

Common Framework of Reference on Child Rights Impact Assessment

A Guide on How to carry out CRIA

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AT RISK



A COMMON FRAMEWORK



Contents

Introduction	2
Part 1. Background to CRIA.....	3
Section 1. What is Child Rights Impact Assessment (CRIA)?	3
Section 2. Who is responsible for carrying out CRIA?	4
Section 3. Who else can use CRIA?	5
Section 4. Why CRIA?	6
Section 5. CRIA Tools	7
Section 6. CRIA Foundations	8
Section 7. Quality Assurance of CRIA process.....	14
Part 2. ENOC Model of Child Rights Impact Assessment	16
Stage 1: Screening	18
Stage 2: Scoping	18
Stage 3: Gather Evidence.....	19
Stage 4: Scrutinising Children's Involvement.....	19
Stage 5: Assess Impact	20
Stage 6: Conclusions and Recommendations	21
Stage 7: Publishing the CRIA	22
Stage 8: Monitor and Review.....	23
Part 3. CRIA Resources.....	24
Section 1. CRIA Checklist.....	24
Section 2. ENOC CRIA Template	26
Section 3. Child-Friendly Information about CRIA	32
Section 4. Child-Friendly CRIA Template	34

Introduction

This step-by-step guide explains the basic concept and practice of carrying out a continuous process of Child Rights Impact Assessment (CRIA). It can be used by ENOC members and others to help them understand, introduce, develop and practice CRIA in their jurisdiction.

The use of CRIA supports a systematic assessment and communication of the impact of a proposal or measure on the rights, needs and interests of children and young people. The aim of the process is to explore whether a domestic law, policy or practice is compliant with the UN Convention on the Rights of the Child (UNCRC) and its Optional Protocols, and whether it satisfies a State's international human rights obligations to respect, protect and fulfil children's rights.

As there is no single model for CRIA, this guide outlines an ENOC model for undertaking a CRIA, that can be adapted to the local context and needs of members.

The guide is divided into three parts. Part 1 explains the concept of CRIA, and who is responsible for undertaking an assessment. Part 2 focuses on the ENOC model, and the key stages that should be followed by members when undertaking a CRIA. Part 3 provides resources that ENOC members can use or adapt to undertake CRIA in their own jurisdiction.

This guide has been prepared by ENOC's Expert on CRIA, Lisa Payne, with the assistance of the ENOC Working Group on CRIA 2020.

Part 1. Background to CRIA

Section 1. What is Child Rights Impact Assessment (CRIA)?

There are many different types of impact assessments and impact evaluations. Impact assessment is a structured, evidence-based process for considering how a proposal or measure will affect a defined group of people.¹ Following on from impact assessment, impact evaluation is a structured, evidence-based process for identifying and considering the impacts produced by an intervention, whether it comes from law, policy, programme or practice.²

A child rights focused impact process supports the systematic assessment and communication of the impact of a proposal or measure on the rights, needs and interests of children and young people. The process is meant to be continuous, from assessment of **anticipated impact** (CRIA) through to a review and evaluation of **actual impact** (CRIE).

Child Rights Impact Assessment (CRIA) examines the potential impacts on children and young people of laws, policies, budget decisions, programmes and services as they are being developed and, if necessary, suggests ways to avoid or mitigate any negative impacts. This is done **prior** to the decision or action being set in place.

Child Rights Impact Evaluation (CRIE) provides an opportunity to consider the intended or unintended effect legislative changes, budget decisions, policies, programmes or services have had on children and young people's rights. Where necessary, the CRIE can propose what changes would be needed to ensure the measure respects children's rights and complies with the UNCRC. This is done **after** a decision has been made or an action has been taken.

CRIA and CRIE processes focus on how children's rights may be affected by the decisions and actions of governments, institutions and others in the areas of law, policy and practice. Impacts are measured against the rights set out in the UNCRC, its Optional Protocols, and other international human rights treaties.

¹ Fortuny, L. [Impact Assessment](#) International Association for Impact Assessment.

² Peersman, G (2015) [Impact Evaluation](#) Better Evaluation.

A small number of jurisdictions internationally have piloted or use a CRIA process, but there is little indication that any jurisdiction is systematically carrying out CRIE as part of its continuous process of child rights impact assessment.

The primary focus of this guide is CRIA – the assessment process, and references to CRIE will be included only where relevant.

The terms CRIA and CRIE are commonly used to name not only the *assessment or evaluation* process, but also the *tools* designed to support the process, and the *documentation* used to present and communicate the findings of the assessment or evaluation.

The assessment is supported by **CRIA tools**: key questions, templates, flowcharts and/or guides which:

- 1) take the assessor or evaluator through the process.
- 2) prompt them to consider and evidence all relevant areas of rights; and
- 3) direct them to authoritative interpretive guidance on the UNCRC and other international human rights treaties.

CRIA and CRIE are also the terms used to refer to the written account which presents a summary of the evidence gathered and considered through the process. It should include the views and experiences of children and young people and the findings drawn from that exercise. It should also present any options or recommendations for changes to the proposal or measure to ensure it complies with the UNCRC and other international human rights treaties and, where possible, better realises children's rights.

Section 2. Who is responsible for carrying out CRIA?

The primary responsibility for carrying out CRIA rests with the State. By choosing to ratify the UNCRC, governments consent to be bound by the rights and obligations set out in the Convention to implement it. The UN Committee on the Rights of the Child describes the '*task of implementation*' as '*making reality of the human rights of children*'.³

³ UN Committee on the Rights of the Child (2003) General Comment No.5 on general measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6), para.1

Article 4 of the UNCRC requires States Parties ‘... to undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the present Convention...’.⁴

CRIA and CRIE have been identified by the Committee on the Rights of the Child as two administrative measures (actions) that can aid implementation of the UNCRC.

They are part of a wide range of general measures that States Parties can act upon to give priority to children’s needs and interests, and focus attention on children’s rights, leading to better implementation of the Convention.⁵

Practising CRIA and CRIE reinforces the responsibility of the **duty bearer** – governments at all levels, public bodies, institutions and practitioners – to consider how their proposals, functions and actions will affect or have affected children and young people up to the age of 18 in their jurisdiction, who are the **rights holders** under the Convention.

ENOC’s 2020 Position Statement on CRIA calls on States; national, regional, European and international authorities; and all other relevant authorities to develop CRIA and CRIE as measures for monitoring implementation of the UNCRC in a way that further promotes the visible integration of children’s rights in decision-making.⁶

Section 3. Who else can use CRIA?

Although responsibility for carrying out CRIA rests with the State, anyone can use a CRIA process when they want to identify what the possible impact of a decision will be on the rights of a child.

In fact, the Committee considers it essential that there is independent monitoring of progress towards implementation by all sectors of society, including for example, academic institutions, NGOs, independent human rights institutions, and children

⁴ [Convention on the Rights of the Child](#)

⁵ The general measures of implementation are ways in which governments can fully implement the UNCRC. In addition to legal measures, the administrative and other measures include: cross-government and cross-sectoral coordination of the implementation of children’s rights; national strategies or national action plans for children; child rights impact assessment (CRIA) processes; the establishment of children’s commissioners, ombudsmen and other national human rights institutions; the identification, allocation and monitoring of resources spent on children and children’s services; children’s rights training and capacity-building for all those working with and on behalf of children; data collection and analysis on children’s lives; and collaboration and engagement with all sectors of society, including children themselves.

⁶ ENOC (2020) Position Statement on Child Rights Impact Assessment. Available [here](#).

and young people themselves. Undertaking CRIAs is one of the measures that all these sectors can use in their monitoring role.

Often Children's Commissioners and Ombudspersons use a CRIA-like process when commenting on proposed policy changes, responding to a budget announcement, or suggesting amendments to draft legislation. They also use a CRIE-like process when monitoring the activities of government, the state of services, the national situation affecting vulnerable groups of children and young people or highlighting children's rights violations in specific cases.

Section 4. Why CRIA?

The need to introduce a continuous process of CRIA has been recommended by the UN Committee on the Rights of the Child in several of its General Comments. There is very little published information on CRIA, therefore recommendations and commentary by the Committee is essential to help us understand what CRIA is, its purpose and what is needed to make it happen.

In its General Comment No.5 on the General Measures of Implementation, the UN Committee on the Rights of the Child says:

Ensuring that the best interests of the child are a primary consideration in all actions concerning children (art. 3 (1)), 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).⁷

The **'best interests of the child'** is one of four general principles of the UNCRC and is a cornerstone for interpreting and implementing all rights in the Convention.⁸ *'Primary consideration'* means that, when different or competing interests are under consideration, greater weight is attached to what will serve the child or children best. It is difficult to determine whether this duty is being met without child-specific impact assessment, monitoring and post-implementation evaluation processes and procedures being in place.

⁷ UN Committee on the Rights of the Child (2003) General Comment No.5 on General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6), para.45.

⁸ The other general principles are: Article 2 (non-discrimination); Article 6 (the right to life, survival and development); and Article 12 (the right to be heard and have their views respected).

In its General Comment No.14 on the Best Interests of the Child, the UN Committee on the Rights of the Child reminds States Parties the **obligation to consider the best interests of the child applies to all decisions and measures that directly or indirectly affect children whether as individuals, groups of children who share particular characteristics, or the child population.** It is a requirement on legislative bodies, courts, public bodies, institutions, and practitioners who work with or whose decisions affect children.

In procedural terms, in order to assess a child's best interests, the UN Committee advises that these duty bearers carry out a CRIA to ensure that any decision-making process identifies and takes into account the possible impact that decision or action will have on the child or children. That process must respect the right of the child to be heard as part of the assessment.

General Comment No.14 helpfully provides us with greater detail about the different elements and procedures that need to be in place and followed as part of the CRIA process. The Committee advises that:

CRIA needs to be built into Government processes at all levels and as early as possible in the development of policy and other general measures in order to ensure good governance for children's rights. Different methodologies and practices may be developed when undertaking CRIA. At a minimum, they must use the Convention and its Optional Protocols as a framework, in particular ensuring that the assessments are underpinned by the general principles and have special regard for the differentiated impact of the measure(s) under consideration on children. The impact assessment itself could be based on input from children, civil society and experts, as well as from relevant Government departments, academic research and experiences documented in the country or elsewhere. The analysis should result in recommendations for amendments, alternatives and improvements and be made publicly available.⁹

These elements should be considered minimum procedural criteria for setting up a CRIA process and carrying out the assessments. **(See Part 3 for a Checklist)**

Section 5. CRIA Tools

CRIA tools can be used to support the impact assessment process. These include a chosen set of questions, often presented as a questionnaire, a flowchart, or

⁹ UN Committee on the Rights of the Child (2013) General Comment No.14 on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), para.V, 2:B(h).

templates. Guidance can be provided alongside the key questions or templates, or as a stand-alone CRIA guide.

Tools should be designed to address the specific needs of the government, public body, or institution and, when new, made subject to an initial period of testing. It is advisable to monitor and review their use after an agreed period. This helps ensure tools support assessors to produce high quality CRIAs, and that these CRIA meet both the expectations of the organisation and impact assessment procedural requirements under the UNCRC.

Key questions or templates provide transparent and replicable steps to undertake a CRIA. They remind the assessor that they need to reference and summarise the evidence underpinning the assessment findings. They prompt those carrying out the assessment to consult with and engage children and other stakeholders. They can also provide links to information the assessor may need to consider, for example, the most recent set of the UN Committee on the Rights of the Child's Concluding Observations for that jurisdiction.

Section 6. CRIA Foundations

Before a jurisdiction develops a domestic model of CRIA, it should try to reach agreement on a number of issues which can determine the shape of, and level of regard given to the process; the design of the tools that will be used, and the means through which CRIA findings will be communicated.

6.1 Agree and communicate a clear statement of purpose for introducing or undertaking a CRIA process

It is likely that most people asked to undertake a CRIA will be unfamiliar with it and international human rights frameworks. Promoting a shared understanding of the reasons for conducting a CRIA is important when introducing it.

A statement of purpose for introducing a CRIA process should be made available in written form and widely publicised within the organisation. Making a public announcement about their use of CRIA will alert stakeholders, including children and young people, that the organisation is committed to using the CRIA process as one means of recognising and delivering child rights-respecting laws, policies and practice.

Examples of stated purposes that could refer to the CRIA process as a means of:

- Raising awareness of children's rights and the UNCRC.¹⁰
- Generating learning about children's rights and the UNCRC.¹¹
- Improving UNCRC monitoring and compliance within the jurisdiction.
- Setting out what children and young people, and those representing their interests, can expect from governments, public bodies, institutions, and practitioners.
- Providing a mechanism through which governments, public bodies and institutions can engage and involve children and young people in commenting on and influencing law, policy, and practice.
- Making governments, public bodies, and institutions more accountable to children and young people.

6.2 Clarify and allocate responsibilities

It is important that a commitment to CRIA involves all levels in an organisation.

a) Establish a clear, authoritative and durable mandate for CRIA

CRIA can be required through statute, by being made a strategic priority, or recommended good practice. The UN Committee on the Rights of the Child commends States that have introduced a statutory obligation to conduct systematic CRIA¹² – and that is also the CRIA mandate recommended by ENOC¹³.

Without a clear, comprehensive, and secure mandate, a CRIA is likely only to be carried out at the discretion of interested government officials or individual practitioners. Discretionary CRIA carry less authority and have limited impact on future decisions and actions.

b) Led from the top, with ongoing and active support at senior levels of an organisation

To demonstrate the importance with which those making decisions consider the CRIA process, the UNCRC, and children's rights, the decision to carry out CRIA must be taken at the most senior levels. Senior management must act as champions for CRIA, ensuring staff are aware of, motivated, trained and supported to conduct CRIA.

¹⁰ A requirement under Article 42 of the UNCRC.

¹¹ A general measure of implementation under the UNCRC.

¹² UN Committee on the Rights of the Child (2003) General Comment No.5 on General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6), para.47

¹³ ENOC (2020) Position Statement on Child Rights Impact Assessment, Recommendation 1a. Available [here](#).

c) Agree who is responsible for carrying out the assessment

Undertaking a CRIA should be identified and agreed as essential to particular roles, whether that be policy or practice led; a cross-sectoral working group sharing their knowledge and skills; or individual practitioners in specific settings. It requires competencies which can be developed as the CRIA process becomes embedded in the work of the organisation.

d) Agree a senior sign-off process to ensure the recommendations of an assessment are actioned.

CRIAs present findings and recommendations to inform a decision or action. The CRIA report should provide sufficient information to enable others to understand how the assessment has been undertaken and decisions have been made. If a decision-maker disagrees with recommendations made in a CRIA, they should explain and make public their reasons for doing so, to allow for additional scrutiny and challenge.

6.3 Determine the shape and parameters of the CRIA process

CRIA are most effective when they are used as a means of mainstreaming children's rights considerations into all relevant decision-making processes.

a) Involve all departments and parts of an organisation in the CRIA process

In order to satisfy the requirement to consider both direct and indirect impact, CRIAs must be conducted by all departments and parts of an organisation whose work impacts on children and young people's lives – not just those that are directly involved in the development and delivery of child-focused policy or children's services.¹⁴

b) Decide what types of measures and decisions should be subject to a CRIA

Organisations should make it clear what types of measures and what kinds of decisions will be expected to undergo a CRIA.

¹⁴ **'Direct' impact** refers to laws, policies and other decisions where children and young people will be directly affected by the proposed changes. Examples include: childcare services, adolescent mental health services, the use of custody for juvenile offenders, child protection and children in care services, or youth sports activities.

'Indirect' impact refers to laws, policies and other decisions that are not directly aimed at children but will have an impact on them. Examples include: social security benefits, work preparation classes for parents, housing supply and design, policies on air quality, or public transport schemes.

In the case of governments, the UN Committee recommends that any proposed policy, legislation, regulation, budget, or other administrative decision should undergo a CRIA process.¹⁵

In individual cases where a child's rights may be engaged, public bodies, institutions and practitioners should carry out an assessment to ascertain the child's best interests.¹⁶ Public bodies or institutions should also conduct a CRIA to assess the potential impact of an organisational or service level policy, strategy, programme or intervention on the groups of children who are the target recipients.

c) Clear criteria for when assessments should be carried out in the decision-making process

The UN Committee states that CRIA should be undertaken as early as possible in the development of the law, policy or practice.¹⁷ Timing is a critical factor in whether the CRIA genuinely informs the final proposal, as well as subsequent decision-making. Ideally, assessments should be conducted at points in the decision-making process when modifications or changes to the proposal or measure can realistically be made.

d) Ensure CRIAs are adequately resourced

Undertaking a CRIA has resource implications, in relation to the time it takes staff to research and produce the assessment, the potential costs of commissioning additional research or external expertise, the convening of expert advisory groups, or the costs of carrying out public or targeted consultations to 'test out' the proposal and the findings of the CRIA. These costs should be balanced against the benefit of identifying potential problems and negative impacts on children and young people early enough to mitigate them by revisiting and modifying the original proposal(s).

6.4 Improve CRIA skills and build in best practice

An infrastructure should be in place to support those carrying out CRIA. They need to be able to develop the appropriate skills, find the evidence needed to substantiate the assessment findings, and be encouraged and enabled to meaningfully involve children and young people in the process.

¹⁵ UN Committee on the Rights of the Child (2013) General Comment No.14 on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), para.V, B(h).

¹⁶ UN Committee on the Rights of the Child (2013) General Comment No.14 on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), para.V, A.

¹⁷ UN Committee on the Rights of the Child (2013) General Comment No.14 on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), para.V, B(h).

a) Capacity building in children's rights and CRIA

Training and capacity building for all those involved in the implementation of the UNCRC is a general measure of implementation.¹⁸ Those carrying out CRIA need to develop an understanding of children's rights and their obligations as duty bearers under the UNCRC. They will also require training on the CRIA process and how to use CRIA tools.

b) Develop a children's rights evidence base

The UN Committee on the Rights of the Child recommends that CRIA be *'based on input from children, civil society and experts, as well as from relevant government departments, academic research and experiences documented in the country or elsewhere'*.¹⁹

The quality of the assessment will depend on the assessor being able to identify and access sufficient, up-to-date and reliable qualitative and quantitative data which covers all areas of children's rights. It should also be possible to disaggregate the available data to help distinguish disparities in outcomes for different groups of children and young people.

The CRIA process can support arguments to invest in and improve the evidence base. By undertaking a CRIA, an assessor can determine where gaps in the evidence exist and propose how that deficiency should be addressed.

c) Engage with the rights holders affected by the proposal or measure – support the involvement of children and young people in CRIA.

The UN Committee on the Rights of the Child emphasises the point that, *'in many cases, only children themselves are in a position to indicate whether their rights are being fully recognised and realised'*.²⁰

Children and young people must be part of the assessment process.²¹ The evidence base for the CRIA must include the views and experiences of the children who will be affected by the proposal or measure. This may already be available in published research, inspection reports, survey data and case law, as well as information from

¹⁸ UN Committee on the Rights of the Child (2003) General Comment No.5 on General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6), section H.

¹⁹ UN Committee on the Rights of the Child (2013) General Comment No.14 on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), para.V, B(h).

²⁰ UN Committee on the Rights of the Child (2003) General Comment No.5 on General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6) para 50.

²¹ UN Committee on the Rights of the Child (2009) General Comment No.12 on the right of the child to be heard, para.70.

service providers and organisations which work with children. This can be enhanced and supplemented by the direct input of children and young people.

In CRIA, engagement with children and young people invariably is through consultation. Organisations should aim to establish sustainable mechanisms that allow children and young people's voices and views to inform their decision-making. As part of the CRIA process, organisations need to develop expertise, and build in time and resources to carry out direct engagement with the children and young people who will be affected by the proposal or measure.

Young people who participated in the ENYA Forum 2020 have made recommendations on CRIA.²² These provide an important set of guidelines that can be followed when involving children and young people in decision-making and the CRIA process.

Key recommendations include:

- ☐ Provide child friendly, accessible and inclusive information on proposals and the CRIA process.
- ☐ Children and young people must be educated about children's rights and CRIA.
- ☐ Children and young people must be involved in CRIAs.
- ☐ Adults need to be open-minded and ask children for and about their views at the start of the CRIA process and keep them informed and involved as part of the ongoing process.
- ☐ Diverse groups of children, including those who are vulnerable or marginalised should be involved in CRIAs.
- ☐ Children affected should be consulted as part of CRIA.
- ☐ Provide accessible safe spaces where children can be involved in CRIAs.
- ☐ Provide feedback to children and young people on the result of the CRIA

In Part 3 of this guide a checklist is provided which sets out the tasks that should be completed when introducing or making improvements to a local CRIA process; and the procedural criteria that should be followed when carrying out CRIA.

²² ENYA (2020) "Let's Talk Young, Let's Talk About Children's Rights in decision-making": Report from ENYA Forum 2020, pp.6-9.

Section 7. Quality Assurance of CRIA process

Where a CRIA process is established in a jurisdiction, the quality of impact assessment practice is likely to be variable. It is often the case that those asked or required to be involved in undertaking a CRIA will only do so once or twice a year.

Several steps can be taken to improve the quality of the CRIA process, and the assessments produced.

Step 1

The government, public body or institution undertaking CRIA should **agree a set of criteria** it will use to monitor and assess the effectiveness of the CRIA process, as well as the individual assessments.

Step 2

The CRIA tools, training programme and support provided to those undertaking an assessment should be subject to review and revision.

To help improve steps one and two it is important to seek feedback and input from those who have carried out CRIA, decision-makers who have used them to inform their work, children who are a) most affected by the decision or b) have been involved in the CRIA, and those representing children's interests who have seen the results of the process in the published CRIA.

Step 3

The government, public body or institution undertaking CRIA may benefit from having **access to a core team** who can advise colleagues on: how to use the CRIA tools; maintain a centralised list of CRIAs (in progress and completed); and ensure individuals and departments complete children's rights and CRIA training that is available.

This core team – whether internal or external to the organisation – should also be able to provide information, advice and support to those carrying out a CRIA on request. They can have oversight of what is being produced, and act as the repository for all CRIAs undertaken within their government, public body or institution.

Step 4

The government, public body or institution could have a **formal arrangement with an appointed group of children's rights experts**, who can be asked to advise or comment on single CRIAs as they are being drafted. These experts could be drawn

from Ombudspersons offices, academia and the children's NGO sector. Ideally the expert group would include children and young people. This expert group may also be approached when a more formal review of the quality of the CRIA process is being undertaken.

Part 2. ENOC Model of Child Rights Impact Assessment

The UN Committee on the Rights of the Child encourages governments at all levels, public bodies and institutions to develop local models of CRIA which are best suited to their specific requirements, and which function within their legal, policy development and service delivery framework.

The ENOC model presented in this guide has been designed to be flexible and adaptable to the local context and needs of ENOC Members. Its development has been derived from findings in published reviews and evaluations of CRIA models piloted or still in use, as well as information provided from ENOC Members about activities in their jurisdictions.²³

Collectively, these sources also offer insight into elements of good practice in CRIA which can anticipate and address potential challenges in the process, improve the quality of the assessments, and make them more effective.

The purpose of this model is to assist ENOC Members in monitoring the impact of decisions, policies, laws or practice on children and young people's rights, and provide them with the evidence to press for damaging effects to be avoided or mitigated.

²³ Backbier, Maren et al (2019) [A children's rights approach: recommendations to the Scottish Government on refining Children's Rights and Wellbeing Impact Assessments in Scotland](#). LLM Human Rights Clinic, Edinburgh University Law School; Chitashvili, I and others (2019) [Recommendations and notes on Scottish Children's Rights and Wellbeing Impact Assessments](#). LLM Human Rights Clinic, Edinburgh University Law School; Corrigan, C (2006) [The development and implementation of Child Impact Statements in Ireland](#), Dublin: Office of the Minister for Children; Desmet, E, Op de Beeck, H and Vandenhoe, W (2012) [Evaluatie van de kind- en jongereneffectrapportage \(JoKER\): onderzoekrapport](#) Ghent: Children's Rights Knowledge Centre (KeKi); Hoffman, S and Morse, C (2016) Evaluation of the Welsh Government's Child Rights Impact Assessment procedure under the Children's Rights Scheme pursuant to the Rights of Children and Young Persons (Wales) Measure 2011; Mason, N and Hanna, K (2009) [Undertaking Child Impact Assessments in Aotearoa New Zealand Local Authorities: evidence, practice, ideas](#). New Zealand: Auckland University of Technology and Unicef New Zealand; New Brunswick Child and Youth Advocate (2016) [Child Rights Impact Assessment: a primer for New Brunswick](#). Fredericton, NB: Office of the Child and Youth Advocate of New Brunswick; Payne, L (2017) [Child Rights Impact Assessment: a review of comparative practice across the UK](#). London: Unicef UK.

The ENOC CRIA model follows an **eight-stage process**. Depending on the local context you may wish to adapt, merge or add stages to this process. The following chart provides an overview of the eight stages.

1. Screening – describe proposal and impact on children – if full CRIA go to Stage 2

2. Scoping – aim of proposal and the rights framework

3. Gather evidence – identify quantitative and qualitative data

4. Scrutinising children's involvement – analysis of how children are involved

5. Assess impact – identify positive, negative, neutral impacts

6. Conclusions and recommendations – if negative impact, suggest alternatives

7. Publish CRIA – evidence conclusions reached, and recommendations made

8. Monitor and review – the CRIA may be subject to review

Each stage of the process is described in this section and includes a summary of the key questions that should be asked during the assessment.

The key questions the ENOC CRIA is trying to answer are:

1. What is the aim(s) of the law, policy or practice – and what is its aim for children and young people?
2. Which groups of children, or individual children, will it affect?
3. What areas of rights does it impact on?
4. What will that impact be?
5. If any assessed impact is negative, what must change to ensure it complies with the UNCRC?
6. If any assessed impact is neutral, what could change to better progress the implementation of children's rights?

An ENOC CRIA template is provided in Part 3 of this guide for you to adapt and use when undertaking a CRIA.

Stage 1: Screening

Impact assessment should be proportionate – it is impractical to carry out a full child rights assessment of every proposal. Screening a proposal acts as a preliminary check to help determine whether a full CRIA is required. It also provides a record of the basis for that decision, and the decision itself.

Initial screenings can be based on the information already available and the existing knowledge and expertise of those conducting the assessment.

Key Questions Checklist

- ☐ Describe what is being proposed and its aims
- ☐ What children's rights does it impact on?
- ☐ Which groups of children or individual children will it affect?
- ☐ What is the impact of the proposal on children?
- ☐ Based on the findings of the screening, is a full impact assessment required?

If, after screening, the decision is made to carry out a full impact assessment, the CRIA moves on to the next stage in the process.

Stage 2: Scoping

Before an assessment can be properly carried out, a thorough understanding of what is being proposed is essential. At this stage you will expand on the information provided in the initial screening on the purpose of the proposal, and which children's rights will be affected.

Key Questions Checklist

- ☐ What is being proposed?
- ☐ What are the aims of the proposal?
- ☐ What rights will be affected?
- ☐ Who are the stakeholder groups who will be affected by the proposal?
- ☐ Which children, or groups of children will be affected by the proposal?
- ☐ Who do we need to consult?

The scoping stages help you to develop a research plan for the CRIA. It will help you to identify when and how other departments, sectors, experts, and stakeholders should be involved in the development of the CRIA.

Stage 3: Gather Evidence

At this stage it is necessary to source and identify evidence that you can use to inform your assessment. The evidence base can be gathered from a variety of sources and should include a combination of quantitative and qualitative data.

The evidence base will include information on the views and experiences of children and young people who will be affected by the policy. It will include information from other stakeholders who will have a view on the potential impact on children and young people. This can include parents and carers, practitioners, and other agencies representing the interests of the children and young people who may be impacted by the proposal.

It can be useful to draw on academic or professional expertise where existing published research is limited.

Key Questions Checklist

- ☐ What quantitative or qualitative evidence is available?
- ☐ What does the available evidence tell you?
- ☐ What missing evidence would have helped your analysis?
- ☐ Is further information or evidence required before you can make an informed assessment?

It may be possible to work from the existing evidence base but, if not, the CRIA should trigger the commissioning of further research to ensure the assessor(s) can make an informed assessment of the potential impact on children's rights.

Stage 4: Scrutinising Children's Involvement

In all matters affecting children, they have a right to express their views and have them given due weight, as provided for in Article 12 of the UNCRC. Involving children and young people in the development of a proposal or measure is fundamental to good decision-making.

The purpose of this stage is to provide a more detailed analysis of the extent to which children and young people have been involved in informing or drafting a

proposal or measure. This is frequently described as the biggest challenge – government officials will explain that they have been unable to directly involve children in the development of a proposal, due to a lack of time or expertise.

It is therefore necessary for Children's Commissioners and Ombudspersons to scrutinise the degree to which the right of children to be heard and participate in the development of a proposal or measure has been fulfilled.

Key Questions Checklist

- ☐ What groups of children have been involved in developing the proposal?
- ☐ Have those children identified as being most affected by the proposal been involved in its development?
- ☐ When were they involved?
- ☐ How have children been involved?
- ☐ What did children tell us?

Where information has been identified in stage three that includes the views and experiences of children and young people, this will be subject to further scrutiny and analysis at this stage.

Stage 5: Assess Impact

Once the proposal has been defined, and the appropriate evidence gathered and analysed, the proposal can be assessed for its impact on children. This is what the previous stages have been working towards.

The CRIA should indicate whether the assessed impact or impacts are positive and will help progress children's rights; neutral with no expectation of significant change either way; or negative, and so will require modification of the policy or mitigation of its anticipated effects. The assessor should explain their reason for assessing the impact as positive, neutral, or negative.

The CRIA may identify if the likely or actual impact of a proposal will have short, medium, or long-term outcomes.

Impacts can vary for different groups of children and young people. Where this is the case, the CRIA should identify these differential impacts and suggest how the competing interests of these different groups should be dealt with.

If the impact is assessed as negative, the CRIA should list alternatives to the original proposal to ensure compliance with and full implementation of the UNCRC and other human rights instruments. The resource implications (financial, regulatory, workforce, infrastructure) of each alternative can be set out to aid decision-making.

Key Questions Checklist

- ☐ What positive, neutral or negative impact will, or might the proposal have on the rights of children?
- ☐ Will there be different impacts on different groups of children and young people?
- ☐ Is the proposal the best way of achieving its aims, considering children's rights?
- ☐ Are there any competing interests between groups of children, or between children and other groups?
- ☐ Are there any alternatives to the proposal to ensure compliance with children's rights?
- ☐ Are compensatory measures needed to mitigate any negative impacts of the proposal on children's rights?

If the impact is assessed as neutral, it is good practice to provide options or propose modifications to the original proposal that could better progress the implementation of the UNCRC.

Stage 6: Conclusions and Recommendations

Considering the findings of the assessment, conclusions should be reached and, if necessary, recommendations made. Recommendations will draw on the alternatives and compensatory measures suggested in stage five.

Key Questions Checklist

- ☐ What conclusions have been reached?
- ☐ Is further evidence required?
- ☐ Is evaluation of the proposal post implementation required?
- ☐ What recommendations should be made?
- ☐ Who should recommendations be targeted to?

Recommendations reached could include, for example, that the proposal does not go ahead, that the proposal should be amended before going ahead, that compensatory measures should be taken to mitigate adverse impact on children, or that further evidence is required.

Consideration should be given to whom to target recommendations at.

Stage 7: Publishing the CRIA

Once the assessment has been completed it should be made publicly available, as recommended by the UN Committee.²⁴

Publication of the full impact assessment (analysis, recommendations, and conclusion) by ENOC Members is an important way to evidence the conclusions reached and support the recommendations made.

Do not forget, it is important to prepare and publish a child-friendly version of the assessment. Ideally, this should be co-produced with children and young people.

Key Questions Checklist

- ☐ Should the assessment be published?
- ☐ Should the full assessment be published or a summary?
- ☐ Have you prepared a child-friendly version of the assessment?
- ☐ Has feedback been provided to those stakeholders consulted by you to inform the assessment?
- ☐ How will you publicise the assessment?
- ☐ If the assessment concerns an individual child's case, it should not be published.

If the impact assessment concerns a case involving an individual child, the impact assessment should only be made available to those directly involved in the case. However, with the consent of the affected parties, the lessons learned through that case could be made more widely available through an anonymised case study used for advocacy purposes.

²⁴ UN Committee on the Rights of the Child (2013) General Comment No.14 on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), para.V, 2:B(h).

Where decision-makers have undertaken a CRIA, publication of the full assessment promotes transparency and opens the decision-making process to external scrutiny. It enables the reasoning during the development of the proposal to be clearly set out, and the extent to which it realises children's rights.

Not only should the full impact assessment be published, but decision-makers – when announcing the final proposal or measure – should provide a written account for the decision made, explaining why recommendations made in the CRIA have not been accepted or implemented, and indicate how children's rights have been considered and given due weight.

Stage 8: Monitor and Review

A CRIA should be an ongoing process that is subject to review and updated as the law, policy or practice develops. It should also record what the monitoring and review mechanism will be after the measure has been implemented.

It is necessary to identify the extent to which the recommendations made in the CRIA have been considered or acted upon by the decision-maker. Although decision-makers may publish a full or summarised version of a CRIA, often the extent to which this has influenced the final decision is difficult to identify.

Key Questions Checklist

- ☐ Have the recommendations been acted upon?
- ☐ Should the progress of the proposal be monitored? (For example, proposed legislation).
- ☐ Should the proposal be monitored and evaluated post implementation?
- ☐ What mechanisms will be used to monitor and evaluate the proposal post implementation?

If recommendations that you have made have not been acted upon, you may decide that further action by your Commissioner or Ombudsperson is required. Further action will depend on the powers of the Commissioner or Ombudsperson.

Part 3. CRIA Resources

In this part of the guide a suite of resources is provided for ENOC members to use or adapt to undertake CRIA in their own jurisdiction.

Section 1. CRIA Checklist

Section 2. ENOC CRIA Template

Section 3. Child-friendly information about CRIA

Section 4. Child-friendly CRIA template

Section 1. CRIA Checklist

The following two lists set out the tasks that should be completed when introducing or making improvements to a local CRIA process, and the procedural criteria that should be followed when carrying out CRIA.

Foundations for the introduction of CRIA

The government, public body or institution:

- ☐ Agrees and shares widely a statement of purpose for carrying out CRIA.
- ☐ Demonstrates ongoing and active support for CRIA at senior levels.
- ☐ Works to an agreed mandate for carrying out CRIA.
- ☐ Determines the instruments, decisions and actions which should be subject to a CRIA.
- ☐ Allocates responsibility for carrying out CRIA, and for oversight and sign-off of the process, in job specifications.
- ☐ Allocates sufficient resources to support the CRIA process.
- ☐ Provides mandatory training on children's rights and the UNCRC to all levels of staff throughout the organisation.
- ☐ Agrees a monitoring and review mechanism for CRIA.
- ☐ CRIA tools and/or agreed methodologies are developed and employed to provide a structured framework for the process, supported by training and capacity building on the use of the tools.

Procedural criteria for CRIA

- ☐ The CRIA process follows a set of replicable steps to ensure its consistent application.
- ☐ The CRIA is carried out as early as possible in the development of the law, policy or practice.
- ☐ The CRIA uses the UNCRC and its Optional Protocols as the framework for assessment and evaluation.
- ☐ The CRIA refers to other human rights treaties where relevant.
- ☐ The CRIA considers both direct and indirect impacts on children and young people.
- ☐ The CRIA identifies differentiated impact on children when compared to adults, or different groups of children.
- ☐ The CRIA is evidence based and fully referenced, with any gaps in the evidence identified and a strategy agreed for addressing these gaps.
- ☐ The CRIA records and reports the results of any direct consultation with children and young people.
- ☐ The CRIA results in recommendations for amendments, alternatives, and improvements to not only ensure compliance with the UNCRC but also consider how the policy or measure may progress the realisation of children's rights.
- ☐ CRIA findings are made publicly available, including child-friendly versions.

Section 2. ENOC CRIA Template

This template is provided to help ENOC Members get started on undertaking a CRIA. Please remember that you can modify it to suit your local context. As you work through each stage of the template you may find it helpful to refer to the information provided in Part 2 of this guide.

Impact Assessment by: [add text]

Date: [add text]

Date to be reviewed: [add text]

Reviewed by: [add text]

STAGE 1: SCREENING

Question 1: Name the measure / proposal and briefly describe its overall aim
[add text]
Question 2: What children's rights does it impact upon?
[add text]
Question 3: What children and young people will be affected?
[add text]

Question 4: What is the likely impact of the proposal / measure on children?
[add text]
Question 5: Is a full child rights impact assessment required? Explain your reasons
[add text]

STAGE 2: SCOPING (Background and Rights Framework)

Question 6: Name the measure / proposal being assessed and describe the overall aim
[add text]
[add/delete rows as required]

Question 7: Which human rights instruments and articles are relevant to the measure / proposal?		
Human Rights Instrument	Article	Further analysis on the expected / actual effect
[add text]	[add text]	[add text]
[add/delete rows as required]		

STAGE 3: EVIDENCE

Question 8a: What quantitative evidence have you used to inform your assessment? What does it tell you?			
Evidence collected	Evidence source	Explanation of the importance	What are the data gaps, if any?
[add text]	[add text]	[add text]	[add text]
[add/delete rows as required]			

Question 8b: What key missing information / evidence would have been beneficial to your analysis?
[add text]
[add/delete rows as required]

Question 9a: What qualitative evidence have you used to inform your assessment? What does it tell you?		
Evidence collected	Evidence source	Explanation of the importance
[add text]	[add text]	[add text]
[add/delete rows as required]		

Question 9b: What key missing information / evidence would have been beneficial to your analysis?
[add text]
[add/delete rows as required]

STAGE 4: SCRUTINISING CHILDREN'S INVOLVEMENT

Question 10: Has evidence from third party consultations with children and young people been considered in the development of the proposal or measure?			
Groups consulted	Source of Information	Please provide a brief description of process	What were the findings?
[add/delete rows as required]			
[add/delete rows as required]			

Question 11: What groups of children and young people have been directly involved in developing the proposal or measure?			
Groups involved [✓ if those affected by the proposal]	✓	How were they involved?	What were the findings?
[add text]			
[add/delete rows as required]			

STAGE 5: ASSESSING THE IMPACT

Question 12: What impact will (or does) the proposal or measure have on children and young people's rights		
Type of impact <i>[please highlight]</i>	Justification for Argument	likely or actual short/medium/long-term outcomes
Positive / Negative / Neutral	[add text]	[add text]
[add/delete rows as required]		

Question 13: Will there be (or are there) different impacts on different groups of children and young people?		
Group of children affected	Initial analysis of the positive impact on rights	Initial analysis of the negative impact on rights
[add text]	[add text]	[add text]
[add/delete rows as required]		

Question 14: If a negative impact is identified for any area of rights or any group of children and young people, what options are there to modify the proposal or measure to mitigate the impact?	
Negative impact	What options are there to modify the measure(s) or mitigate the impact?
[add text]	[add text]
[add/delete rows as required]	

STAGE 6: CONCLUSIONS AND RECOMMENDATIONS

Question 15: In summary, what are your key findings on the impact of the measure or proposal on children and young people's rights?

[add text]

STAGE 7: PUBLISH CRIA

Question 16: Should the full assessment or a summary be published? Will a child-friendly version be produced?

[add text]

STAGE 8: MONITOR & REVIEW

Question 17: Have the recommendations made in Stage 6 been acted upon?

[add text]

Question 18: Where recommendations have not been acted upon, is further action required?

[add text]

Section 3. Child-Friendly Information about CRIA

It is recommended that you work with children and young people to help change and adapt the information in this section to suit the local context.

Q: What is a child rights impact assessment?

A: Children and young people have different needs and rights from adults.

Adults in power often make decisions that affect people — such as laws and policies. When they do this, they don't always think about the impact these decisions will have on children and young people.

A **child rights impact assessment** or **CRIA** can be used to find out if a new law or policy might change children's lives. It looks at the ways the new law or policy might have a **positive** (good) or **negative** (bad) impact on the rights of children and young people.

The CRIA can then help adults in power make changes to the law or policy so that it does not cause any negative impact on the rights of children and young people.

Q: Why is a child rights impact assessment important?

A: In all decisions affecting children and young people, they have a right to express their views, for those views to be listened to and given proper consideration, as provided for in Article 12 of the UNCRC.

But children and young people are often excluded from making decisions and must depend on adults speaking up for them. A CRIA is an important way to include children and young people's views in a decision. Their views and ideas can help to make decisions better.

Q: What are the different stages of a child rights impact assessment?

A: To make it easier to do a CRIA, there are several stages that can be followed. Each stage has a list of questions.

The first stage is called **'Screening'**. This is when you must decide if the new law or policy is going to affect children's rights, and what the impact might look like. If the answer is "yes, it will affect children's rights", then you move on to the next stage.

The second stage is **'Scoping'**. This is when you think about which children's rights are likely to be affected.

The third stage is **‘Gathering Evidence’**. This helps you to know and understand how children’s rights could be affected. You might need to gather different types of evidence. It could be numbers of children or young people affected, or it could be the views and opinions of children and young people on the new law or policy.

The fourth stage is **‘Assessing Impact’**. Once you have all the evidence you need to study it and decide what you think the impact will be on children and young people’s rights. You need to decide if there will be different impacts on different groups of children and young people. If you think there will be a negative impact, you can suggest different ways to stop this from happening.

The fifth stage is when you write down your **conclusions**, and what you think the final impact of the law or policy will be on children and young people’s rights. If you think it will have a negative impact, to stop this from happening, it helps if you can list the main things that need to change.

Q: How are children and young people involved in a child rights impact assessment?

A: There are two main ways that children and young people are involved in a CRIA. The first way is by finding out their views and opinions from previous consultations, and surveys. This is OK, but it can mean their views and opinions on the actual law or policy that is being looked at will not be known.

It is much better if children and young people can be directly involved in a CRIA. This means that they will be asked what they think about the new law or policy, and for their ideas on how to make it better.

Section 4. Child-Friendly CRIA Template

Stage 1: Screening

Is this a law, policy or decision that will affect children's rights?



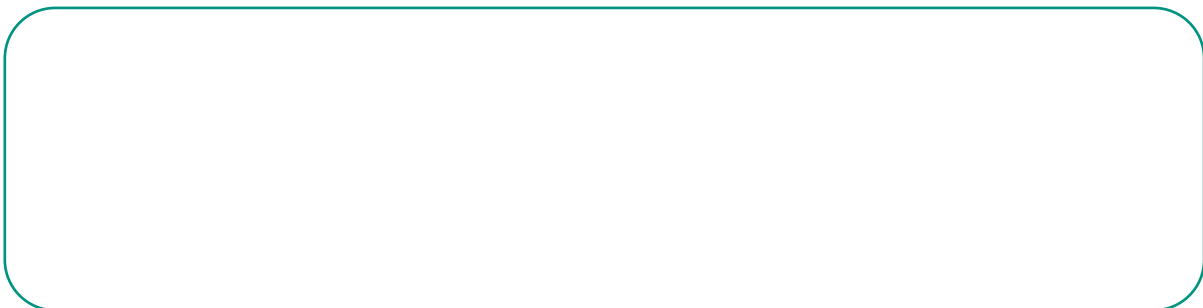
Stage 2: Scoping

Which UNCRC articles are relevant and what is the expected effect or impact?

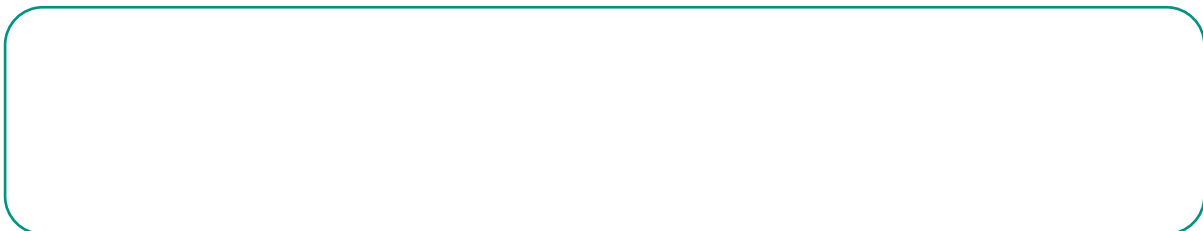


Stage 3: Gathering Evidence

What evidence and information have you looked at and what did it tell you?



Can you think of any evidence or information that you have not been able to find, but you think could be important?

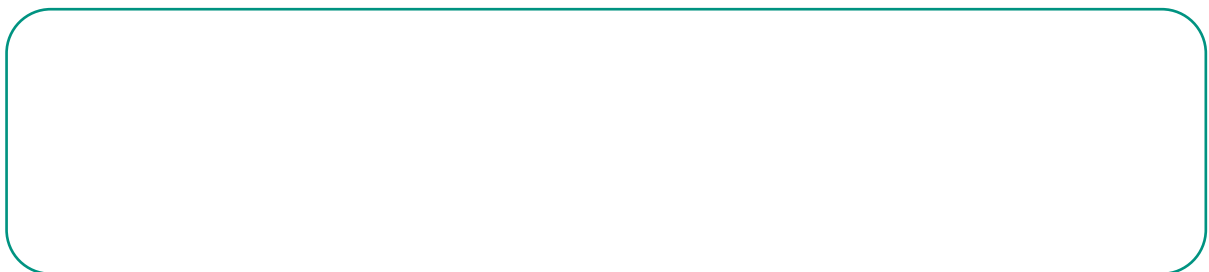


Stage 4: Assessing Impact

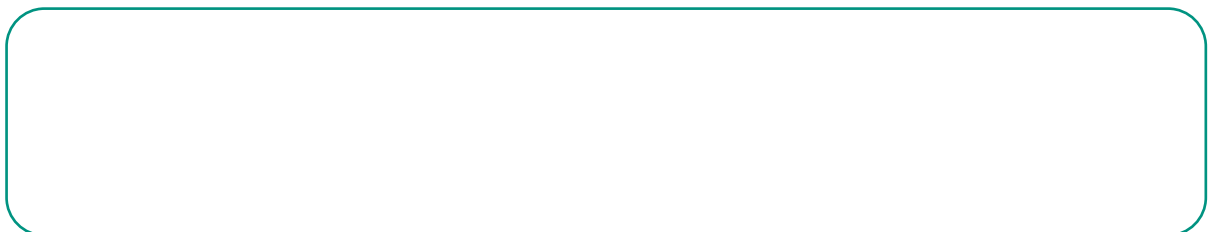
What impact does the law, policy, decision have on children's rights?



Are there groups of children and young people who will be affected in different ways? What impact will it have on them?

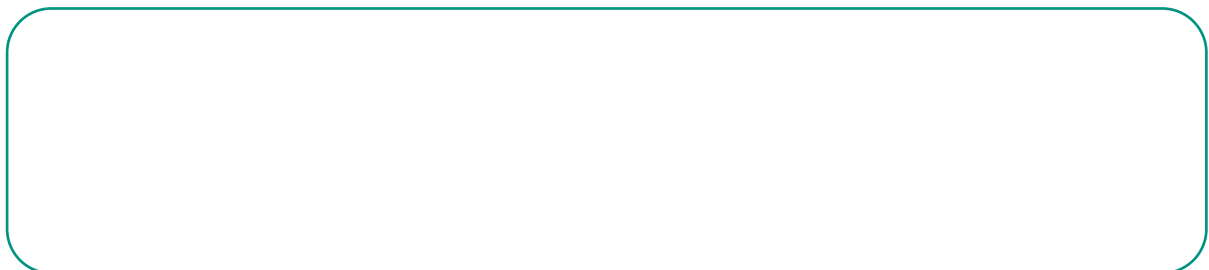


If you think there will be a negative impact, can you think of ways to stop that from happening?



Stage 5: What should happen?

What do you think the overall impact will be on children's rights? List the things that you think need to change to stop any negative impact OR make the decision better.





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