

CYPE(5)-32-19 - Paper to note 7



Sarah Bartlett
Deputy Clerk
Children, Young People and Education Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

November 2019

Dear Deputy Clerk

Thank you for the opportunity to provide evidence to the Children, Young People and Education Committee session on 16th October in support of the Inquiry into Children's Rights in Wales on behalf of the Wales UNCRC Monitoring Group.

You have requested additional information from the research¹ undertaken by the Observatory on Human Rights of Children and Children in Wales on behalf of the Equality and Human Rights Committee, in relation to the following question –

“From your recent research (on behalf of EHRC) can you provide examples where Children Rights Impact Assessments (CRIAs) have been completed retrospectively to a policy being introduced?”

In relation to the 5 policy areas which we considered as case studies as part of our research, we are not aware of the CRIAs, where available, being ‘completed retrospectively’

The research acknowledged the importance of the CRIA as the internationally recognised mechanism by which to operationalise the CRC, and as the tool used by Welsh Government as one means to evidence and support compliance with the due regard duty. The increase in the number of CRIA undertaken since the Measure came into effect was recognised. However, our research reported on concerns expressed about the uneven application of CRIA suggesting that practice was not consistent, with the quality of CRIA described as variable, serving to undermine the impact of the due regard process. As one respondent to

¹ The impact of Legal Integration of the UN Convention on the Rights of the Child in Wales

our survey said **'you get the impression sometimes, not always, that CRIA is an afterthought'** (pp. 28)

The research concluded that the CRIA process can be an effective mechanism to inform and improve policy development where the due regard duty is consistently applied, and identified a number of case examples to support this assertion. These findings were consistent with an earlier published evaluation of CRIA².

During our evidence session, we were able to make reference to examples of CRIA being undertaken and where CRIA was not carried out. One such example was the Welsh Government budget where we would have anticipated there being a CRIA undertaken given its strategic importance to furthering children's rights in respect of maximising the allocation of resources.

We also drew attention to the importance of transparency and accountability, and of not always knowing at what stage in the policy process a CRIA was being considered or being developed, or at what stage in the process it had been finalised. CRIAs are not always routinely published but made available by request – which can prove problematic for many reasons. Some are first issued in draft as part of the public consultation process and invite recipients to pass comment on their content. This is a welcome development as it reinforces accountability and transparency, and provides an opportunity for external stakeholders, including children and young people, to put forward alternate viewpoints and comments, which can then be properly considered by Welsh Government with feedback to the consultee provided.

We do hope that this additional information proves helpful in informing your recommendations, and serves to compliment our more detailed research report, as well as the written and oral evidence from the Wales UNCRC Monitoring Group as part of your inquiry.

Yours Sincerely

Sean O'Neill
Children in Wales

Dr. Simon Hoffman
Observatory on Human Rights of Children

² [Evaluation of the Welsh Government's Child Rights Impact Assessment procedure under the Children's Rights Scheme pursuant to the Rights of Children and Young Persons \(Wales\) Measure 2011](#)