Seminar on Public Financing for Children's Rights: 6th November 2024

Observatory of Children's Human Rights Scotland and the Improvement Service

Child Rights Budgeting: Delivering Dignity and Respect

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I will start by thanking Aidan Flegg, who recently submitted their PhD thesis on Minimum Core Obligations and Human Rights at Glasgow and the Human Rights Budgeting Group hosted by the Scottish Human Rights Commission, led by Alison Hosie and including Lucy Mulvagh from the health and social care alliance, myself and we think still Angela O'Hagan who has just take up the Chair role at the Commission. The Commissions website has 6 policy documents relating to budgeting that we have written and their page on PANEL principles is also a must read. I also want to recognise the work of Together and the Children's Parliament in furthering focus in this area.

This short paper will focus on children's budgeting: an examination of how budgets should work, if they worked for children. That is the work of planning, allocating and tracking expenditure on services aimed primarily at children and young people. This paper will also drawn on human rights budgeting for two reasons. First, Children's budgeting is rooted in the UN's Convention on the Rights of the Child was formally ratified in the UK in 1991, and firmly established children's rights in intentional law. Second, human rights budgeting is both a tool of analysis, allowing us to work through how transparent and participatory budgets are , and see the Commissions work on the Open Budget Survey) and also a solution, an implementation tool that if applied responsibly and meaningfully, can realise children's rights progressively. Globally, realising children's rights remains a work in progress. The UN did not require rights delivery overnight, but sanctioned progressive action, and yet in Scotland, advances are not evident. There is then, perhaps a loop hole within the process, that is effectively limiting, if not eroding positive outcomes.

Budgeting was one of the general measures of implementation built into the CRC. For 35 years then, States have been expected to gradually implement strategies that open up the budgeting process, encouraging engagement with children and young people leading to impact and influence. While states should be accountable, there is little evidence that children's budgeting has been acknowledged.

One issue is that in most societies children are not recognised as right holders, which, on the one hand acknowledges there sub-adult status, but on the other has the danger of understanding children to be sub-human. Parents are often seen as the protector of the child's rights, but again, there are flaws to this position particularly where parents are absent, effectively absent or having their own rights infringed (fuel poverty, food poverty, poverty) to the point that they cannot advocate for their children's rights. The CRC does not

hide from these tensions, but rather see children as human, constructed both as dependent and independent, as citizen and member of a family.

I have an example of where human rights budgeting has been used on specific areas of reform pertaining to children and childhood, and I hope this is illuminating and shows the potential of a children's budgeting and a human rights based approach.

States are required to fulfil children's rights to the maximum extent of available resources. A state's attitude to children and welfare can be identified by the resources that they make available. Maximising resources is not just about increasing the proportion of funding within a total budget, but about finding ways to increase the total budget (in Scotland, this may be taxation and it may be reducing tax avoidance, as well as reducing inefficiencies.

Budgets then demonstrate the priorities of the state, and there is more demand, than supply. Children's budgeting is about bringing young people into the conversation about the raising of, and spending of resources. It may focus on resourcing issues directly relevant (such as schools/education) but should extend to all areas to be meaningful (taxation). Or defence for example, which is often 'known' by states and there is rarely parity with spend on children and young people. If 'they' don't know, how can 'we' engage?

Diane Elson in her 2017 book chapter 'financing for gender equality' gives a children's budgeting example of educational reform in Timor Leste. Data produced in 2007 found that boys were more likely to go to school than girls (Austen et al. 2013). Further, the gap widened when social and economic factors were attended to: The share of the secondary school population were: 36% urban boys; 35.3% urban girls; 16.7% rural boys and 12 % rural girls.

This data captured enrolments in school rather than focusing on examples of discrimination against girls. As schools are open to boys and girls, in urban and rural locations, the schools are 'open' to spending equally.

This is a good example to show how an equality framework is flawed. Under equality frameworks, one remedy might be to reduce enrolment for boys in rural and urban locations; or to reduce enrolment in urban areas because it becomes lawful to treat children equally badly. but human rights sets everybody above a threshold where access to education is given as a human right. This allows a more critical evaluation of what is going on.

Rich analysis at the grounded level revealed that the issue was not so much that Timor Leste was unwilling to spend on education. Rather families were not sending girls to school because of a dominant culture that on inspection, was also apparent within school structures. The outcome of this, was that the government was not meeting its obligation with respect to equality in the right to education, and this is written as Article 10 of CEDAW.

The unequal take up of educational places is the responsibility of the government, under CEDAW, and they must do all they can to shift the culture and encourage and enable families to send girls and rural boys to school.

Under article 10 of CEDAW, the government were able to increase expenditure and target remedies that would particularly increase girls attending school. Elson outlined measures that would achieve fairer outcomes: providing scholarships for girls, providing separate school toilet facilities for girls and boys and providing more women teachers. In terms of how this would be funded, the government would be expected to maximise their resources. They could redistribute existing education funding; redistribute from other areas into education (a state that maintains or decreases their education budget while increasing investment in the military would struggle to evidence that it had utilised their maximum resources). Further the government could raise more revenue, in the UK through taxes, perhaps borrowing from the wellbeing economy by diversifying investments into sustainable energy sources.

So: there are five takeaways from this example that I want to highlight.

First, human rights allow us to progress and move everyone up. I was asked to speak directly to children's budgeting today rather than human rights, but a principle of actual progression is valuable everywhere.

Second, It allows us to examine the intersection of experience and the toilets example is a great demonstration of dignity and respect. The indivisibility of human rights must be applied to children. Their childhood is protected through joined up services and thinking, avoiding siloed solutions that may support one element of experience but diminish others. It can feel overwhelming to understand that investment in child protection may not work unless we are also investing in food and fuel security, but we can think of a coil or spring, with incremental improvements that over time lead to better holistic experiences.

Third, we are able to look beyond spending as a solution, and think more imaginatively about how we increase the pot of money available to us.

Fourth, participation is key to understand the social context. Solutions that work for a committee, are unlikely to be the best fit for schools, clubs, homes. Collins review of child rights budgeting reviewed numerous studies that showed the significance of involving children:

The institute of South Africa spoke with 50 tribal teenagers about their experience of school hostels. The Budget Analysis Rajasthan Centre in India found that essential items: toothpaste, vegetables and fruit and a second set of clothes were not included in key budgets.

It is not enough to do children's budgeting for children and young people, but to bring them, meaningfully into the conversation.

Finally, in this example we have the opportunity to think beyond the data. Increasing access to bathrooms will not in itself, increase enrolments but it will help students feel that they belong and this will improve their attainment, which will in turn send messages to younger siblings and the wider community that girls belong at school. In Scotland, we have talked about attainment a great deal and we know there are intersectional disadvantages with care experienced and disabled children facing significant barriers: and so our current

practices can often be understood as a human rights issues. We are not seeking to build new, but to do better with what we have.

Within Scotland, there are opportunities ahead. The Human Rights Act is needed.

Budget scrutiny is needed and children's budgeting would help those most impacted by budgetary decisions be part of future decisions. Inadequate support for children's services will have cumulative consequences that will not be discovered unless looked for because they happen at the intersection of disadvantage. Tracking budgets over time will reveal some trends in allocation and actual spend, but actually speaking with children and co-producing solutions is key. Accountability is needed. Are allocated funds being spent as intended, and are intended outcomes realised? And if not, what then? How far are children involved with the 'what then' conversation? Poor budget execution is difficult to detect when you are a child or a young person so accountability is the most significant responsibility that we have as citizens. Budget statements must be accessible, complete and clearly linked to children's rights realisation. If this cannot be communicated to children and young people effectively, then perhaps the state is also unclear themselves, and this is a breach of human rights generally and Children's human rights specifically.

Suggested reading:

Collins, T. M. (2019) The general measures of implementation: Opportunities for progress with children's rights. The International Journal of Human Rights 23 (3) 338-356

Elson, D. (2017) Financing for gender equality: How to budget in compliance with human rights standards. In Z. Khan and N. Burns (Eds) Financing for Gender Equality, Chapter 3 pp. 25-48

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Lundy, L., Orr, K. and Marshall, C. (2020) Children's rights budgeting and social accountability: Children's views on its purpose, processes and their participation. Global Campus Human Rights Journal 4 91-113

Sneddon, H. (2014) Children's Budgeting in Northern Ireland: An Exploratory Study. NICCY Promoting the Rights of Children and Young People: niccy_budget_report_31_march_14.pdf