



Llywodraeth Cymru
Welsh Government

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Senedd Cymru (Members and Elections) Bill: children's rights impact assessment

Children's rights impact assessment on the impact of the bill for reform of the Senedd.

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Introduction

The Children's Rights Impact Assessment (CRIA) considers the effect of the Senedd Cymru (Member and Elections) Bill on children in Wales and their rights under the United Nations Convention on the Rights of the Child (UNCRC).

The UNCRC is an international human rights treaty that applies to all children and young people up to the age of 18. It was ratified by the UK in December 1991 and came into force in the UK in January 1992.

The Welsh Government adopted the convention as the basis for policy-making for children and young people in Wales in 2004. Children's rights in Wales are further protected by the Rights of Children and Young Persons (Wales) Measure 2011, which requires Welsh Ministers to have due regard to the substantive rights and obligations within the UNCRC and its optional protocols.

CRIs are a key mechanism for implementing the UNCRC. The Welsh Government has committed to undertaking them as a means of ensuring that due regard is given to children's rights when introducing legislation or exercising ministerial functions.

In preparing the Bill, consideration was given to whether children and particular groups of children may be affected. This has informed the analysis of how the Bill impacts on the articles of the convention.

Policy objectives

The overall purpose of the Senedd Cymru (Members and Elections) Bill is to make the Senedd a more effective legislature for, and on behalf of, the people of Wales. Increasing the capacity of the Senedd will enable it to more effectively:

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- hold the Welsh Government to account
- scrutinise, oversee, and improve policy, legislation and spending, and
- represent, respond to, and serve the people of Wales.

Specifically, the Bill's provisions provide for:

- increasing the size of the Senedd to 96 Members
- increasing the legislative limit on Welsh Government Ministers to 17 (in addition to the First Minister and Counsel General), with power to further increase this limit to 19
- increasing the maximum number of Deputy Presiding Officers who may be elected from within the Senedd to 2
- changing the Senedd's electoral system so that all Members will be elected via a closed proportional list system, with votes translated into seats via the D'Hondt formula
- repurposing and renaming the Local Democracy and Boundary Commission for Wales, including:
 - providing the new Democracy and Boundary Commission Cymru with the functions necessary to undertake ongoing reviews of Senedd constituency boundaries
 - providing instructions for the Democracy and Boundary Commission Cymru to follow in undertaking their boundary reviews, including:
 - in respect of the streamlined review to pair the 32 new UK Parliamentary constituencies in advance of the 2026 Senedd election (to form 16 new Senedd constituencies)
 - a full review in advance of the subsequent election, and
 - ongoing periodic reviews.
- returning the normal length of time between Senedd general elections to 4 years
- requiring candidates to, and Members of, the Senedd to be registered in the register of local government electors at an address in Wales
- a review of the operation of the new legislative provisions to be considered by the Senedd following the 2026 election

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- instigating further work, to be led by the Senedd, to explore the feasibility and legislative challenges associated with job-sharing.

Analysing the evidence and assessing the impact

It is assessed that the overall impact on Children's Rights is not significant, and is generally positive.

In reaching this conclusion, this assessment noted that the Senedd Commission's 2018 consultation, **Creating a Parliament for Wales** had previously asked for views on the Expert Panel's recommendations (including changes to the Senedd's size, electoral and operational arrangements). No concerns were raised specifically in relation to children and young people. This consultation was informed by a variety of methods, including the publication of an easy read consultation document and response form, as well as workshops and focus groups with over 400 young people (albeit such workshops were primarily focussed on the lowering of the voting age in Senedd elections, which was also recommended by the expert panel, and has since been implemented).

In broad terms, this assessment considers that changes to the Senedd's size will positively impact on all children, in terms of their representation by Members of the Senedd, and their opportunity to directly participate in the work of the Senedd, through public petitions, engagement with committee inquiries, etc. No substantive negative effects specific to children and young people have been identified.

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UNCRC articles or optional protocols which relate to our proposed legislation

Articles 1, 3, 4 and 5

Articles 1, 3, 4 and 5 contain general principles of the convention in relation to who is protected, an affirmation that all relevant organisations should work towards the best interests of children, and parental freedom.

Status: **Enhances**

Explanation

Articles 1, 3, 4 and 5 are respected by the Bill.

Article 2

The convention applies to every child without discrimination, whatever their ethnicity, sex, religion, language, abilities or any other status, whatever they think or say, whatever their family background.

Status: **Not applicable**

Explanation

Changes to the Senedd's electoral system will have effect upon 16- and 17-year-olds who are able to vote, but the Welsh Government does not consider these effects to be either positive or negative compared to the Bill's impacts on voters who are over 18.

The Bill does not affect the rights of 16- and 17-year-olds to vote - only the way that such votes take place.

Currently, there is no statutory power to review the Senedd's constituency boundaries - they are ossified, not adapting to reflect changes in population demographics.

This will initially be addressed for the purpose of the 2026 election through the pairing of UK Parliamentary constituencies (which were established in 2023) and, in the long-term, through 'full' boundary reviews.

It may be noted that the rules for the pairing boundary review to take place ahead of the 2026 Senedd election do not include a requirement to meet an electoral quota. Because the UK Parliamentary constituencies that will be paired have been formed on the basis of the UK Parliamentary franchise, this means that they will not take account of the geographic distribution of 16- and 17-year-olds (because they are not enfranchised to vote in UK Parliamentary elections). However, it is not considered that this will have a discriminatory effect on 16-17-year-olds themselves. It introduces the potential for some constituencies to have a larger or smaller number of electors than might be expected on the basis of the UK's electoral quota, but this is not considered to correlate to a discriminatory impact for 16- and 17-year-olds themselves.

The impact of 16- and 17-year-olds on variations in constituency voter sizes is also likely to be superseded by:

- existing population variations in the Senedd's constituency sizes – as there is currently no mechanism at all for constituency boundaries to take account of population demographics
- Ynys Môn having protected status within the UK Parliament constituency boundary review, which means that the Senedd constituency for the 2026 election which includes Ynys Môn will be significantly smaller in terms of number of electors than the other constituencies

- changes in population demographics since the UK Parliamentary registers of 2 March 2020, upon which the 2023 UK Parliamentary constituencies were based.

Moreover, the subsequent ‘full’ review to be undertaken in advance of the 2030 election, does include a requirement to meet an electoral quota (which will include 16- and 17-year-olds as part of the franchise), and therefore the Senedd electoral franchise will be taken into account as part of that and subsequent reviews.

Changes to the law on disqualification from being a Member of the Senedd will not directly affect children and young people. Instead, prospective Members will, as now, need to be 18 on the day they are nominated in order to stand for election. An argument could theoretically be advanced that this discriminates against children and young people on the basis of age, and that the age of candidacy should be lowered. However, this issue was not raised as a concern in the Senedd Commission’s 2018 consultation, *Creating a Parliament for Wales*.

The Scottish Government has previously consulted on whether 16- and 17-year-olds should be able to stand for election to the Scottish Parliament. However, the consultation notes a range of complexities associated with such, including that:

“Enabling 16- and 17-year-olds to stand for election could be argued to raise potential wellbeing concerns, such as the potential exposure of young people to intimidation (e.g. in the form of hate speech or on the campaign trail). Working hours at the Scottish Parliament and in local councils could also be a potential concern for 16 and 17-year-old representatives. The Scottish Parliament's normal Parliamentary week is between the hours of 14:30 and 17:30 on Monday, 09:15 and 17:30 on Tuesday, Wednesday and Thursday and 09:30 and 12:30 on Friday a meeting of the Parliament may continue to 19:00 on Wednesday if the

Parliament so decides. An MSP may also have to live in Edinburgh during the week, if their home is too far away to travel to the Parliament each day, which could be an additional concern for 16 and 17 year olds. It could also be argued that holding office at the age of 16 or 17 could impact on a young person's education (e.g. in the taking of exams) and there are also data protection issues that arise in relation to the handling of personal data of persons aged under 18.” ”

In addition, all 11- to 17-year-olds who are living, or receiving education, in Wales are eligible to stand as a candidate in constituency elections to the Welsh Youth Parliament. There are also opportunities to stand as a candidate in school and youth councils.

As a result, the decision not to reduce the candidacy age of elections to the Senedd is not considered to infringe upon children's rights to be free from discrimination.

It may also be noted that the increase in the size of the Senedd does not legislatively necessitate changes to the Welsh Youth Parliament. However, the upper range of costs provided by the Senedd Commission encompasses a potential increase in the size of the Welsh Youth Parliament to 96. This is not a decision for the Welsh Government to take, but it may be noted that an expansion of the Welsh Youth Parliament would have benefits in enabling a greater number of children and young people to participate in it.

It may also be noted that changes to the electoral system by which the Members of the Senedd are voted in, would not legislatively necessitate changes in the Welsh Youth Parliament's electoral system. Neither would a change in the Welsh Youth Parliament's size. Currently a third of the Welsh Youth Parliament's Members are elected via partner organisations, selected on the basis of their ability to return and support young people from diverse backgrounds, with the remaining two-thirds elected via constituency based first-past-the-post elections.

This balance could potentially be maintained in a 96 Member Welsh Youth Parliament (i.e. 32 Welsh Youth Parliament Members could be elected via partner organisations and 64 Members could be elected via a first past and online election, with each of the 16 constituencies electing 4 Members). Again, decisions on the Welsh Youth Parliament's electoral systems and arrangements will not be a matter for the Welsh Government to determine.

Article 12

Children have the right to say what they think should happen, when adults are making decisions that affect them, and to have their opinions taken into account.

Status: **Enhances**

Explanation

Improving the size and capacity of the Senedd will potentially improve its ability to consider the views, feelings and wishes of children and young people across Wales, to scrutinise policy and legislation on their behalf of, to represent and serve them. It is considered that article 12 is given effect by the Bill.

Article 13

Every child must be free to express their thoughts and opinions and to access all kinds of information, as long as it is within the law.

Status: **Enhances**

Explanation

Improving the capacity of the Senedd will potentially improve its ability to provide information to children and young people across Wales. It is considered that article 13 is given effect by the Bill.

Article 14

Every child has the right to think and believe what they choose and also to practise their religion, as long as they are not stopping other people from enjoying their rights. Governments must respect the rights and responsibilities of parents to guide their child as they grow up.

Status: **Enhances**

Explanation

Improving the capacity of the Senedd will potentially improve its ability to engage with children and young people across Wales, thereby providing a benefit to children and young people in giving voice to their beliefs. It is considered that article 14 is respected by the Bill.

Articles 17 and 23

Article 17 provides that every child has the right to reliable information from a variety of sources and that government should encourage the media to provide information that children can understand.

Article 23 provides that a child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence, and to play an

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active part in the community.

Status: **Enhances**

Explanation

It is anticipated that education materials prepared to promote awareness of the changes to the Senedd's electoral system will be developed with consideration of the needs of children and young people, including those who are disabled.

This gives effect to both article 17 and article 23, which provides that a disabled child has the right to live a full and decent life with dignity and, as far as possible, independence, and to play an active part in the community.

It may also be noted that the Bill will not change the existing rights of 16- and 17-year-old disabled voters. Under the new electoral system, voters will continue to be able to request assistance to mark the ballot paper, utilise a tactile voting device (to assist visually impaired people or those with limited dexterity to mark their ballot paper in secret), have reference to a large-print version of the ballot paper, and know that when polling places are designated, regard must be given to accessibility for disabled voters.

Article 28 (right to education)

Every child has the right to an education. Primary education must be free and different forms of secondary education must be available to every child. Discipline in schools must respect children's dignity and their rights. Richer countries must help poorer countries achieve this.

Status: **Enhances**

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Explanation

Although not directly legislated for in the Bill itself, it is anticipated that schools and other education institutions will provide a supportive framework for 16- and 17- year voters seeking to learn about the new electoral system. As such it is considered that articles 28 and 29 are respected under the Bill.

Article 29 (goals of education)

Education must develop every child's personality, talents and abilities to the full. It must encourage the child's respect for human rights, as well as respect for their parents, their own and other cultures, and the environment.

Status: **Enhances**

Explanation

Although not directly legislated for in the Bill itself, it is anticipated that schools and other education institutions will provide a supportive framework for 16- and 17- year voters seeking to learn about the new electoral system. As such it is considered that articles 28 and 29 are respected under the Bill.

- **Consider whether any EU Citizens Rights (as referenced in the Equality Impact Assessment) relate to young people up to the age of 18**

It is not considered that the Bill will have specific impact upon EU, EEA or Swiss citizens (whose rights are protected by the Citizens Rights Agreements) compared to other persons living in Wales, including those up to the age of 18. It

may be noted that the rules for the pairing boundary review to take place ahead of the 2026 Senedd election do not include a requirement to meet an electoral quota. Because the UK Parliamentary constituencies that will be paired have been formed on the basis of the UK Parliamentary franchise, this means that they will not take account of the geographic distribution of some EU, EEA or Swiss citizens. This is because only British, qualifying Commonwealth citizens and citizens of the Republic of Ireland are enfranchised to vote in UK Parliamentary elections. All legally resident foreign nationals can register to vote in elections to the Senedd. However, it is not considered that this will have a discriminatory effect on EU, EEA or Swiss citizens themselves. It introduces the potential for some constituencies to have a larger or smaller number of electors than might be expected on the basis of the UK's electoral quota, but this is not considered to correlate to a discriminatory impact for EU, EEA or Swiss citizens themselves.

Ministerial advice and decision

How will your analysis of these impacts inform your ministerial advice?

The advice to ministers is to introduce the Bill on 18 September, with a summary of the analysis detailed in the Bill's Explanatory Memorandum.

The CRIA has been agreed by Will Whiteley, Deputy Director Senedd Reform Division. The CRIA findings have been agreed by ministers.

Publication of the CRIA

The CRIA will be published on 18 September 2023 on the Welsh Government

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website.

Communicating with children and young people

If you have sought children and young people's views on your proposal, how will you inform them of the outcome?

It is anticipated that education materials prepared to promote awareness of the changes to the Senedd's electoral system will be developed with consideration of the needs of children and young people, including those who are disabled.

Monitoring and review

Please outline what monitoring and review mechanism you will put in place to review this CRIA

The primary legislation provides for a mechanism for the Senedd to consider undertaking a review of the effectiveness of the provisions of the Bill following the 2026 election, providing an opportunity for objective assessment by the Senedd and involving external partners and stakeholders. Interventions and future government policy can be based on the findings.

Following this review, are there any revisions required to the policy or its implementation?

No revisions are required to the policy or its implementation following this review.

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