Comments on the initial draft of the General Comment on article 4 of the Convention - Public spending and the rights of the child

General observations

Eurochild, Hope and Homes for Children [and SOS Children’s Villages International] warmly welcome the Draft General Comment and its clear and comprehensive structure. In particular, we support:

- The emphasis on States’ responsibilities to strengthen the implementation of children’s rights, including in times of economic austerity, and the reiteration of the obligation to do their utmost through all measures at their disposal – including through public spending;

- The explicit reference to investment in the early development of children, as well as its great positive impact on the rights of the child and its potential for bringing high economic returns and reducing poverty cycles;

- The emphasis on mechanisms for participation of civil society, including children, in monitoring and evaluation of transparent allocations and actual expenditures;

- The focus on effective coordination between national and sub-national levels of the State, as well as the obligation to seek and provide international cooperation if it would facilitate the implementation of the rights of the Convention;

Children most at risk of discrimination

We strongly support the emphasis on the linkages between public spending and the right to non-discrimination (art. 2 UNCRC), as well as the importance of identifying groups of children that qualify for special measures and ensure necessary public allocations and actual expenditures needed to make those measures a reality.

The Committee’s reference to comprehensive and realistic assessments of the economic and child rights situation of different groups of children - especially those in situations of vulnerability - as well as the importance of disaggregated data on the rights of the child, touches upon a crucial point.
In this regard, we recommend a stronger emphasis on a group of children at particular risk who are often not represented in disaggregated data, namely children living outside of households and/or without parental care.

Children living outside of households and/or without parental care are largely not covered in current mainstream data collection processes, which rely on household-based surveys. Thus, while they represent one of the groups of children most vulnerable to discrimination, as recognized by the UN Committee on the Rights of the Child, the UN Guidelines on Alternative Care, the UN Committee on the Rights of Persons with Disabilities, and the World Health Organisation, they remain invisible to policy makers.

Data disaggregation is key to tracking progress for all children, including all children living outside of households and/or without parental care, ensuring that programmes and policies prioritize those most at risk. Children without parental care often experience abuse, neglect, lack of stimulation, and extreme and toxic stress, all of which have a profoundly negative effect on children’s health, education, development, and protection.

Specific suggestions:

In light of the enhanced vulnerability to discrimination of the group of children without parental care, we suggest to reformulate the list at § 104 d) as follows:

‘The Committee further recommends States to review and ensure that their classification systems include budget lines and codes that at a minimum disaggregate planned, enacted, revised and actual expenditures, that directly affect children by:

   a) Ages that reflect the State context.
   b) Gender: boys and girls.
   c) Geographical areas in accordance with what is most useful in the context – such as per a sub-national level.
   d) Current, and potential future, groups of children in vulnerable situations within the State’s jurisdiction – such as children with disabilities, living in economic poverty, who are of a certain ethnic group, who are forced to work, who live on the streets, in child-headed households, or separated from their families or in alternative care.

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1 UN Committee on the Rights of the Child, Recommendations from the Day of General Discussion on the topic of children without parental care 2005, CRC/C/153
2 UN Guidelines on Alternative Care for children, A/RES/64/142
3 UN Committee on the Rights of Persons with Disabilities, Concluding Observations on the Initial report of the European Union, CRPD/C/EU/CO/A, §7
5 Reference Joint Letter SDGs