over time and whether the money allocated is reaching the intended beneficiaries of particular policies or initiatives and having the desired effect. The UN Committee on the Rights of the Child, in their Concluding Observations in 2016, stated that 'mechanisms must be established to monitor and evaluate, the adequacy, efficacy, and equitability of the distribution of resources to the implementation of the Convention'.¹⁶

¹¹ Croke R, 'Inquiry into equality considerations for the Welsh Budget', Evidence submitted to the National Assembly for Wales, Community and Local Government Committee.

<https://business.senedd.wales/documents/s9836/Paper%20to%20note%20-%20CELG4%20Save%20the%20Children.pdf> In 2006, Wales became the only territory in the EU to attempt a child-focused budget analysis with work undertaken to identify the proportion of the Government budget spent on children.

¹² UN Committee on the Rights of the Child, General Comment No. 19 on public budgeting for the realization of children's rights, *crc/C/gc/19/2016*.

¹³ UN Committee on the Rights of the Child, General Comment No. 5 *crc/C/gc5/2003*.

¹⁴ UN Committee on the Rights of the Child, General Comment No. 19 on public budgeting for the realization of children's rights, *crc/c/gc/19/2016*.

¹⁵ Ibid

¹⁶ UN Committee on the Rights of the Child, Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland 2016, Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/GBR/CO/5&Lang=Enhttps://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/GBR/CO/5&Lang=En

Children's rights budgeting if carried out properly, would raise the profile of children's issues and of vulnerable and marginalised children in the budgeting process. It is an essential component in demonstrating compliance with the UNCRC.

Children's rights budgeting is even more urgent given the negative impact of the Covid -19 pandemic¹⁷ and the Cost-of-Living Crisis on children. With more than 34% of children now living in poverty in the Welsh context it is absolutely critical that Welsh Government publishes a coherent and cross-governmental child poverty strategy and action plan that clearly demonstrates how policies across ministerial portfolios will be adequately financed to urgently address child poverty.¹⁸ We therefore ask that the Finance Committee recommend:

- **Welsh Government undertake children's rights budgeting analysis, including to establish mechanisms to routinely and transparently monitor and evaluate the adequacy, efficacy, and equitability of the distribution of financial resources and how this supports implementation of the UNCRC.**

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¹⁷ Croke R and Hoffman S, *Synthesis Report: Mapping the impact of emergency measures introduced in response to the COVID-19 pandemic on children's rights in ENOC member states* (European Network of Ombudspersons for Children, 2021). <https://enoc.eu/?p=4262> [last accessed 29 May 2022].

¹⁸ Croke R, 'Poverty and Children's Rights'. Blog for the Children's Legal Centre Wales <https://childrenslegalcentre.wales/poverty-and-childrens-rights/>