



European Network of Ombudspersons for Children

Contract for Expert to support Children and Young People's Commissioner for Scotland in drafting the European Network of Ombudspersons for Children (ENOC) Statement on Child Rights Impact Assessment (CRIA)

Specification

Background

The European Network of Ombudspersons for Children (ENOC) is a membership body made up of 43 independent children's rights institutions in 34 countries within the Council of Europe, whose main objective is to safeguard and promote children and young people's fundamental rights. Each year one specific issue is chosen that is affecting children and young people's rights and that requires special attention and careful consideration in members' States and at a European level. The theme chosen by ENOC for 2020 is child rights impact assessment (CRIA).

Over the course of 2020 ENOC members working together as a forum will carry out extensive work on child rights impact assessment as a key mechanism for implementing the United Nations Convention on the Rights of the Child (UNCRC) and Article 24 of the EU Charter of Fundamental Rights.

As part of this collaboration ENOC will map the situation within members' states and based on findings develop and issue a position statement. The purpose of the statement is to formulate recommendations on child rights impact assessment that can be directed to Duty bearers within national, European and international spheres.

The position statement will be accompanied by a Common Framework of Reference for implementing and undertaking a process of child rights impact assessment. This framework will support ENOC members, as well as other relevant European, national and regional stakeholders to develop and implement a process of child rights impact assessment as standard practice.

The position statement and common framework of reference will be published at the end of the Annual Conference in September. The conference is the concluding event on the theme, where the work undertaken over the course of the year is presented, discussed and workshopped.



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Please note that a parallel participation project for children and young people is being co-ordinated through the European Network of Youth Advisors (ENYA) on the theme of children's rights in decision making. It aims to ensure young people in Europe can raise their voice on issues connected to decision making that affect their rights and promote their recommendations about how they should be involved in the process. It will enable young people to advise ENOC as to how to involve children and young people in the CRIA process that is rights based and, in a child and young person friendly manner. Participating countries will hold an ENYA Forum in June 2020 during which young people will share and discuss their respective projects as well as their views on promoting and protecting children's rights in decision making and agree recommendations to be presented and disseminated at the annual ENOC conference. The outcome of the young peoples' 2020 activities will be reflected in and inform the position statement on child rights impact assessment.

The Theme – Child Rights Impact Assessment

Child Rights Impact Assessment is a process that supports a systematic assessment of the impact on the rights, needs and interests of children and young people affected by decisions and actions of governments, institutions and others in the areas of law, policy and practice. They enable impacts to be predicted, monitored and if necessary avoided or mitigated.

In 2003 the Committee on the Rights of the Child published a General Comment on the General measures of implementation of the Convention on the Rights of the Child. Implementation is the process whereby States parties take action to ensure the realisation of all rights in the Convention for all children and young people within their jurisdiction. The Committee has identified a wide range of measures that are needed for effective implementation. One of the recommended measures is the need for child impact assessment, stating that:

“Ensuring that the best interests of the child are a primary consideration in all actions concerning children, and that all the provisions of the Convention are respected in legislation and policy development and delivery at all levels of government demands a continuous process of child impact assessment (predicting the impact of any proposed law, policy or budgetary allocation which affects children and the enjoyment of their rights) and child impact evaluation (evaluating the actual impact of implementation). The process needs to be built into government at all levels and as early as possible in the development of policy”.



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The Committee has constantly reaffirmed via concluding observations to States parties the need to implement a process of child rights impact assessment when developing laws and policies that affect children and young people.

Whilst child rights impact assessment is a known and accepted term internationally there has been a shortage of published research on it, and its introduction is limited to a very small number of ENOC member countries/regions. Where it is known to have been introduced there is a dearth of published evaluation to help inform us of its effectiveness, the issues and challenges that limit its effectiveness and what needs to be in place to counter these. The lack of information or understanding on how to meaningfully engage and involve children and young people within a process of child rights impact assessment is particularly concerning. As the political and economic power of children and young people is limited it is imperative that children and young people are engaged in decision-making processes, such as child rights impact assessment, where their views are given due weight to effect change.

Preparation of the 2020 ENOC statement and the Common Framework provides an important opportunity to bring to the attention of European, International, national and local decision and policy makers the importance of developing and implementing a process of child rights impact assessment as a means of ensuring that laws, policies and decisions are compliant with children and young people's rights.

Outline of approach

Preparation of the ENOC statement and the Common Framework of Reference will be led by a Working Group of members which the Children and Young People's Commissioner Scotland will chair. The statement and framework will be informed by input from the wider ENOC membership (for example, through a questionnaire and via attendance at a Spring seminar). The drafting process will seek to reflect and further support implementation of a process of child rights impact assessment that is in accordance with the Committee on the Rights of the Child's General Comment on General Measures of Implementation, reflects the best of emerging practice and incorporates the views of children and young people.

The initial draft statement and recommendations will be circulated to ENOC members prior to the Spring seminar planned to take place in Moldova on 14-15 May 2020. During the seminar the draft statement will be discussed



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in detail. Following this, the draft statement will be revised and will be subject to further amendment from ENOC membership before being debated at the ENOC annual conference hosted by the Children and Young People's Commissioner Scotland on 23 September 2020. The Common Framework of Reference will be the focus of a workshop at the Spring Seminar, developed by the Working Group assisted by the external expert, with the expectation that this will be endorsed by the ENOC General Assembly at the annual conference.

Deliverables/Outputs

The successful contractor will:

1. Compile a synthesis report on child rights impact assessment which will inform the draft statement. This report will map the situation of child rights impact assessment within the ENOC membership drawing on survey findings. It will draw on published research and evidence on child right impact assessment. This should be provided by 31 March 2020.
2. Draft an initial statement which includes: a definition of child rights impact assessment; outlines the challenges of implementing a process of child rights impact assessment; outlines the importance of involving children and young people in a process of child rights impact assessment. The statement should contain an initial set of recommendations that will support countries around Europe, relevant stakeholders, and competent European and international institutions to embed children and young people's rights in law, decision and policy making. This should be provided by 24 April 2020.
3. Attend and facilitate discussions and workshops during the ENOC spring seminar on 14-15 May in Moldova.
4. Revise the draft statement: 1) taking account of discussions and workshop recommendations held during the May seminar and 2) reflecting and incorporating the recommendations from ENYA. This should be provided by 31 July 2020.
5. Develop a common framework of reference for carrying out child rights impact assessment. It is intended that this will be a step-by-step guide that will enable ENOC members, relevant European, national and regional authorities to develop and implement child rights impact assessment as a standard practice. This guide will be evidence-based, informed by children and young people and be flexible and adaptable to the local

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context, and needs of ENOC members. This should be provided by 31 July 2020.

6. Attend and help facilitate discussions and workshops during the ENOC Annual Conference on 21-22 September in Edinburgh, Scotland.

Mandatory Requirements including minimum standards

1. **The successful contractor will have significant experience of conducting research or providing expert advice in one or more of the following areas:**

Children and Young people's rights; the United Nations Convention on the Rights of the Child and other European and international human rights instruments; human rights impact assessment and child rights impact assessment.

2. The successful contractor will provide examples of undertaking research or providing expert advice within these areas and is able to work within the timeframes provided.
3. The successful contractor will have experience of working directly with children and young people.

Schedule of work

This work will be completed between March and September 2020. The timeline outlining key milestones for the work is as follows:

Invitation to quote and submit a proposal sent to relevant experts	31 January 2020
Deadline for submission of quotes and proposal	12 noon, 21 February 2020
Successful expert appointed	28 February 2020
Synthesis Report provided	31 March 2020
Draft statement provided	24 April 2020
Attendance/Participation at May Seminar (Moldova) (1 day)	May 2020



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Revised draft statement provided	31 July 2020
Draft Common Framework for Reference	31 July 2020
Attendance/Participation at ENOC Conference (1 day)	September 2020

Contract management

The lead person for this work in the office of the Children and Young People's Commissioner Scotland will be Kara Brown, International Legal Officer. It will be essential that the successful contractor liaises regularly to update on progress and to highlight any issues which may impact on the successful and timely completion of the project. A schedule of updates will be agreed at the start of the project and the deadlines for each element of the project are set out within the schedule of work.

The available budget will be €4771 (inc.VAT). This project is funded by ENOC and the Children and Young People's Commissioner for Scotland.

Travel, accommodation and subsistence costs for attendance at the ENOC Spring Seminar and Annual Conference will be covered by ENOC.

Submission and assessment of quotes

Proposals will be evaluated using the following criteria and therefore quotes should be submitted and should outline:

1. **Expertise** (in the relevant policy and research areas of children and young people's rights; the United Nations Convention on the Rights of the Child and other European and international human rights instruments; human rights impact assessment and child rights impact assessment) and experience in undertaking similar projects. This should include the relevant experience of the contractor, including curriculum vitae.

Evaluation criteria: marks available = 25

2. **Methodology** (to include feasibility, robustness and effectiveness of approach)

Evaluation criteria: marks available = 25

3. **A budget for the project.** The contractor should present a total cost of the project and related work (including VAT) in Euros plus a breakdown of costs for each part of the project. Contractors should include any other information which



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adds value to their proposal.

Evaluation criteria: marks available = 50

The quotation process will close at 12 noon on 21 February 2020. Applicants will be notified on 28 February 2020 if they have been successful.



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