



Observatory on Human Rights of Children – Response to Senedd Equalities and Social Justice Committee on Welsh Government’s Draft Child Poverty Strategy for Wales 2023

Please see our response to selected questions from your terms of reference for this inquiry.

1. **To what extent the draft strategy will support the Welsh Government and its partner organisations to maximise their contribution to reducing child poverty within the boundaries of the devolution settlement?**
 - We are concerned that the Draft Child Poverty Strategy (DCPS) is not built around children’s rights as set out in the UN Convention on the Rights of the Child (CRC). The *Rights of Children and Young Persons (Wales) Measure 2011* means that the CRC should be the framework for action in key areas of Ministerial intervention in children’s lives.
 - A comprehensive body of evidence confirms that poverty is amongst the greatest threats to children’s access to rights, so tackling child poverty means recognising deficits in children’s experience of rights and developing interventions to mitigate or reverse those deficits. While the DCPS is clearly intended to improve the lives of children living in poverty, we are surprised that it does not articulate a more ambitious vision for tackling child poverty grounded in the realisation of children’s rights under the CRC. Although we agree that the policies and actions of the UK Government, and the current devolution arrangements, significantly affect both the lived experience of poverty in Wales, and the ways and extent to which the Welsh Government can intervene, we remain disappointed that the DCPS does not articulate ambitious rights-based outcome targets and progress indicators.
 - We cannot see an obvious strategic approach to progressively addressing child poverty in the DCPS. While the DCPS reports on numerous (and very welcome) interventions to tackle child or family poverty, it does not articulate a clear strategic framework to identify, prioritise, plan and implement actions, allocate resources, develop outcome targets, or monitor progress and promote accountability for interventions to tackle child poverty in Wales, now and in the future. The many initiatives reported under each of the 5 objectives ‘report on progress’ rather than articulation of a strategic approach to tackling child poverty.
 - The DCPS draws on different policy frameworks, including the *Well-being of Future Generations (Wales) Act 2015* (WBFGA), to inform its objectives. In our view, this introduces a degree of confusion about the place of children’s rights in the DCPS, as well as ambiguity about outcome targets and progress indicators.
 - Welsh Government research, i.e., [Strengthening and Advancing Equality and Human Rights in Wales 2021 \(SAEHR\)](#), recognised a need for clarity about objectives to achieve the well-being goals set out in the WBFGA that recommended using human rights to provide clarity about policy priorities, outcome objectives and measurement indicators. These recommendations

have been adopted by the Welsh Government. It is not apparent how the DCPS has taken the recommendations into account and, again, we reiterate that the framework for the strategy should be the CRC.

2. What best practice in tackling child poverty exists within and beyond Wales, and why do these interventions work. To what extent does the approach outlined in the strategy align with this?

No response.

3. What barriers exist to implementing solutions that successfully address child poverty in Wales, and how can these be overcome?

No response.

4. Which indicators should be used to measure progress in addressing child poverty and what specific and measurable targets should be set to assess this?

We would like to see the DCPS adopt the CRC as the primary framework for policy on tackling child poverty, and specific rights deployed as touchstones to identify deficits, develop interventions, and to establish outcome targets and progress indicators.

In our view, the DCPS could be strengthened if it were revised to:

- Directly and expressly acknowledge the CRC as the primary framework for tackling child poverty in Wales;
- Recognise where poverty has an impact on rights, beginning with those rights most obviously and adversely affected by poverty (the rights to: development, the highest attainable standard of health, education, to benefit from social security, and an adequate standard of living);
- Underpin all objectives by direct reference to the CRC and specific rights;
- Include rights-based outcome targets for all interventions;
- Include rights-based indicators to measure progress.

Please see Annex 1: this includes our response to the Welsh Government in relation to their questions (Q2a-Q11) concerning the 5 Objectives in the draft Child Poverty Strategy and gives further consideration to the need to focus on rights-based targets/indicators.

5. How effective will the strategy be in addressing child poverty within specific groups of the population?

We welcome the focus on intersectional impacts. However, the DCPS does not elaborate on how the focus on intersectional impacts will be given effect in policy development, for example, in the ongoing analysis of the impacts of poverty or the potential impact of interventions on specific groups. This aspect of a Children's Rights Approach needs to be more fully articulated in the DCPS, with a particular focus on how evidence (qualitative, quantitative and lived experience) is collated and used to inform CRIA and IIA. (See also our response to question 6 – in relation to a clear focus

on the principle of equality and non-discrimination as part of a children's rights approach to addressing child poverty).

6. To what extent are children's rights clearly addressed in the strategy and impact assessment?

The draft strategy

- While the introduction refers to children's rights, we are concerned that the attempt to summarise what this means for the DCPS falls short of clearly expressing children's entitlement to their rights, and government's obligation to realise rights making use of available resources;
- The Introduction refers to the WBFGA and the seven well-being goals as being 'central' to a long-term anti-poverty agenda. In our view, the realisation of children's rights under the CRC should be the driver of the anti-poverty agenda for children. The substitution of well-being objectives for children's rights objectives introduces a degree of ambiguity and uncertainty about what policy in Wales should prioritise as the objectives for tackling child poverty;
- We do not agree that national milestones established to measure progress under the WBFGA are appropriate to monitor and report on progress in tackling child poverty. We see the need to establish rights-based outcome targets within the strategy, in order to facilitate the development of appropriate progress indicators;
- The *Rights of Children and Young Persons (Wales) Measure 2011* means that the CRC should be the framework for action in key areas of Ministerial intervention in children's lives. In addition, sectoral legislation prioritises attention to children's rights through public sector interventions in important areas affecting children and their families, including the lives of children living in poverty (*Social Services and Well-being (Wales) Act 2014* and *Additional Learning Needs and Education Tribunal (Wales) Act 2018*). It follows that the Draft Child Poverty Strategy (DCPS) should be built around children's rights as set out in the UN Convention on the Rights of the Child (CRC);
- We would like to see the DCPS adopt the CRC as the primary framework for policy on tackling child poverty, and specific rights deployed as touchstones to identify deficit, develop interventions, and to establish outcome targets and progress indicators;
- In our view (and as outlined in response to Q2), the DCPS could be strengthened if it were revised to:
 - Directly and expressly acknowledge the CRC as the primary framework for tackling child poverty in Wales;
 - Recognise where poverty has an impact on rights, beginning with those rights most obviously and adversely affected by poverty (the rights to: development, the highest attainable standard of health, education, to benefit from social security, and an adequate standard of living);
 - Underpin all objectives by direct reference to the CRC and specific rights;

- Include rights-based outcome targets for all interventions;
 - Include rights-based indicators to measure progress.
- The DCPS claims to adopt a Children's Rights Approach, which is a welcome commitment. We note that a Children's Rights Approach (as set out in the Children's Commissioner for Wales document 'The Right Way') provides a clear and workable framework for policy development generally, and has the advantage of having been adopted by Ministers as the framework for reporting on compliance with the due regard duty in the exercise of their functions (Children's Rights Measure), and as the framework for its Children's Scheme. It is also consistent with the Human Rights Approach to policy in Wales recommended in the SAEHR report.
 - While the commitment to a Children's Rights Approach is very welcome, we are concerned that it is not apparent how this approach has been applied in the current DCPS. The five principles of a Children's Rights Approach need to be more rigorously and consistently applied to provide a clear strategic approach to child poverty within the DCPS. We have set out below how this approach might be deployed.
 - Taking each of the principles in turn:
 - In order to **embed** rights, the DCPS should expressly adopt the CRC as the primary framework for tackling child poverty (fully discussed above);
 - The DCPS acknowledges intersectional impact which promotes **equality and non-discrimination**. This is very welcome. However, the discussion of intersectional impact does not elaborate on how this principle is given effect in policy development, for example, in the ongoing analysis of the impacts of poverty or the potential impact of interventions on specific groups. This aspect of a Children's Rights Approach needs to be more fully articulated in the DCPS;
 - The DCPS is an opportunity to set out mechanisms to **empower** children to access resources to enable them to take advantage of their rights. While there is some discussion of resource allocation in the context of current projects, the DCPS needs to more fully explain the long-term strategic vision to ensure sufficient resources are allocated to support children living in poverty. For example, through a commitment to children's budgeting, or a Children's Rights Impact Assessment (CRIA) of the Welsh Government budget, or closer attention to resource allocation in discrete policy-related CRIA;
 - The DCPS includes reference to CRIA as a mechanism to secure the **participation** of children. This is very welcome. However, the DCPS should go further to articulate key mechanisms or structures to engage children most affected by poverty in policy decision-making, as well as how children's input will be used to inform policy and interventions and how policy decisionmakers will feedback to children on how their input has influenced interventions;
 - **Accountability** is a particular area of weakness in the DCPS. The DCPS does not put forward clear rights-related outcome targets or progress indicators which are key to accountability. Nor does the DCPS set out a complaint mechanism for children (or their representatives) to use to raise concerns about provision to children living in poverty. Further, the

DCPS needs to demonstrate a commitment to support advocacy services in disadvantaged communities.

- We note that the timing of the DCPS means that it does not include reference to the most recent [Concluding Observations](#) issued by the Committee on the Rights of the Child on progress on children's rights in the UK (June 2023). In our view, the DCPS should be revised to make direct and sustained reference to relevant concluding observations and recommendations. In summary, the Committee's recommendations direct attention to deficits in attainment of specific rights, including right to adequate standard of living, and confirm the need for clear outcome targets, measurable progress indicators, and robust monitoring and accountability mechanisms. We believe that a stronger focus on children's rights and a clear adoption and application of a Children's Rights Approach (as discussed above) would provide a basis for meeting the Committee's recommendations.

Impact Assessment

Neither the IIA nor the CRIA meet the requirements of a comprehensive impact assessment or CRIA. Issues include:

- While the IIA refers to sources of evidence, it does not set out either in full or in summary the key evidence relied on to inform the decision-making when preparing the strategy. In particular it does not explain how the evidence informed objective and priority setting within the DCPS;
- The IIA refers to consultation with children and others, and how this took place. We acknowledge that the DCPS summarises the views of children under the section headed: 'What we have heard', as does the IIA. Unfortunately, neither the IIA nor the DCPS provide information on the views of children and others consulted on the impact of poverty on rights under the CRC, or how the Welsh government should respond to protect and promote rights for those children who experience poverty;
- The above is a particular deficit in relation to the CRIA, which is meant to focus on the impact of policy or policy proposals on children's rights. The CRIA simply lists relevant rights without further evidence informing interrogation of how rights will be affected (positively or negatively) by actions contemplated, proposed to be taken in the DCPS;
- Neither the IIA in the sections headed 'Impact' or 'What are the most significant impacts, positive and negative?', nor the CRIA in the section headed 'Impact on children's rights' set out an analysis of the likely impact of DCPS proposals on children's rights:
 - The IIA discussion under both relevant sections reads as an expression of intent rather than an analysis of impact;
 - The CRIA discussion of impact reads as a list of rights rather than an analysis of impact on rights.

ANNEX 1: Observatory Response to Welsh Government Draft Child Poverty Strategy in relation to the 5 objectives.

Q2a. In considering the requirement under the Children's and Families (Wales) Measure for the Welsh Government to set objectives for the contribution

towards the eradication of child poverty, do you agree that **Objective 1** should be an objective of the draft strategy?

Comments:

- In our view, the objectives of a Child Poverty Strategy should be firmly rooted in the CRC and specific rights under the CRC (see further above 'Our response' paras. 1-3, 6 and 7);
- While some rights in the CRC are intended to ensure State support to maximise incomes for children and families, Objective 1 is broadly expressed and amounts to a general aspiration to make families better off. We feel that this is a laudable aspiration, but one which needs to be linked to clear rights-based outcome targets (e.g. drawing on CRC, Article 27, Right to an adequate standard of living, with reference to factors such as nutrition, housing and clothing), with aligned progress indicators.

Q2b. Is the information about what we have heard and what the Welsh Government doing in relation to Objective 1 clear and accessible?

Comments:

- We welcome the initiatives discussed under Objective 1, but we see these as 'reporting on progress' rather than articulation of a strategic approach to tackling child poverty (see further above 'Our response' paras. 8-10).

Q3. Do you agree that Priority 1 should be a priority for the draft strategy?

Comments:

- See above in relation to Objective 1: our comments on the place of children's rights are equally relevant to setting priorities. In our view, priorities should give clarity about how specific rights-based objectives will be met.

Q4a. In considering the requirement under the Children's and Families (Wales) Measure for the Welsh Government to set objectives for the contribution towards the eradication of child poverty, do you agree that Objective 2 should be an objective of the draft strategy?

Comments:

- In our view, the objectives of a Child Poverty Strategy should be firmly rooted in the CRC and specific rights under the CRC as these will provide opportunities for children to escape poverty and/or to be supported to experience their rights despite living in poverty (see further above 'Our response' paras. 1-3, 6 and 7);
- While some rights in the CRC will empower children by creating pathways out of poverty, Objective 2 is broadly expressed and amounts to a general aspiration to provide children with opportunities to improve their material living. We feel that this is a laudable aspiration, but one which needs to be linked to clear rights-based outcome targets (e.g. drawing on CRC, Articles 26 and 27, Right to benefit from social security, or Articles 6, 28 and 29, to develop in ways

which enable them to take advantage of opportunities for self-improvement now and later in life).

Q4b. Is the information about what we have heard and what the Welsh Government doing in relation to Objective 2 clear and accessible?

Comments:

- We welcome the initiatives discussed under Objective 2, but we see these as 'reporting on progress' rather than articulation of a strategic approach to tackling child poverty (see further above 'Our response' paras. 8-10).

Q5. Do you agree that Priority 2 should be a priority for the draft strategy?

Comments:

- See above in relation to Objective 2: our comments on the place of children's rights are equally relevant to setting priorities. In our view, priorities should give clear clarity about how specific rights-based objectives will be met.

Q6a. In considering the requirement under the Children's and Families (Wales) Measure for the Welsh Government to set objectives for the contribution towards the eradication of child poverty, do you agree that Objective 3 should be an objective of the draft strategy?

Comments:

- In our view, the objectives of a Child Poverty Strategy should be firmly rooted in the CRC and specific rights under the CRC as these will provide opportunities for children to escape poverty and/or to be supported to experience their rights despite living in poverty (see further above 'Our response' paras. 1-3, 6 and 7);
- We note and welcome that Objective 3 mentions children being able to enjoy their rights and have better outcomes. However, we feel that this should be given far greater priority as the key and overarching objective of the DCPS;
- While the intention is laudable, the objective to 'support' wellbeing and to ensure that the Welsh government 'delivers for children living in poverty' is a rather barren statement which needs to be more firmly articulated through the recognition of rights-based outcome targets and progress indicators.

Q6b. Is the information about what we have heard and what the Welsh Government doing in relation to Objective 3 clear and accessible?

Comments:

- We welcome the initiatives discussed under Objective 3, but we see these as 'reporting on progress' rather than articulation of a strategic approach to tackling child poverty (see further above 'Our response' paras. 8-10).

Q7. Do you agree that Priority 3 should be a priority for the draft strategy?

Comments:

- See above in relation to Objective 3: our comments on the place of children's rights are equally relevant to setting priorities. In our view, priorities should give clarity about how specific rights-based objectives will be met.

Q8a. In considering the requirement under the Children's and Families (Wales) Measure for the Welsh Government to set objectives for the contribution towards the eradication of child poverty, do you agree that Objective 4 should be an objective of the draft strategy?

Comments:

- In our view, the objectives of a Child Poverty Strategy should be firmly rooted in the CRC and specific rights under the CRC (see further above 'Our response' paras. 1-3, 6 and 7);
- Securing of rights under the CRC will inevitably advance the aspirations expressed in Objective 4. However, as for other objectives set out in the DCPS, we feel that Objective 4 is too broad to establish meaningful or measurable outcome targets as part of a strategic approach to tackling child poverty;
- Our suggestion for a Child Poverty Strategy firmly rooted in specified children's rights under the CRC will achieve the ambition of Objective 4, but will also provide opportunities for clear outcome target setting accompanied by measurable progress indicators.

Q8b. Is the information about what we have heard and what the Welsh Government doing in relation to Objective 4 clear and accessible?

Comments:

- While we welcome the acknowledgement of the 'due regard' duty under this Objective, we feel that the DCPS should give greater attention to this obligation both in the Introduction and throughout the DCPS to provide a foundation for a strategy more firmly grounded in children's rights;
- We welcome the initiatives discussed under Objective 4, but we see these as 'reporting on progress' rather than articulation of a strategic approach to tackling child poverty (see further above 'Our response' paras. 8-10).

Q9. Do you agree that Priority 4 should be a priority for the draft strategy?

Comments:

- See above in relation to Objective 4: our comments on the place of children's rights are equally relevant to setting priorities. In our view, priorities should give clarity about how specific rights-based objectives will be met.

Q10a. In considering the requirement under the Children's and Families (Wales) Measure for the Welsh Government to set objectives for the contribution towards the eradication of child poverty, do you agree that Objective 5 should be an objective of the draft strategy?

Comments:

- In our view, the objectives of a Child Poverty Strategy should be firmly rooted in the CRC and specific rights under the CRC (see further above ‘Our response’ paras. 1-3, 6 and 7);
- We question the need for Objective 5. While effective cross-government working and strong collaboration with regional and local government are laudable ambitions, it seems to us that these are the assumed basis of good governance rather than objectives suitable for inclusion in a specific policy-related strategy;
- In any event, as for other objectives, the CRC provides an opportunity to articulate Objective 5 drawing on a rights-based framework. In particular, the requirement set out in Article 4 to take appropriate (which would extend to effective) ‘legislative, administrative and other measures’ to implement the rights guaranteed under the CRC.

Q10b. Is the information about what we have heard and what the Welsh Government doing in relation to Objective 5 clear and accessible?

Comments:

- We welcome the initiatives discussed under Objective 4, but we see some of these as ‘reporting on progress’ rather than articulation of a strategic approach to tackling child poverty (see further above ‘Our response’ paras. 8-10);
- We note the structures which support improvement and collaboration but would envisage that a Child Poverty Strategy would set out ways in which the Welsh Government will promote embedding of children’s rights in the functioning of these structures (see further above ‘Our response’ paras. 4 and 5).

Q11. Do you agree that Priority 5 should be a priority for the draft strategy?

Comments:

- See above in relation to Objective 4: our comments on the place of children’s rights are equally relevant to setting priorities. In our view, priorities should give clarity about how specific rights-based objectives will be met.

Contact Information:

Professor Simon Hoffman

Joint Coordinator, Observatory on Human Rights of Children; Academic Lead, Children’s Legal Centre Wales.

Dr Rhian Croke

Children’s Rights Strategic Litigation Lead, Children’s Legal Centre Wales and Observatory on Human Rights of Children.

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