



ENOC SYNTHESIS REPORT

Child Rights Impact Assessment

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1. Key points from the research

1. **Child Rights Impact Assessment (CRIA) and Child Rights Impact Evaluation (CRIE) are General Measures of Implementation under Article 4 of the UN Convention on the Rights of the Child (UNCRC).**¹
*‘Implementation is the process whereby States parties take action to ensure the realisation of all rights in the Convention for all children in their jurisdiction.’*²
2. A **small but growing number of jurisdictions internationally have piloted or use CRIA.** Neither the research nor child rights impact tools available indicate that any jurisdiction is systematically using CRIE.
3. **CRIA is a process, tool and report** which 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. CRIA focuses 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.
4. CRIA may be undertaken on **all types of decisions** that affect the child population, groups of children who share particular characteristics, or individual children.
5. There is **no single, global model of CRIA** in place. Individual governments at all levels and public bodies can develop a model best suited to their specific requirements, and which functions within the domestic legal, policy development and service delivery framework, addressing local priorities and objectives.
6. **CRIA is a type of Human Rights Impact Assessment (HRIA)** and so, in terms of process, should be undertaken in a way that upholds human rights principles, i.e.: is subject to regular review and revision, non-discriminatory, inclusive, engages with rights holders, considers all relevant rights, and aids accountability.
7. **Successful implementation of the CRIA process** depends on having other General Measures of Implementation in place, particularly: training and capacity building on children’s rights and the UNCRC; access to sufficient and reliable quantitative and qualitative data on children’s lives that covers all areas of their human rights, and can help identify disparities in outcomes for different groups of children and young people; cross-sectoral coordination that enables government officials to seek expert advice on children’s rights; and clarity about budget allocations that support children and young people and impact on their rights.

¹ 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), paras.45-47. CRIA is listed as one of the ‘administrative and other’ measures of implementation under Article 4.

² Ibid, para.1

8. The **effectiveness of CRIA** is dependent on certain elements of good practice being recognised and addressed in the development and delivery of the CRIA model in use. These include:
 - a clearly articulated purpose and rationale for CRIA; a clear mandate, scope and sustained support at senior levels of central, regional, local and municipal government;
 - clarity about how, when and where CRIA fits into the policy-making environment, including a recognition that producing CRIAs has resource implications;
 - using a template and guidance to ensure consistency in the application of the process;
 - ongoing training and capacity building in children’s rights, the UNCRC and CRIA;
 - ready availability of reliable data to support the CRIA process;
 - meaningful involvement of children and young people in the CRIA process;
 - using CRIA reports to communicate assessment findings;
 - making the CRIA available to external scrutiny through publication and stakeholder involvement;
 - revisiting CRIA when monitoring and reviewing the implementation of a policy or law; and
 - quality assurance, with access to internal and external expertise to support good practice.

9. CRIA tends to follow **a set of steps or stages common** across Impact Assessment practice.
 - Screening/initial assessment.
 - Scoping; data collection, evidence gathering and stakeholder consultation.
 - Assessment of the impact(s) including options for mitigation or modification of the proposal(s).
 - Setting out the process that has been agreed for the monitoring and review of the impact of the law, policy or measure.

10. There is little research on the **value of implementing CRIA**. Existing evaluations look at specific domestic models of CRIA, and the benefits and challenges identified are often particular to the CRIA models they examine.

2. Key points from the ENOC member survey

30³ (70%) of a total of 43 ENOC members responded to the survey. The following results are from those 30 responses.

1. Currently, whether through a legal mandate or overarching children's strategy, **CRIA is practised** in 7 jurisdictions (Belgium – Flemish community, Bulgaria, Finland, Scotland, Spain – Basque Country, Spain – Catalonia, Sweden and Wales; and is in development in another (Jersey). ([see Table 2](#))
2. Another 8 ENOC jurisdictions as well as Bulgaria and Sweden report using a **CRIA-like process** when responding to children's complaints, producing monitoring reports or suggesting changes to draft legislation. ([see Annex 2](#))
3. Children's rights are supposed to be considered as **part of another type of impact assessment** in 10 of the jurisdictions without a CRIA process ([see Table 1](#)) – members question how much of this child-focused assessment takes place.
4. 15 jurisdictions reported that the **Concluding Observations** published in response to their most recent periodic report on the implementation of the UNCRC included recommendations for introducing or improving CRIA.
5. 18 ENOC members have a **National Action Plan or children's strategy** in place or in development, of which 9 included a reference to CRIA.
6. **Identified barriers** to introducing CRIA in jurisdictions without one in place included:
 - CRIA is not known or is not a priority
 - The government claims there is no capacity or need to carry out a CRIA
 - There is no legal mandate for CRIA
 - There is no agreed CRIA process or tools to support its use
 - There is no evidence that CRIA is effective
7. **Identified challenges** to implementing and improving CRIA practice in jurisdictions with a CRIA process.
 - There is no legal mandate for CRIA.
 - There is limited competence and lack of children's rights expertise at all levels of government, in public bodies and among practitioners to carry out CRIA, as well as a lack of resources to support its use.
 - There are no standardised tools or procedures to support the process, or the available tools are deficient or not being used to their fullest extent.

³ Albania, Belgium (Flemish community), Belgium (French community), Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, France, Greece, Iceland, Ireland, Jersey, Latvia, Lithuania, Luxembourg, Malta, Moldova, The Netherlands, Northern Ireland (UK), Norway, Scotland (UK), Slovakia, Spain, (Basque Country), Spain (Catalonia), Srpska, Sweden, Ukraine, Wales (UK)

- Too many CRIAs are being drafted at a late stage of the policy development process.
- It is unclear how CRIA findings are influencing policy decisions.
- There is a failure to publish CRIAs, and a reluctance to record potential negative impacts.
- There is no requirement to involve children and young people, and officials are unsure how to do so.
- There is no quality review process in place to support CRIA.
- When consultation with children and young people takes place, too often officials consult with the easy to find and easy to reach groups, neglecting younger children, harder to reach and more vulnerable groups.
- There are broader questions over how seriously children's views are taken in the CRIA process.

[Section 10](#) of the report provides more detail on challenges. [Annex 3](#) provides a list of questions asked in the survey.

3. Introduction

This synthesis report on Child Rights Impact Assessment (CRIA) has been compiled for ENOC members to help bring them to a common understanding of what CRIA is and provide an overview of the evidence base on CRIA. Report findings have helped to inform ENOC Position Statement on CRIA, and a practical guide, the ENOC Common Framework of Reference.

Although the CRIA process can be used by public bodies and in cases involving individual children, the primary focus of the published literature on CRIA, and therefore this report, is on central, regional and local government use of CRIA. The available evidence does not look at the use of CRIE (Child Rights Impact Evaluation) specifically, an indication that those governments which carry out CRIA do not as a matter of course revisit the law, policy or administrative decision and carry out a post-implementation evaluation.

Despite the UN Convention on the Rights of the Child (UNCRC) being more than 30 years old, only a small number of countries internationally have introduced or attempted CRIA at central, regional, local or municipal government level; or delegated that responsibility to a National Human Rights Institution like a Children's Commissioner or Ombudsperson.

Both the UN Committee on the Rights of the Child and UNICEF contend that having a CRIA process in place improves policy-making for children and young people but, in part because of the small number of jurisdictions using CRIA, we are still in the early stages of building the evidence base that would support this assertion. As a result, many of the existing arguments for CRIA try to build support by citing international human rights obligations, specific implementation requirements under the CRC, and a 'common sense' assumption that '*no serious modern policy and legislative body would not undertake an understanding of the likely consequences in developing policy or legislation*'.⁴

UNICEF argues that setting up a CRIA process in government has multiple purposes⁵.

- To support and assist UNCRC monitoring.
- To hold duty-bearers to account.
- To raise awareness of, and advocate for, children's rights and the UNCRC.
- To aid learning within the policy-making and political communities, and support evidence-based decision-making.
- To establish due diligence by identifying, preventing, mitigating and accounting for children's rights impacts in a government or business setting.
- To 'do no harm' by adding in a system of checks to ensure that new or significant legal, policy, budgetary or administrative changes do not make things worse for children and young people.

⁴ Grace, C (2016) [Reducing Complexity and Adding Value: A Strategic Approach to Impact Assessment in the Welsh Government](#), p.5, Cardiff: Public Policy Institute for Wales

⁵ Unicef (2010) Child rights toolkit – draft version. Vol.1

- To reach out and ensure consideration of children and young people who are more vulnerable or who live in marginalised communities; and
- To encourage governments to coordinate any activities that may have an impact on children and young people.

Individually, each of these purposes supports the implementation of the UNCRC and, collectively, they aim to improve the way in which governments work for children and young people.

In General Comment No.14 on the best interests of the child, the UN Committee on the Rights of the Child has published *a framework for carrying out CRIA*.⁶ It also reminds States parties of their obligation to ensure that:

- The child's best interests are appropriately integrated and consistently applied in every action taken by a public institution, especially in all implementation measures, administrative and judicial proceedings which directly or indirectly impact on children.
- All judicial and administrative decisions as well as policies and legislation concerning children demonstrate that the child's best interests have been a primary consideration.⁷

CRIA is one means of meeting those obligations.

The wider literature on impact assessment recognises that introducing a child focus to policy development comes with considerable practical challenges, many of which arise from a lack of understanding and familiarity with the concept of children's rights among politicians, government officials and public servants. A further challenge lies in the ways in which governments at all levels operate, where pre-formed political viewpoints can dominate decision-making. Fortunately, the existing research base on impact assessment practice, including CRIA, provides some insight into how to anticipate and address those challenges.

⁶ 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).

⁷ Ibid, para.III

4. Methodology

This synthesis report is based on desk research on Child Rights Impact Assessment (CRIA): the principles and tools for undertaking it, reviews and evaluations of different models of CRIA, and practice issues identified in both the toolkits and evaluations. These were sourced from international policy documents from organisations such as UNICEF; published reviews of CRIA; reviews and evaluations of specific models of CRIA; conference papers; and journal articles. This was supplemented by selected references on governments' use of Human Rights Impact Assessment, and what constitutes good practice in impact assessment. Materials were restricted to those that are available in English.

The report also presents findings and comments from ENOC's survey of members on their understanding and experience of working with CRIA in their jurisdictions. These findings are based on a response rate of 30 questionnaire forms (70%) out of a possible 43.

5. What is Child Rights Impact Assessment (CRIA)?

There are many different types of Impact Assessment. Each is a structured process for considering how a proposal or measure will affect a defined group of people. Each also aims to ensure that any negative impact is identified while there is still an opportunity to modify or reconsider the proposal or measure.⁸

5.1 A definition of CRIA and CRIE

Child Rights Impact Assessment (CRIA) is a process, tool and report which 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. CRIA focuses 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.

Ex ante CRIA provides an opportunity to examine **the potential impacts** on children and young people of laws, policies, programmes and services as they are being developed and, if necessary, suggest ways to avoid or mitigate any negative impacts. This is done *prior* to the decision or action being set in place.

Ex post Child Rights Impact Evaluation (CRIE) is conducted *after* a decision has been made or an action has been taken, and provides an opportunity to consider **the intended or unintended effect** those legislative changes, budget decisions, policies, programmes or services have had on children and young people. Where necessary, the CRIE can propose what changes are needed to comply with the UNCRC, improve children's wellbeing, and ensure their rights are respected.

Both CRIA and CRIE may be undertaken on all types of decisions that affect the child population, groups of children who share particular characteristics, or individual children.

This report focuses on CRIA. The available evidence on child focused impact describes Child Rights Impact Assessment, rather than the post-implementation review of a law, policy or measure. Child rights impact models which are used in different jurisdictions also focus on assessing anticipated impact.

As a **process**, child focused impact assessment, or CRIA, provides a framework for assessors to undertake a proactive and systematic consideration of the potential impacts of a law, policy, budget decision, programme or service on children and young people and their rights as set out in the UNCRC and other international human rights treaties.

The assessment is supported by CRIA **tools**: a set of key questions or templates which guide the assessor through the assessment process and direct them to authoritative interpretive guidance on the UNCRC and other international human rights treaties – with the set of questions, templates and guidance prompting evidence-based and child and young person-informed assessment practice.

⁸ [International Association for Impact Assessment](#)

Both the CRIA process and use of the tools result in a CRIA **report**: a written account which presents the evidence gathered and considered through the assessment process – including the views and experiences of children and young people – as well as any recommendations for reforms of the proposal in order to ensure it complies with the UNCRC and other international human rights treaties and, where possible, better realises children’s rights.

Although it may seem an obvious point, it is important to remember that CRIAs, like any impact assessment process, are meant to inform decisions, not make them.

6. What drives the take-up of CRIA?

This section sets out the different frameworks used to promote the use of CRIA in different jurisdictions. These include international and regional human rights obligations cited by the UN Committee on the Rights of the Child and European bodies; as well as arguments for introducing and embedding a child rights approach to policy development proposed by UN agencies, civil society and children's rights advocates.

6.1 The international framework

Article 4 of the UNCRC sets out States' overall obligations to implement all the rights in the UNCRC. Specifically, it requires governments '*. . . to undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the present Convention . . .*'.

In order to do this, the Committee on the Rights of the Child '*has proposed a wide range of strategies to ensure governments give appropriate priority and attention to children in order to implement the whole Convention effectively*'.⁹

To help governments to better understand what they should do to ensure compliance with and progress the implementation of the UNCRC, in 2003 the UN Committee issued General Comment No.5. in which both CRIA and CRIE are listed as 'administrative or other' General Measures of Implementation under the Convention. General Comment No.5 stipulates:

*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).*¹⁰

The Committee's General Comment on the best interests of the child confirms the importance the Committee places on CRIA and provides greater detail about different elements of the CRIA process.

*"...all measures of implementation should also follow a procedure that ensures that the child's best interests are a primary consideration... **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***

⁹ UNICEF (2007) [Implementation handbook for the Convention on the Rights of the Child: third edition](#), p.47

¹⁰ 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

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.¹¹

Although General Comment No.14 provides the most complete description of the rationale for and introduction to the CRIA process, there is no General Comment focused just on CRIA. **In response to the ENOC survey**, the Norwegian Ombudsperson for Children listed the need for more CRIA guidance from the Committee as a priority and recommended that the Committee hold a General Day of Discussion on CRIA.

In its responses to country reports on the implementation of the UNCRC, the UN Committee on the Rights of the Child will often include either a recommendation to introduce a CRIA process in those jurisdictions without one in place, or recommendations for improvement to the model in use in those jurisdictions which have introduced CRIA. The specificity of those recommendations reflects and responds to references to CRIA in both government and civil society reports to the Committee. **In response to the ENOC survey**, 12 jurisdictions reported that the Concluding Observations published in response to their most recent periodic report on the implementation of the UNCRC included recommendations for introducing or improving CRIA. (see [Annex 2](#) for further detail)

Examples of UN Committee recommendations made in relation to CRIA in their Concluding Observations on periodic reports:

- **Austria (2020)**

*While noting the amendment in 2013 to section 138 of the Austrian Civil Code, in particular the inclusion of a twelve-point checklist with statutory criteria for safeguarding the best interests of the child, and the establishment of a monitoring board (the Children's Rights Board), the Committee urges the State party to carry out **impact assessments** of proposed laws in a consistent manner in all legislative processes, and to establish compulsory processes for **ex ante and ex post impact assessments** of all laws and policies relevant to children on the realization of the right of the child to have his or her best interests taken as a primary consideration. (para.18)*

- **Hungary (2020)**

*. . . the Committee recommends that the State party put in place a procedure to assess the impact of legislation on the rights of the child, guarantee that all legislation is fully compatible with the Convention, and make publicly available the results of such **impact assessments** before and after adoption. It also recommends that the State party promptly conduct **child rights impact assessments** of legislation on the following areas: education (Act CXC of 2011); churches (Act C of 2011); family life (Act CCXI of 2011); disabilities (Act XXVI of 1998, as amended); homelessness and extreme poverty (Act LXIX of 1999, as amended); the Roma population, migrants and asylum seekers (Act LXXX of 2007, as amended); and*

¹¹ 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).

non-governmental organizations (Act LXXVI of 2017). (para.A(7))

- **Sweden (2015)**

*Undertake mandatory **child rights impact assessments** to determine the impact of any proposed policy, legislative, regulatory, budget, international cooperation or other administrative decision which affects children and their enjoyment of their rights. (para.18(a))*

- **United Kingdom (2016)**

*Introduce a statutory obligation at the national and devolved levels to systematically conduct a **child rights impact assessment** when developing laws and policies affecting children, including in international development cooperation; (para.10(a))*

Publish the results of such assessments and demonstrate how they have been taken into consideration in the proposed laws and policies. (para.10(b))

Many recent CRIA-related recommendations promote the use of CRIA as part of the development of child budgeting in the jurisdiction¹² or the regulation and scrutiny of children’s rights in business – both advocated for in more recent General Comments.¹³

- **Belgium (2019)**

*To utilise a child rights approach in the preparation of the State budget by implementing a tracking system for the allocation and the use of resources for children throughout the budget; such a tracking system should also be used for **impact assessments** of how investments in any sector may serve the best interests of the child . . . (para.10(a))*

- **Sweden (2015)**

*Undertake **impact assessments** on how “the best interests of the child” are taken into consideration in relation to investments or budget cuts in any sector, and measure the impact of such investments or budget cuts on both boys and girls. (para.10(c))*

- **Ireland (2016)**

*Include **child rights impact assessments** in the framework for integrated social impact assessments, to ensure that fiscal and budgetary decisions are compliant with obligations under the Convention. (para.16(e))*

- **Spain (2018)**

*The Committee welcomes the approval of a national action plan on business and human rights in the State party. . . the Committee recommends that the State party: Integrate an explicit focus on children’s rights, including the requirement for businesses to undertake **child rights due diligence** in the implementation of their activities. (para.12(b))*

Several sets of Concluding Observations also allude to CRIA through recommendations on the implementation of Article 3.

- **Estonia (2017)**

. . . that the State Party strengthen its efforts to ensure that the right of the child to have his or her best interests taken as a primary consideration, is appropriately integrated and

¹² UN Committee on the Rights of the Child (2016) General Comment No.19 on Public Budgeting for the realisation of children’s rights (art.4)

¹³ UN Committee on the Rights of the Child (2013) General Comment No.16 on State obligations regarding the impact of the business sector on children’s rights

consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that are relevant to and have an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interest of the child in every area and for giving it due weight as a primary consideration. (para.21)

Since September 2019, the UN Committee on the Rights of the Child has made the simplified reporting procedure available to States Parties. As part of this the Committee sends to the State Party a request for specific information known as the List of Issues Prior to Reporting (LOIPR) containing up to 30 questions. The Committee has now started to ask questions about CRIA via the LOIPR; a recent example of this is the LOIPR to the Swedish State Party, who were asked to provide information on the measures taken to *“Put in place a mandatory child rights impact assessment procedure for all new legislation, policies and administrative decisions affecting children at the national and subnational levels, including in response to the COVID-19 pandemic”*.¹⁴

6.2 The European framework

The Council of Europe (CoE) and the European Union (EU) share the same fundamental values – human rights, democracy and the rule of law – but are separate entities which perform different, yet complementary, roles. These two institutions have developed most of the European children’s rights law to date. The important significance placed on the UNCRC within these two institutions may be attributed to the fact that all EU and CoE member states are party to the European Convention on Human Rights (ECHR); it *‘effectively imposes common legal obligations on European states with a knock-on effect on the way European institutions develop and apply children’s rights’*.¹⁵

The European Union

The EU is not and cannot become a party to the UNCRC, since there is no legal mechanism within the UNCRC to allow entities other than states to accede to it. However, the protection of children’s rights within the EU is ensured at EU level by the Treaty on European Union and the Charter of Fundamental Rights.

Article 3(3) of the Treaty on European Union requires EU Member States to promote the protection of the rights of the child.¹⁶

The Charter of Fundamental Rights of the EU¹⁷ became legally binding through Article 6(1) of the Treaty on European Union, and states that:

¹⁴ UN Committee on the Rights of the Child (2020) List of issues prior to submission of the combined sixth and seventh periodic reports of Sweden, para 4(c).

¹⁵ European Union Agency for Fundamental Rights (2017) Handbook on European Law relating to the rights of the child. Luxembourg: Publications Office of the European Union.

¹⁶ UNICEF (2010) Child rights toolkit – draft version. Vol.1

¹⁷ European Union (2012) [Charter of Fundamental Rights of the European Union](#)

Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity. (Article 24(1))

In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration. (Article 24(2))

The Charter brings together all the personal, civic, political, economic and social rights enjoyed by children within the EU in a single text. It covers all the rights found in the case law of the Court of Justice of the EU, the rights and freedoms enshrined in the ECHR, the European Social Charter, as well as the rights and principles of other international human rights instruments, including the UNCRC.

It is important to note however that The Charter only guarantees the protection of the rights of the child by EU institutions and by EU Member States when they are implementing EU law. It does not encompass all Member State action.

The provisions of this Charter are addressed to the institutions, bodies, offices and agencies of the Union with due regard for the principle of subsidiarity and to the Member States only when they are implementing Union law. (Article 51(1))

In 2011, the European Commission's child rights agenda committed Member States to aim to turn child rights aspirations into concrete results.

*'In the future, EU policies that directly or indirectly affect children should be designed, implemented, and monitored taking into account the principle of the best interests of the child enshrined in the EU Charter of Fundamental Rights and in the UNCRC.'*¹⁸

At EU level, impact assessment should be undertaken as part of the *Better Regulation Strategy*, which aims to examine the impacts of different policy options in terms of their economic, environmental and social impact on a wide range of stakeholders, markets, and the environment. The European Commission has published operational guidance to support the examination of the impact of an initiative on fundamental rights.¹⁹

Although the guidance is not child-specific, Chapter III sets out a framework of key questions and principles for EU-level Regulatory Impact Assessment and requires the publication of accessible impact assessment reports. One of the 'tests' of regulatory fitness is that the proposal complies with the Charter of Fundamental Rights, and therefore – in relation to proposals that will have an impact on children – with the overarching requirement to promote and protect the rights of the child.

¹⁸ European Commission (15 Feb 2011) [An EU agenda for the rights of the child. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions](#). COM 2011(60) final, p.3.

¹⁹ European Commission (7 July 2017) [Better Regulation Guidelines. SWD \(2017\) 350](#)

The Council of Europe

Focusing on its core values of human rights, democracy and the rule of law, the CoE brings together governments from across Europe to agree minimum legal standards in a wide range of areas. It then monitors how well each of those countries applies the standards that they have chosen to sign up to.

Its primary human rights treaty, ratified by all CoE member states, is the ECHR. The ECHR must be interpreted in harmony with the general principles of international law. Any relevant rules of international law applicable in the relations between the States Parties to the ECHR are to be taken into account, in particular the rules concerning the universal protection of human rights. It is therefore expected that the obligations that the ECHR lays on its States Parties in the field of children's rights be specifically interpreted in light of the UNCRC.

The European Court of Human Rights ensures that member states of the CoE respect the rights and guarantees set out in the ECHR. Several judgments by the Court have considered children's rights, endorsing and applying the best interests' principle on a number of occasions (*Elzohly v Germany* (2002) 34 EHHR 58; *Hoppe v Germany* (2004) 38 EHHR 15; *Yousef v Netherlands* (2003) 36 EHHR 20).²⁰

Moreover, the standard-setting and treaty-making activities of the CoE are influenced by UNCRC principles and provisions. For example, the *Guidelines on child friendly justice*²¹ are directly informed by a range of UNCRC provisions, as well as the accompanying General Comments of the UN Committee on the Rights of the Child.

To support the implementation of the European Social Charter and the requirements of Article 3 of the UNCRC (the best interests principle), the Council of Europe has committed to support member countries '*in introducing and enhancing the quality and effect of child impact assessments*' in its children's strategy.²² The Council's Ad-Hoc Committee for the Rights of the Child (CAHENF) was created with the aim to oversee the implementation of the Council of Europe Strategy for the Rights of the Child, to promote mainstreaming of children's rights at the level of the organisation and its member states, and to facilitate exchanges of knowledge, good practices and experiences. In February 2020 CAHENF was transformed into the Steering Committee for the Rights of the Child (CDENF) and continues the work of CAHENF to oversee the implementation of the Council's Strategy for the Rights of the Child.

6.3 The advocacy framework

The use of CRIA is based on the premise that children have needs and rights that are separate and different to adults and that these must be given due consideration. UNICEF asserts '*there is no such thing as a child-neutral policy – whether intended*

²⁰ Bracken, L (2017) 'Gas and Dubois v France: Judgment', in H. Salford., K. Hollingsworth and S. Gilmore (eds), *Rewriting children's rights judgments: from academic vision to new practice*, Oxford: Hart Publishing. p152

²¹ Council of Europe (2010) [Guidelines of the Committee of Ministers of Europe on child friendly justice](#)

²² Council of Europe (2016) [Strategy for the rights of the child: 2016-2021](#), para.28

or not, every policy positively or negatively affects the lives of children', and CRIA is the means through which governments can consider and anticipate these impacts.²³

Other children's rights advocates, including UNICEF National Committees, have argued for systematic CRIA to be undertaken by governments because:

- children's wellbeing is as vital to the nation as a healthy environment, society and economy, yet is rarely given the same priority;
- children are largely excluded from public decision-making processes, with no voting ability and limited advocacy power except through adults;
- government responsibility for children tends to be fragmented across departments and agencies, and their visibility in government processes is low;
- children make more use of and depend more on public services than adults, and there is a high probability of adverse effects on children when those services fail; and
- children have poorer access to complaints mechanisms, remedy and redress.²⁴

UNICEF Canada has been particularly active, in 2013 hosting the first international conference on CRIA²⁵ and establishing a CRIA Community of Practice²⁶ on the web, which provides access to international research, evaluations and conference papers on CRIA as well as different CRIA tools.

²³ UNICEF and European Commission (2014) [Child Rights Toolkit Module 5: Child Impact Assessments](#), para.1.1. New York: Unicef

²⁴ Corrigan, C (2006) [The development and implementation of Child Impact Statements in Ireland](#). Dublin: Office of the Minister for Children; 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; Unicef Canada (2014) [Child Rights Impact Assessments: the fundamentals. Evidence submitted by Unicef Canada to the Standing Committee on Human Rights, 3 Feb 2014](#). Toronto: Unicef Canada

²⁵ UNICEF Canada (2013) [Child Rights Impact Assessment discussion paper to support Bringing Children in from the Margins: Symposium on Child Rights Impact Assessment](#)

²⁶ <http://criacommunity.org/>

7. CRIA as a Human Rights Impact Assessment (HRIA)

CRIAs are one type of Human Rights Impact Assessment (HRIA).²⁷ The research on HRIA generally focuses on its use in trade and international programme development, as well as for global businesses, and UN bodies have issued guiding principles for the use of HRIA in the context of trade.²⁸ Child-focused assessments have been promoted by UNICEF and Save the Children who advocate for their use by companies and corporations, generally in the form of a Child Rights Due Diligence process.²⁹ Only a small body of research looks at the consideration of children's human rights as part of an HRIA process in or by government in relation to their domestic laws and policies.³⁰

CRIAs are child-focused HRIAs. As such, in terms of process, both CRIAs and HRIAs should be undertaken in a way that upholds human rights principles. International human rights treaties, as well as the authoritative interpretations of those standards provided by the UN treaty bodies and others, provide the benchmark for both the CRIA and HRIA analysis.

Human rights principles should inform the way in which the HRIA is conducted.

- To be meaningful and useful, it must be part of an **ongoing and regularly reviewed process of planning, implementation, monitoring and evaluation** which is revisited and refreshed as new evidence of potential or actual impact comes to light.³¹
- It must be **inclusive and engage with the rights holders** who will be affected by the proposal, as well as other stakeholder groups.
- It should take into account the potential impact of the proposal on **all relevant rights**, thereby demonstrating a recognition and understanding of the interdependence, interrelation and indivisibility of the rights under consideration and the assessed impacts.
- It must pay particular attention to the **principle of non-discrimination**. As a vulnerable and often marginalised group with their own international human rights treaty, children's rights and interests must be considered and scrutinised.
- The very act of undertaking a HRIA should aid **accountability** by giving rights-holders access to information about the proposals under consideration as well as the evidence being used to inform decision-makers, and **access to remedy** through the opportunity to participate in or challenge the assessment's findings or subsequent decisions.³²

²⁷ Other types of HRIA include equality impact assessments, poverty and social impact assessments, health or environment and human rights impact assessments

²⁸ For example, UN General Assembly (19 Dec 2011) Report of the Special Rapporteur on the right to food, Olivier De Schutter. Addendum: Guiding principles on human rights impact assessments of trade and investment agreements. A/HRC/19/59/Add.5

²⁹ UNICEF and the Danish Institute for Human Rights (2013) [Children's rights impact assessments: guide for integrating children's rights into impact assessments and taking action for children.](#)

³⁰ de Beco, G (2009) 'Human Rights Impact Assessments', *Netherlands Quarterly of Human Rights* 27:2, p.141

³¹ UNICEF and European Commission (2014) – see note 22

³² Götzmann, N (2019) Introduction, in the *Handbook of Human Rights Impact Assessment*, pp.2-31. Cheltenham: Edward Elgar Publishing Ltd

No common assessment model has been established for HRIA, and the methods used vary in practice. Where HRIAs are used, the research finds that they can foster evidence-informed policymaking and encourage stakeholder involvement. The assessments should disaggregate and scrutinise the different impacts the proposal may have on particular population groups. HRIA reports enhance transparency through the sharing of information with civil society, and support state and corporate accountability by measuring the effect of policy proposals against binding international human rights frameworks.³³ They also have the potential to improve human rights understanding and integrate human rights concepts in the bodies undertaking them. Realising that potential, however, requires a parallel and sustained effort to make human rights accessible to non-experts through the development of resources, training and capacity building for those who devise and decide on the policy or proposal.³⁴

It is important to note that a HRIA or CRIA differs from a Human Rights or Child Rights Compliance Statement. A CRIA is an ongoing *assessment* that should be carried out at various stages during the development of the policy and provide an evidence-based analysis of potential impact as measured against the Articles of the UNCRC and other international human rights treaties. In contrast, an impact *statement* is published to confirm and communicate a jurisdiction’s view that a proposal is human rights or UNCRC compliant. **In the ENOC survey**, an example of this was cited by the National Council for Children who commented on how, in Denmark, government consideration of compliance with human rights obligations focuses on ECHR compliance.

7.1 CRIA as part of other Impact Assessments

Although CRIA has been or is practised in several ENOC members’ states, not all jurisdictions require CRIA to be undertaken as a distinct process. Many respondents to the survey referred to guidelines published to support other impact assessments that direct officials to consider the potential impact on a number of vulnerable/affected groups. Only some specify that the impact on children and young people – and fewer that the impact on children and young people’s rights – should be part of that consideration.

Table 1: ENOC survey results – Children’s rights in other Impact Assessments		
Type of assessment	Jurisdiction	Do children’s rights form part of the assessment?
Official guidelines covering several areas of impact assessment	Denmark – including economic, environmental and equality impact assessment	No
	Sweden – for new legislation including financial, local independence, environment,	Often on children, rarely on children’s rights

³³ de Beco, G (2009) – see note 29; Harrison, J and Stephenson, M (2013), [Study on Human Rights Impact Assessments: a review of the literature, differences with other forms of assessments and relevance for development](#). Washington DC: World Bank, 2013

³⁴ Kemp, D Kemp and Vanclay, F (2013) ‘Human Rights and Impact Assessment: clarifying the Connections in Practice’, *Impact assessment and project appraisal: Journal of the International Association for Impact Assessment* 31:2, pp.86-96.

Table 1: ENOC survey results – Children’s rights in other Impact Assessments

Type of assessment	Jurisdiction	Do children’s rights form part of the assessment?
	gender equality, children	
Law requiring assessment of compliance with EU law, CJEU decisions and international treaties	Lithuania	Yes
	Sweden	No
General impact assessment methodology to support impact assessment under Order of Government	Estonia	Yes – includes questions on several aspects of children’s wellbeing
Integrated Impact Assessment – includes Equality, Environment, Rural proofing, Health, Justice, Privacy, Welsh language & Children’s Rights	Wales	Yes
Environmental Impact Assessment	Finland	No
	Ireland	Yes
	Jersey	No
	Malta	No
	Norway	No
	Scotland	No
	Slovakia	No
	Spain (Basque country)	No
Sweden	No	
Equality Impact Assessments	France – focus on disability	Don’t know – still in development
	Luxembourg	No
	Northern Ireland	No
	Norway	No
	Scotland	No
	Ukraine – includes gender focus	Yes
Gender based	Belgium (French community)	Don’t know
	Bulgaria	Yes
	France	Don’t know – still in development
	Greece	No
	Finland	No
	Spain (Basque country) – includes gender focus	No
	Iceland	No
	Sweden	No
Health Impact Assessment	Slovakia	No
Human Rights Impact Assessment	Bulgaria	Yes
	Finland – in development	
	Ireland – includes equality impact assessment	Yes
	Latvia	Yes
	Luxembourg	Yes – through the Ombudsman
	Netherlands	Yes – but not applied systematically
	Northern Ireland	No
	Norway	Yes – as part of General Impact Assessment but children’s rights considerations not applied systematically
Planning and building	Ukraine	Yes
	Norway	No
Privacy Impact Assessment / Data Protection Impact Assessment	Jersey	Yes
	Netherlands	No

Table 1: ENOC survey results – Children’s rights in other Impact Assessments

Type of assessment	Jurisdiction	Do children’s rights form part of the assessment?
	Norway	No
Regulatory Impact Analysis (RIA) / Business and Regulatory Impact Assessment (BRIA)	Belgium (Flemish community)	Yes – though the focus is the impact on children’s lives, not explicitly on children’s rights
	Croatia	Yes – a HRIA section includes the question ‘does the regulation affect children’s rights?’
	Finland	No
	Ireland	Yes
	Norway	No
	Scotland	No
Social Impact Assessment	Ireland	Yes

Expert opinion on the value of using integrated impact assessment – an assessment which is meant to review, consider and assess potential impacts on ‘all possible groups’ or a list of specified vulnerable groups – is mixed. Some argue that integrated impact assessment can make the process more manageable: it reduces the number and amount of assessments required, and can support the consideration of potential impacts in an integrated way.³⁵ Others suggest that the broad nature of the assessment means they may evidence and consider only the most obvious and visible impacts, or end up putting the rights of one vulnerable group against those of another, in some cases resulting in children’s rights and interests being rendered invisible or superseded by those of competing groups.³⁶ General Comment No.14 expands on this point, commenting on *‘the special situation of the child: dependency, maturity, legal status and, often, voicelessness. Children have less possibility than adults to make a strong case for their own interests and those involved in decisions affecting them must be explicitly aware of their interests. If the interests of children are not highlighted, they tend to be overlooked.’*³⁷

One example of an integrated approach is the recently introduced (2018) Integrated Impact Assessment in Wales. The Welsh CRIA – once a stand-alone impact assessment – is now one of a package of assessments (not all of which have a statutory basis) within an overarching, population-wide statutory wellbeing framework.³⁸ **In their survey response**, the Children’s Commissioner for Wales finds that:

‘... in practice very little detail from the CRIA makes it through to the Integrated Impact Assessment, so it can be difficult to see how children’s rights and the impact of a decision has been assessed and analysed. Often we see a concluding sentence such as “minimal or no impact on children’s rights identified” which we saw recently in relation to an education policy.’

³⁵ Grace, C (2016) – see note 4
³⁶ Desmet, E and Op de Beeck, H (2014) Strategic decisions in setting up child rights impact assessments *Revue Générale de Droit*, January, pp. 125-151
³⁷ 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), section IV, A, 4.
³⁸ [Well-being of Future Generations \(Wales\) Act 2015](#)

UNICEF argues that, in principle, *'integrating a child perspective into other impact assessment processes can be an important alternative or even a first stepping stone to developing a culture of CRIAs as a routine part of government law and policy making.'*³⁹ If a jurisdiction decides to practise CRIA through other impact assessments, or as part of an integrated approach to impact assessment, as a minimum it would require having: 1) a set of child rights-specific questions and considerations form a distinct part of the impact assessment process; and 2) a child rights section in the impact assessment report which summarises the evidence base as well as presents the child rights findings.⁴⁰

³⁹ UNICEF (2010) – see note 5

⁴⁰ Payne, L (2019) Child Rights Impact Assessment as a policy improvement tool, *The International Journal of Human Rights*, 23:3, 408-424; UNICEF and the Danish Institute for Human Rights (2013) – see note 31

8. The development of CRIA in different jurisdictions

Research has been published in English on CRIA models piloted or still in use in Belgium (Flemish community),⁴¹ Bosnia-Herzegovina,⁴² Canada (the province of New Brunswick,⁴³ and the city of Edmonton⁴⁴), Finland,⁴⁵ New Zealand (Auckland City and Manukau City),⁴⁶ Sweden,⁴⁷ and Scotland and Wales in the United Kingdom.⁴⁸ Domestic CRIA models have also been developed in different states and territories in Australia,⁴⁹ at a national level in New Zealand, and by the UK Government in England.⁵⁰

Overall, it is not possible to say which model is ‘best’ or most effective. To date, there has been no substantive comparative analysis of the different models of CRIA in use, their effectiveness or – in the general absence of CRIE being carried out following implementation – impact on children’s rights outcomes. No jurisdiction in the ENOC survey was able to provide evidence of CRIA findings leading to an evaluation or having a direct impact on children’s outcomes.

CRIA models – case studies outside Europe

Just as they are meant to support policy development and policy improvement, the use of CRIA and the creation of the domestic model of CRIA are themselves subject to refinement and improvement. In this context, it is worth noting the ways in which the New Zealand and New Brunswick (Canada) models have and are continuing to develop.

In **New Zealand**, an earlier version of CRIA was piloted at local government level, and the evaluation of the pilot explored what factors improve the likelihood of CRIA being successfully implemented [these are covered in more detail in [section 10](#) of this report]⁵¹. These findings informed the development of a national model from 2011/12, which follows ‘classic’ impact assessment practice, but has been adapted to amalgamate child rights obligations with the requirements set out in a domestic child wellbeing strategy, set of contexts, outcomes and indicators.⁵² The development of a central government CRIA tool

⁴¹ Desmet, E (2013) The child and youth impact report (JoKER) in Flanders. Presentation to Bringing Children in from the Margins: Symposium on Child Rights Impact Assessment Ottawa – May 2013

⁴² Krieger, JP and Ribar, E (2008) [Child Rights Impact Assessment of economic policies: a case study from Bosnia and Herzegovina](#). UNICEF & Save the Children UK.

⁴³ 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

⁴⁴ City of Edmonton (2006) Child friendly lens.

⁴⁵ UNICEF (2011) Child rights toolkit – draft version. Vol.2

⁴⁶ Mason, N and Hanna, K (2009) – see note 23

⁴⁷ Barnombudsmannen (2010) [Child impact analysis](#). Ombudsman for Children in Sweden;

Sylwander, L (2001) [Child impact assessment: Swedish experiences of child impact analyses as a tool for implementing the UN Convention on the Rights of the Child](#). Ministry of Health and Social Affairs & Ministry of Foreign Affairs

⁴⁸ Payne, L (2017) [Child Rights Impact Assessment: a review of comparative practice across the UK](#). London: UNICEF UK

⁴⁹ For example, the [Australian Capital Territory \(ACT\) CRIA](#)

⁵⁰ http://clientarea.skillset.co.uk/DfE/Childrens%20Rights_v0.3%20-%20Storyline%20output/story_content/external_files/CRIA%20template.pdf

⁵¹ Mason, N and Hanna, K (2009) – see note 23

⁵² <https://childyouthwellbeing.govt.nz/sites/default/files/2019-08/strategy-on-a-page-child-youth-wellbeing-Sept-2019.pdf>

was in response to recommendations made in the 2011 and 2016 Concluding Observations reports.⁵³ Its development involved all government departments and the Office of the Children’s Commissioner, not just the government department leading on children’s services. The CRIA is meant to be used by government at central and local level, as well as by any other interested agencies including those outside ‘the core public service’.⁵⁴ However, there is no published evidence of the scale of its use or an assessment of its effectiveness to date.

Since 2013, the **New Brunswick, Canada** CRIA has formed part of the province’s Cabinet document process and is presented in summary form as part of the Memorandum to Executive Council (MEC), though Cabinet members can request the full version of the CRIA. The aim is for the provincial government to assess potential positive and negative effects on children’s rights before making any decision, in order to ensure that they have enough time to address any issue that might arise, and seek out suitable alternatives. One potential drawback is that they are internal government documents so are not published more widely. What is striking, however, is that the process and CRIA tool⁵⁵ developed in New Brunswick are being used for both impact assessment and impact evaluation: government officials undertake *ex ante* CRIA and the Child and Youth Advocate [the New Brunswick children’s ombudsperson] conducts ‘some’ *ex post* CRIA analysis as a means to improve local CRIA practice.⁵⁶ Again, there is no published evidence of the use or effectiveness of either CRIA or CRIE to date.

8.1 CRIA in European jurisdictions

It appears that European jurisdictions have more examples of CRIA than any other international region.

The results of the **ENOC survey** indicate that, currently, CRIA is practised in 8 jurisdictions, and is in development in another.

Table 2: ENOC survey results of jurisdictions with CRIA, without CRIA, or with a CRIA process in development

No CRIA process in place	CRIA process in place	CRIA process in preparation	Active advocacy for establishment of CRIA or advocacy for improvements in the use CRIA
Belgium (French community), Croatia, Cyprus, Estonia, Greece, Ireland, Latvia, Lithuania, Luxembourg, Moldova, Northern Ireland (UK), Slovakia, Srpska, Ukraine	Belgium (Flemish community), Bulgaria, Finland, Scotland (UK), Spain (Basque country), Spain (Catalonia), Sweden, Wales (UK)	Jersey (UK)	Albania, Denmark, France, Iceland, Malta, The Netherlands, Norway, Sweden (template created but not used by national government)

⁵³ <https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/resources/child-impact-assessment.html>

⁵⁴ Government of New Zealand (July 2018) [Improving the wellbeing of children and young people in New Zealand](#). Wellington: Ministry of Social Development

⁵⁵ http://criacommunity.org/wp-content/uploads/gravity_forms/1-1baf9042c4fceeee12b9dcd57a5f0b68/2015/10/13.11CRIAInitialScreeningFormInitialFullAssessment-e.pdf

⁵⁶ New Brunswick Child and Youth Advocate (2016) – see note 41

			Belgium (Flemish community) and Wales are advocating for improvements in the use of the existing CRIA
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In each of the models in use in European jurisdictions, CRIA is used to assess whether proposals are compliant with the Articles of the UNCRC, although Scotland’s CRWIA (Child Rights and Wellbeing Impact Assessment) also uses a parallel child wellbeing framework in the assessments. In Belgium (Flemish community), CRIA is carried out as part of an integrated Regulatory Impact Assessment (RIA), and in Wales, as part of an integrated package of impact assessments.

Belgium (Flemish community), Bulgaria and Spain have a legal mandate for CRIA through primary legislation. Wales has a legal mandate for CRIA through a statutory Children’s Rights Scheme. In Sweden, CRIA should be carried out for legislation which includes the Article 3 best interests principle and, through a national children’s rights strategy, is recommended for use at all levels of government and by any relevant agency when measures are taken which affect children. There is no legal mandate in place for CRIA in Finland or Scotland.

Nearly all the jurisdictions have CRIA tools in place or, in Spain, in development. Bulgaria does not use a template but bases CRIA actions on the Ombudsman’s monitoring functions. Within government, the mandates are different in each jurisdiction with Belgium (Flemish community), Bulgaria and Spain covering legislative proposals; while the Scotland model covers legislation and new policies; and the others cover law, policy, budgetary decisions and, in the case of Finland and Sweden, practice.

Within government CRIA processes, the process should begin before the decision on the final shape of the policy or measure has been made. However, jurisdictions report that this does not always happen, and that many CRIA appear to have been drafted at a late stage of the process. Only Bulgaria requires that both an ex ante and ex post CRIA be conducted but reports that the process is often superficial.

With the exception of Bulgaria, children and young people are not routinely involved in any of these models. There is no requirement to consult with children and young people for CRIs in Belgium (Flemish community), Spain or Wales. For the others, there may be an expectation that children will be involved, but it is left to the official to follow that up and practice varies considerably.

Similarly, all jurisdictions using CRIA (except Spain, where it is new) report that its effectiveness could be better if practice improved.

[Annex 1](#) of this report provides descriptions of the CRIA models in use or in development in Belgium (Flemish community), Bulgaria, Finland, Scotland (UK), Spain (Basque Country), Sweden and Wales (UK).

In addition to government use of a CRIA process, **9 respondents to the ENOC survey** (Albania, Cyprus, Lithuania, Luxembourg, Malta, Netherlands, Norway,

Sweden, and the Ukraine) have provided information on how their offices use a CRIA-like process to: monitor the activities of government; comment on or suggest amendments for draft legislation; monitor the state of particular services or the national situation as it is affecting vulnerable groups of children and young people; produce their annual report; or handle children's complaints.

[Annex 2](#) of this report provides more detail about these activities.

9. CRIA in detail

There are several key considerations and factors associated with the introduction and establishment of a useful and effective CRIA process. This section expands on the core definition of CRIA set out in [section 5.1](#) of this report by listing the different elements of the CRIA process; the way in which CRIA tools can guide assessors through the different stages of the impact assessment process; and the purpose of making the results of the assessment known and available through the CRIA report. The common features of the process can be found in the CRIA tools developed to support the different domestic models of CRIA.

9.1 The CRIA process

CRIA:

- Provides for **the systematic consideration of domestic legislative, policy or administrative decisions on either an individual child, specific groups of children, or children generally** – often with a focus on the most vulnerable or marginalised.

‘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.

- Promotes **cross-government communication and cross-sectoral working** to look at all relevant rights and ensure the impact on the ‘whole’ child is considered. Although CRIA clearly provides a means of implementing Articles 3 and 12 of the UNCRC, the assessment should identify and consider all relevant rights under the UNCRC and other human rights instruments.
- Is evidence-based, drawing on the **quantitative and qualitative evidence** that is relevant to the proposal or measure under consideration. The evidence-gathering stage of the assessment process can also indicate where gaps in the evidence base exist.

In particular, the CRIA should include evidence of the **views and experiences of children and young people who will be affected by the law, policy, programme or service** as well as that of other stakeholders.

- Presents a **range of legislative, policy, budgetary, programme or service options that would as a minimum comply with and, where possible, better realise children’s rights**. The resource implications of each option should be set out to aid decision-making.

- Records what the **monitoring and review** mechanism will be post-implementation. Ideally, child impact is an ongoing process which commits to revisiting the law, policy or programme after a period of time specified in the CRIA. This exercise, CRIE, is to make sure there have been no unintended consequences following implementation, and that the rights of children and young people affected by the proposal have been respected, protected and fulfilled.

Being able to produce high-quality CRIAs relies on having other General Measures of Implementation of the UNCRC in place, particularly: training and capacity building on children’s rights and the UNCRC; access to sufficient and reliable data on children’s lives that covers all areas of rights, and can be disaggregated to help distinguish disparities in outcomes for different groups of children and young people; and clarity about budget allocations that support children and young people and impact on their rights.⁵⁷ Equally, undertaking CRIA supports the advancement of some General Measures of Implementation, for example, by increasing the child rights awareness of those involved in the CRIA process, and providing an opportunity to detect and address gaps in the available data.⁵⁸

9.2 CRIA tools

The research indicates that there is no single, global model of CRIA in place. Governments and other institutions that use CRIA create their own version to suit their specific requirements and address local priorities and objectives.

However, most use a methodology which is common across different kinds of impact assessments including CRIA. Often CRIA tools – a set of key questions supported by a CRIA flowchart, or CRIA templates and guidance – are used to help the impact assessors to follow a series of steps or stages.

Impact assessment stages:⁵⁹

1. Screening

- Impact assessment should be proportionate – it is impractical to carry out a full children’s rights assessment of every policy proposal. Screening draft legislative or policy proposals acts as a preliminary check to help determine whether a full or more in-depth CRIA is required. It also provides a record of the basis for that decision, and the decision itself.

2. Scoping

- Scoping is the stage at which the assessor asks: ‘what rights will be affected; how can we evidence that; who are the stakeholder groups; and who do we need to consult?’ It involves developing a research strategy for the CRIA and promotes cross-departmental and cross-sectoral working.
- Some CRIAs will examine a complex policy, strategy, regulation or proposed

⁵⁷ Unicef and European Commission (2014) – see note 22

⁵⁸ Payne, L (2017) – see note 47

⁵⁹ Corrigan, C (2006) – see note 23; Mason, N and Hanna, K (2009) – see note 23; Unicef and European Commission (2014) – see note 22

law which may require segmented consideration of each aspect of the proposal in terms of the children and young people affected; the relevant areas of rights; the evidence base; and the anticipated impact.

3. Data collection and evidence gathering

- The evidence base should include a combination of quantitative and qualitative data, including information on the views and experiences of children who will be affected by the policy, as well as that of other stakeholders (depending on the policy area, 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 may be possible to work from the existing evidence base but, if not, the CRIA should trigger a consultation or the commissioning of further research to ensure officials can make an informed assessment of the potential impact on children's rights.

4. The assessment of the impact

- This is what the previous stages have been working towards. The CRIA should indicate whether the assessed impact is 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. It also provides an opportunity to consider how the competing interests of different groups of children 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.

5. Monitoring and review

- A CRIA should be an ongoing process that is subject to review and updated as the law, policy or measure develops. It should also record what the monitoring and review mechanism will be post-implementation.

In instances where the requirements of each stage are not set out, often CRIAs tend to be superficial in scope and depth, with the main focus the fulfilment of the original policy aim and only cursory coverage of relevant rights.⁶⁰

9.3 The CRIA report

All impact assessment mechanisms result in some form of report. However, many of those drafted for government are classed as ministerial advice, so are unpublished in their original form, though summary versions may be made available. There are some exceptions to this: the Scottish Government sometimes publishes the set of CRIA templates comprising all stages of the CRIA on their website; and the Welsh Government should make CRIAs available to enquirers upon request.

UNICEF states it is essential to publish and disseminate child impact assessment results.⁶¹ Published CRIAs can set out the thinking that has taken place during the

⁶⁰ Payne, L (2019) – see note 39

development of the policy, and satisfy the HRIA principle that impact assessment is one means by which a government is made accountable to those affected by its decisions and actions. In the case of CRIAs, a non-technical summary report written for children and young people, and the wider general public, should also be published.

⁶¹ UNICEF and European Commission (2014) – see note 22

10. Establishing a CRIA model

*'An impact assessment should be comprehensive, proportionate, evidence-based, open to stakeholders' views, unbiased, prepared collectively . . . , embedded in the policy cycle, transparent and be of a high quality.'*⁶²

CRIAs are not developed in isolation – they should be an accepted and integral part of government business, complementing and adding insight and value to the government's whole impact assessment programme. Certain elements of good practice make it more likely that this aim for CRIA will be achieved.⁶³ Without these in place, the CRIA process risks being regarded by government officials as just another impact assessment exercise they are expected to undertake, and by external agencies as another government means of communicating policy after decisions have been made.⁶⁴

Before a jurisdiction develops a domestic model of CRIA or framework for CRIA, it must reach agreement on a number of issues which determine the shape of the CRIA process, tools and communication of the CRIA findings. These are practical points and were clearly laid out by those involved in the development of the CRIA model that was piloted in New Zealand.⁶⁵

1. Which person/body has overall responsibility for ensuring high-quality reporting is carried out and results in positive action?
2. What types of instruments and which decisions should be subject to a child impact assessment: draft legislation, regulations, statutory guidance, policies, strategies, consultations, programme evaluations?
3. Which areas of policy should be considered through CRIA: government departments whose functions directly impact on children, or any function that may have an impact on children? If the requirement is not universal, who decides when one is necessary?
4. When should the assessments be made (i.e., at all or only some stages in the decision-making process)?
5. Who should undertake them (policy leads in government, policy analysts in and outside government, children's rights experts, or a cross-sectoral team)?
6. How should children and young people, their parents/carers, and other stakeholders be involved? How, by whom and at what point in the process is this decided?
7. What happens to the assessments (i.e., are they to be made public) and will decision makers be required to act on their recommendations?
8. What should be included in a published CRIA?
9. How does one identify, in any given decision, the 'best interests of the child'?
10. Should there be different levels of assessment/reporting depending on the nature of the policy or measure?

⁶² European Commission (2017), p.17 – see note 17

⁶³ For example, those set out in Desmet, E and Op de Beeck, H (2014) – see note 35; Mason, N and Hanna, K (2009) – see note 23; UNICEF Canada (2014) – see note 23

⁶⁴ Corrigan, C (2006) – see note 23; Grace, C (2016) – see note 4; Payne, L (2019) – see note 39

⁶⁵ Hanna, K, Hassall, I and Davies, E (2006) Child impact reporting, in *Social Policy Journal of New Zealand*, vol.29.

Jurisdictions should also consider whether and how they will involve key stakeholders, including children and young people, in the development of the local CRIA model. Additionally, the CRIA tools should be subject to a period of testing and refinement, and decisions need to be made about how that process will operate, as well as what criteria will be used to judge the relative effectiveness of the CRIA process.⁶⁶

Tackling these developmental issues as well as ensuring the good practice elements listed below are in place – these have been identified in evaluations and reviews of CRIA and other impact assessments⁶⁷ – increases the likelihood of the CRIA process being successfully implemented and its practice retained.⁶⁸

Good practice elements include the need for the CRIA model to have or be supported by:

- a clearly articulated purpose and rationale for CRIA;
- a clear mandate, scope and sustained support at senior levels of central, regional, local and municipal government;
- clarity about how, when and where CRIA fits into the policy-making environment, including a recognition that producing CRIA has resource implications;
- using a template and guidance to ensure consistency in the application of the process;
- ongoing training and capacity building in children’s rights, the UNCRC and CRIA;
- the ready availability of reliable data to support the CRIA process.
- the meaningful involvement of children and young people in the CRIA process;
- using CRIA reports to communicate assessment findings;
- opening up the CRIA to external scrutiny through publication and stakeholder involvement;
- revisiting CRIA when monitoring and reviewing the implementation of a policy or law; and
- quality assurance – access to internal and external expertise.

Each of these elements is discussed with reference to the ENOC Survey in more detail below.

10.1 A clearly articulated purpose and rationale

Several respondents to the survey referred to a lack of political understanding, interest or will to introduce CRIA.

Children and young people are largely invisible and powerless in government decision-making and policy making processes

⁶⁶ Foresti, M, Baños Smith, H and Jones, J (2009) Towards a suite of tools for ex ante Child Rights Impact Assessment: concept note for Unicef

⁶⁷ For example, in Payne, L (2017) – see note 47

⁶⁸ Desmet, E (2013) – see note 40; Grace, C (2016) – see note 4; Mason, N and Hanna, K (2009) – see note 23; Unicef Canada (2014) – see note 23

Albania, Estonia

CRIA is not widely known

Greece, Malta

CRIA is not a political priority, and there is no perceived need for a CRIA process. There are always other emergencies

Estonia, Latvia, Luxembourg, Slovakia

National stakeholders not really pushing for CRIA but depending on the Ombudsman to identify children's rights issues that need to be addressed

Moldova

The government claims that a consideration of children's rights already takes place in the current legislative and policy making process

France, Netherlands

There are too many impact assessments and it is unclear what additional value CRIA would provide

France, Ireland, Northern Ireland

The primary challenge appears to be introducing a rights-based impact assessment process into a crowded political and bureaucratic environment in which children's rights and the UNCRC are only one of the frameworks under consideration. *'In a political environment, encouraging governments to support CRIA, and then embed it in their work, means that it has to work for government and must add benefit to their policy development and decision-making functions.'*⁶⁹ There is a need to agree and communicate a clear statement of purpose for requiring governments to introduce and conduct CRIA, which is likely to include a combination of the principled, political and practical arguments.

At a strategic level, CRIA can: raise awareness of and generate learning about children's rights and the UNCRC; normalise and embed the concepts and language of rights in domestic policy development processes; introduce a child rights based approach to policy formulation; improve UNCRC monitoring and compliance; and set out what children and young people, and those representing their interests, can expect from government.⁷⁰

At an operational level, what is perhaps of most benefit to those undertaking CRIA is making sure they understand how it can be used to improve the way in which children's policy is devised and developed, building from a compliance model of assessment to using the CRIA as a tool that can help advance the realisation of children's rights.⁷¹ Being able to anticipate and avoid negative outcomes should be something to which the government aspires. *'Mistakes are costly; preventable mistakes are inexcusable.'*⁷²

⁶⁹ Payne, L (2017) – see note 47, p.43

⁷⁰ Payne, L (2017) – see note 47

⁷¹ Payne, L (2017) – see note 47

⁷² Hanna, K and Mason, N (2011) [Putting children at the centre of policy development](#), p.10, Washington, DC: First Focus on Children

10.2 A clear mandate, scope and sustained support at senior levels of government

There is no legal mandate for CRIA
Denmark, Ireland, Republika Srpska

Assessing the impact for children is a complex process so a commitment to undertake CRIA can only be expected when a system of measures to undertake it are in place, when all the necessary institutions agree on when and how the analyses are to be made and how extensive they should be
Lithuania

Even those jurisdictions with a CRIA in place face challenges with its implementation.

The non-statutory nature of the CRIA requirement makes it susceptible to change
Scotland

The duty to undertake CRIA is vague and there are few consequences for ignoring it
Finland

The process is usually done rather formally without real in-depth assessment
Bulgaria

CRIAs should be used by all those formulating legislation and policy including all government departments and not just those traditionally viewed as children's services, in recognition of the universality and interdependence of rights
Jersey

The scope of CRIA is limited to Bills and draft regulations – we want to see it extended to policies, plans, programmes, budgets etc.
Spain (Basque Country)

The CRIA mandate is key. The UN Committee on the Rights of the Child commends States that have introduced a statutory obligation to conduct systematic CRIA.⁷³ However, the research does not explore whether resistance to a legal mandate makes a government less likely to introduce CRIA. Of those which have introduced CRIA, not all jurisdictions have chosen to require CRIA through legislation – many opting to tie it to the delivery of a children's strategy (e.g., England/UK and Sweden). Whether as a legal requirement or a means to support the implementation of a strategy or programme, the mandate must be of sufficient clarity, authority and longevity to ensure policymakers develop and continue to maintain a focus on children's rights.

⁷³ 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

The commitment must have cross-government buy-in, and be championed by government ministers, senior members of the civil service and departmental champions. In correspondence, the Ombudsman for Children in Sweden notes that one success factor they have identified is that a decision to carry out CRIA has been taken at a senior level in local and municipal government. The evaluation of local pilots of CRIA in New Zealand found that those officials who were involved in the development of the CRIA, including engagement with children and young people, became some of the most vocal champions for the process.⁷⁴

The material scope – specifying what types of instruments must undergo CRIA – is also important. Arguably, policy and budgetary decisions that lie outside the legislative programme have as significant an impact on children and young people as a new law or draft regulation.

10.3 Clarity about how, when and where CRIA fits into the policy-making environment

Mechanisms and practice are proving difficult rather than the policy – the CRIA process is less effective than it could be

Wales

CRIA should be undertaken as early as possible in the policy development process but practice varies widely

Finland, Wales

Administrations do not get the resources they need to do CRIA

Cyprus, Finland, Luxembourg

It is unclear what level of detail of the CRIA findings and recommendations ministers routinely see

Wales

CRIA can only thrive in a supportive policy environment. It needs to be made clear when, where and how CRIA and other impact assessments fit within the policy formulation and development cycle, from the ideas stage through to implementation.

Governments must recognise that any type of impact assessment carries with it resource implications in terms of staff time, the costs of commissioning additional research, or the costs of carrying out public or targeted consultations. UNICEF notes that these costs can be balanced against the benefit of identifying potential problems and negative impacts on children early enough to deal with them by revisiting and modifying the original proposal(s).⁷⁵

UNICEF reports that Finland's CRIA guide (more info on this in [Annex 1](#)) recommends that approximately 1% of the total budget for a project is reserved for anticipating child impacts and suggests that this could be used to help with additional costs such as stakeholder consultations.⁷⁶ In its **response to the ENOC survey**, the

⁷⁴ Mason, N and Hanna, K (2009) – see note 23

⁷⁵ UNICEF (2010) – see note 5

⁷⁶ UNICEF (2011) – see note 44

Office of the Ombudsman for Children in Finland commented that a lack of resource is the most cited reason for not doing a CRIA.

Timing is another critical factor in whether the CRIA genuinely informs policy and decision-making. Assessments should be conducted at points in the decision-making process when changes can realistically be made.⁷⁷

*'Where there is an ongoing policy or legislative debate there are often set decision-making points for influencing the process. These should be carefully assessed and understood at the beginning of planning the CRIA so that the preliminary and final results of the CRIA process can be integrated into the broader decision making process.'*⁷⁸

10.4 Using a template and guidance to ensure consistency in the application of the process

Although the CRC is incorporated into domestic law, and ministries are required to make sure that legislation is compliant with the CRC, there is no CRIA process

Norway

We have no CRIA tools and expertise to guide the development of a tool

Cyprus

Where Best Interests is the gateway to CRIA, it is unclear how the principle should be used as a rule of procedure and how best interests should be weighed against other interests; also CRIA often fails to reflect how best interests has been taken into account

Sweden

The Welsh Government template does not require research or consultation work to feed into the CRIA automatically so is often missing – also CRIA needs to show how these have gone on to influence the thinking or proposals

Wales

A set of key questions or templates provide transparent and replicable steps to undertaking CRIA. They prompt officials to consult with and engage children and other stakeholders, and they can link them to information they need to take into account like the Concluding Observations, or additional resources that may help them to interpret the Articles of the UNCRC like the General Comments. The experience in Sweden is that any list of questions or template must be adaptable enough that they can be used to cover different situations ranging from broad legislative reform to a CRIA focused on individual rights violations

Supportive guidance provides the space to explore issues in more detail like timing, criteria for deciding when a CRIA screening should lead to an official carrying out a full CRIA, how to understand and consider the Best Interests principle, how to

⁷⁷ Hanna, K and Mason, N (2011) – see note 71

⁷⁸ UNICEF (2010) – see note 5, para.6.2.5

assess resource implications in the context of CRIA, how the policy area relates to UN recommendations, and how to involve children and young people. It can also refer on officials to outside experts who can advise on a particular children's rights issue or consultation, or helpful documentation like a participation strategy.

In its **response to the ENOC survey**, the Children's Commissioner for Wales said they had become frustrated at the lack of detailed or quality analysis in Welsh Government CRIA. They have developed some prompts and questions as well as 'top tips' to help guide the official's thought process in completing the document, rather than the assessment simply being treated like a tick box exercise.

10.5 Ongoing training and capacity building in children's rights, the UNCRC and CRIA

There is a lack of competence among persons carrying out the CRIA and a lack of understanding of how to do it

Belgium (Flemish community), Cyprus, Finland, Spain (Basque Country), Sweden, Wales

Training is available but is not mandatory

Sweden, Wales

There is a need for a rolling programme of training

Finland, Scotland

Without training, the CRIA tools will not be used to their best effect. *'To be able to understand whether specific actions will have an impact on child rights, it is necessary to have a reasonable understanding of what those rights mean'*.⁷⁹ Those carrying out CRIA need to develop an understanding of children's rights, not just a familiarity with the procedure for undertaking the impact assessment. In current models, the preference is for online training, often basic and one-off. The training modules for the England, Scotland and Wales CRIA models exemplify this approach.

Ideally, more advanced training should be made available to those officials who regularly will be involved in undertaking CRIAs, as well as the UNCRC departmental champions who may be approached for advice by colleagues new to the process. Research for UNICEF UK also found that officials wanted face to face training sessions to allow them to ask questions about how the UNCRC framework should be applied to the policies on which they are currently working.⁸⁰

10.6 The ready availability of reliable data to support the CRIA process

Data is an issue – there is a need to secure the availability of data on children and young people

Cyprus, Estonia, France

There is a lack of comprehensive data on children on which impact assessment could be based

⁷⁹ UNICEF (2010) – see note 5, para.6.3

⁸⁰ Payne, L (2017) – see note 47

Ireland

There is a lack of child rights indicators to support the process or to measure CRC implementation

Bulgaria, Croatia

'The CRIA should start by mapping out and taking stock of existing data and information on the various issues. Based on what is available, the level of detail required and the time frame or budget, it may be possible to base the assessment adequately on the available evidence. Related to this is the question of what levels of detail are required for different parts of the assessment and how robust the existing information or evidence is'.⁸¹

Looking at proposals through a child rights lens requires being able to identify and access data sets and information to inform the judgements officials are making in the context of the CRIA. That can be a significant challenge and compiling new quantitative and qualitative information is time-consuming and expensive. That is not always possible when policy decisions are being made in a political environment that values speed and positive headlines.

In terms of data, good quality CRIAs can also help identify indicators against which to measure the impact of the policy over the short, medium or longer-term. This would support the UN Committee on the Rights of the Child's recommendation that governments develop indicators to cover all rights in the UNCRC.⁸²

10.7 The meaningful involvement of children and young people in the CRIA process

There is no requirement for children and young people to be involved in the CRIA

Spain (Basque Country), Wales

CRIA is very administrative and not at all child-friendly

Belgium (Flemish community)

There are questions over how seriously children's views are taken in the CRIA process

Belgium (Flemish community)

There are questions over how comprehensive and inclusive the involvement of children and young people in CRIA is – too often consultation involves older children or the same groups of children and young people rather than those on whom the proposal will have the most impact – it is a challenge to involve younger or more marginalised children and young people

Finland, Scotland, Sweden

⁸¹ UNICEF (2010) – see note 5, p.41

⁸² 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.48

There is a lack of familiarity with existing bodies of knowledge on children and young people's views

Finland

Time and resources for involving children and young people are not sufficiently factored into the policy development cycle

Scotland, Wales

Officials do not have expertise in preparing child-friendly materials and do not understand how they need to plan consultation exercises and events with children in mind as part of this, need to ensure materials and consultations are child-friendly and accessible

Wales

Involving and engaging children and young people in CRIA was the predominant challenge for those jurisdictions practising CRIA. Clearly, it is one of the most challenging aspects of the CRIA process for officials. The evidence base for HRIAs and CRIAs should include the engagement of those who will be affected, and those who may have to deliver the measure or service – but that may not be as straightforward as it sounds.

When facing a decision about whether or not to directly involve children and young people in the development of the policy through the CRIA, officials have said they lack time (because they may have started the CRIA at too late a stage in the development of the policy or because they are under pressure to deliver quickly), resources (most policy proposals do not go out to public consultation, so that process has not been budgeted for), and are unsure and apprehensive about working with and how to involve children.⁸³

In both impact assessment research and CRIA tools, engagement with children and young people invariably is through consultation. It should be mandatory, but its use proportionate. The CRIA tools should remind those undertaking the CRIA of the need to make sure the views and experiences of children and young people inform the development of the policy, the assessment of the impacts, the measures introduced to mitigate negative impacts, the choice of indicators (if any) used to measure the impact, and the way in which the government agrees to review and monitor the implementation of the policy or proposal.

In **response to the ENOC member survey**, Scotland commented on how the CRIA templates can be used to remind the policy lead to set out how they have involved children and young people in the assessment, and the CRIA guidance can suggest how this can be done.

'The accompanying guidance suggests different methods for consulting with them, such as commissioning a targeted consultation with specific groups of children and young people, adding specific questions to a broader consultation etc. As well as direct bespoke consultation they suggest other indirect sources of information on children and young people's views, such as other relevant research that includes children's views. Some of the suggested

⁸³ Payne, L (2017) – see note 47

approaches would not be considered as meaningfully involving children and young people.'

From a children's rights perspective, if children have the capacity to form a view and wish to express their views, and eliciting their views is not contrary to their best interests, then their views should be sought.

Local participation strategies, the Eurochild child participation strategy,⁸⁴ EU-wide indicators⁸⁵ and the UN Committee's General Comments on Article 12⁸⁶ can provide the basis for a consultation, or ideally, participation framework for CRIA. Jurisdictions may also want to consider how a CRIA process might fit within the recommendations for children and young people's involvement in policy decision-making set out in the Bucharest EU Children's Declaration,⁸⁷ particularly:

- Support for child participation platforms and forums be established at national and EU levels to inform children on political decisions and measures implemented by various national and international programs and projects, but also as a mechanism of scrutinising children's opinions on various issues.
- We ask that the seeking of children and young people's opinions is part of a process that is structured, continuous, meaningful, respectful and protective of their rights and values, and that uses their inputs.
- At national level, child participation spaces and mechanisms should be attached to all relevant consultation and decision-making processes that are now only reserved for adults.
- Parliaments should consider having an established mechanism for consulting children when legislation affecting them is being drafted.

10.8 Using CRIA reports to communicate assessment findings and government decisions; and opening up the CRIA to external scrutiny through publication and stakeholder involvement

Publication of the CRIA is an issue – the summary version of the integrated assessment is fairly high level and rarely covers children's rights issues. Often officials are unwilling to share the document until they 'complete' the CRIA. There is reluctance to record potential negative impacts.

Wales

There is a genuine dilemma over the publication of a CRIA. It appears that most jurisdictions that produce CRIAs do not make them publicly available; they are drafted internally (sometimes drawing on external experts) and presented as confidential advice to the relevant government minister. However, the UN Committee recommends that some form of the CRIA be published. If CRIAs are not published, how can their use or effectiveness be monitored, and their findings or recommendations scrutinised?

⁸⁴ Eurochild (2017) [Child participation strategy](#)

⁸⁵ Council of Europe (2016) [Child participation assessment tool](#)

⁸⁶ UN Committee on the Rights of the Child (2009) General Comment No.12 on the right of the child to be heard

⁸⁷ <https://www.unicef.org/romania/bucharest-eu-childrens-declaration>

Governments are risk averse – they do not want to be seen to be contemplating a measure that may have a negative impact on children and young people. If the CRIA is meant to be used as a policy development tool that supports an honest assessment of potential impact, then that assessment – and the subsequent discussions around measures to try to avoid a negative impact – will take place within government. If the official is required to publish the CRIA early on, the tendency is to assess a positive impact.⁸⁸

As part of the development of a local CRIA model, it is worth clarifying: whether or not CRIAs will be made available to the public; whether that public version will be a full or summary version of the CRIA; and whether a child-friendly version will be made available. Publication can be timed with certain parts of the policy development process when external scrutiny is encouraged: the publication of a Bill or draft regulations, a consultation paper or an announcement of a new policy that may have a significant impact on children and young people.

10.9 Revisiting CRIA when monitoring and reviewing the implementation of a policy or law

There appears to be no follow-up to CRIA or evaluation of a decision based on a CRIA

Finland, Sweden

Although some CRIA templates in use include a prompt to detail a monitoring and review system for the proposal (and should give the assessor the opportunity to set out that review process), it appears that no jurisdiction with a CRIA process in place revisits those CRIAs after the law, policy or measure has reached the stage of being implemented.

None of the literature available to date has demonstrated a clear causal link between what appears in a CRIA and later impacts on children. This may reflect a lack of child rights indicators or the complexity of ‘measuring’ impact against a wide-ranging interdependent rights framework; the slow pace of implementation of new laws or policy changes; the ways in which implementation often changes mid-stream; and the ways in which the individual circumstances of each child or young person affected by those changes influences those outcomes.

10.10 Quality assurance – access to internal and external expertise

There is a need for quality assurance through an external independent commission to improve CRIA

Belgium (Flemish community)

There have been some recent efforts from some officials to share a draft CRIA with an external children’s rights advisory group but there is no formal process for this and officials can be risk averse

Wales

⁸⁸ Payne, L (2017) – see note 47

Despite poor practice in child impact assessment being cited in the published evaluations of each CRIA model, no quality assurance or quality control systems have been set up to support its implementation.

Some governments that use a CRIA process have established a central team who advise colleagues on 'how to do a CRIA'; maintain a list of CRIsAs that are either being worked on or have been finalised; and encourage individuals and departments to complete any UNCRC, children's rights and CRIA training that is available.⁸⁹ The Scottish and Welsh Governments have these types of teams in place – though both note the teams are small and overstretched, and team members are not necessarily children's rights experts. The central teams have access to an external group of children's rights experts from academia and the children's NGO sector who, on occasion and confidentially, may be asked to comment on early drafts of a CRIA. However, that request for input is rare and it is unclear what effect it has on the assessment.

*'There are three elements to monitoring the impact of a CRIA: the impact of the CRIA process on the officials who undertake it; the impact of the CRIA process on the development of and decisions made on the policies; and the impact the CRIA has on outcomes for children.'*⁹⁰

The local government example in New Zealand indicates that being involved in the CRIA can impact on officials' levels of awareness and understanding of children's rights and the UNCRC, particularly when the assessment process has involved direct consultation with children and young people.⁹¹

⁸⁹ Payne, L (2017) – see note 47

⁹⁰ Payne, L (2017) – see note 47, p.23

⁹¹ Mason, N and Hanna, K (2009) – see note 23

11. ENOC Member priorities for the CRIA Position Statement

There was a range of responses to this question, all of which touch on the issues raised throughout the report. They are arranged from those most to least mentioned.

Table 3: Results of ENOC member survey – priority issues for the Position Statement

Issues	Responses
Taking into account the views of children and young people	13
The development and use of a CRIA methodology and CRIA tools	10
Training and capacity building to improve skills and knowledge to conduct CRIA	7
Raising awareness and understanding of CRIA	6
CRIA mandate and resourcing	6
The need for evidence of effectiveness and impact on outcomes for children and young people	4
The need to secure data on children and young people to support CRIA	4
Ensuring CRIAs are carried out as early as possible in the policy development cycle	2
Promoting the use of CRIA across government, not just children's departments	2
The need to embed the CRIA process into the domestic policy development environment	2
The need to ensure that CRIA is used effectively, are non-bureaucratic and improve initial proposals	2
Make CRIAs publicly available	2
Use of CRIA at local level to assess local compliance with national policies	1
Using the Commissioner/Ombudsperson's Office to provide assistance to state agencies and others to carry out CRIA	1
More guidance from the UN Committee on CRIA	1
Sharing of good practice in CRIA	1

12. Glossary and abbreviations

Child Rights Impact Assessment (CRIA)

One of the General Measures of Implementation of the UN Convention on the Rights of the Child (UNCRC). Defined in General Comment No.5 as 'predicting the impact of any proposed law, policy or budgetary allocation which affects children and the enjoyment of their rights'.⁹²

Child Rights Impact Evaluation (CRIE)

One of the General Measures of Implementation of the CRC. Defined in General Comment No.5 as 'evaluating the actual impact of implementation' of a law, policy or budgetary allocation which affects children and the enjoyment of their rights.⁹³

Children and young people

In this report, 'children and young people' means those up to the age of 18.

General Measures of Implementation of the Convention on the Rights of the Child (UNCRC)

Ways in which Governments can fully implement the UNCRC, including legislative, administrative and other 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.

Human Rights Impact Assessment (HRIA)

A process for identifying and predicting potential human rights impacts as measured against international human rights treaties and supporting documentation such as the General Comments issued by the Treaty Committees.

Integrated Impact Assessment

An impact assessment which is meant to review, consider and assess potential impacts on 'all possible groups', or a list of specified vulnerable groups which may include children.

National Action Plan (NAP)

A comprehensive national strategy or plan of action for children, built on the framework of the UNCRC. General Comment No.5 outlines how the NAP or strategy should be developed, monitored, reviewed and updated.⁹⁴

⁹² 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

⁹³ Ibid, para.45

⁹⁴ Ibid, paras.28-36

List of abbreviations

Child Rights Impact Assessment (CRIA)

Council of Europe (CoE)

Court of Justice of the European Union (CJEU)

European Convention on Human Rights (ECHR)

European Union (EU)

UN Convention on the Rights of the Child (UNCRC)

Regulatory Impact Analysis (RIA)

Annex 1: Detailed descriptions of CRIA models used in ENOC member jurisdictions

In response to the ENOC member survey, ENOC members provided a wealth of information on key elements of the CRIA models in use in their jurisdictions.

This Annex reproduces the detail provided, with additional information from published evaluations of the CRIA in use where available, for:

- [Belgium \(Flemish community\)](#)
- [Bulgaria](#)
- [Finland](#)
- [Scotland \(United Kingdom\)](#)
- [Spain \(Basque Country\)](#)
- [Sweden](#)
- [Wales \(United Kingdom\)](#)

Contents for each jurisdiction are organised under the following headings:

1. Process
2. Material scope
3. Mandate
4. Templates/Tools
5. When conducted
6. How children and young people are involved
7. Challenges
8. Evaluations of CRIA
9. Effectiveness of CRIA
10. Impact on outcomes for children and young people

Belgium – Flemish community

1. Process

In 1997, Flanders introduced an *ex ante* child impact report called KER which applied to children under 18. In 2001, KER became mandatory through legislation. In 2005, though it retained its distinct status, KER became one of a package of impact assessments undertaken under Regulatory Impact Assessment (RIA).

In 2008, KER became JoKER (the child and youth impact report), extending the impact assessment coverage to all children and young people up to age 25.

The JoKER is a public document that contains at least the following information:

1. A description of the impact of the proposed decision on the situation of the child or young person.
2. A description of the impact on the situation of the child or young person without the proposed decision.

3. Alternatives for the proposed decision, in particular a description of measures envisaged to avoid, limit or remedy important negative consequences of the decision for the situation of the child or the young person.

The Flemish Government can determine further rules for specific reports.

There is a reflection group on youth and children's rights policy, where state officials and civil society actors meet to discuss policy developments relevant to children and young people; and a network of focal points for youth and children's rights policy which are meant to exist within all branches of the Flemish administration. One of their tasks is assessing the impact of the policy that is prepared or implemented by their department or agency on the rights of children and young people – this task includes 'coordinating the drafting of JoKERS'.⁹⁵

A Regulatory Management Unit, situated within the Public Governance Department, coordinates and supports the implementation of RIA. This is augmented by supervisory support from the Youth Division of the internally autonomous agency for Socio-Cultural Work for Youth and Adults.⁹⁶

2. Material scope

All legislative proposals (draft decrees) initiated by the government that have a direct impact on the interests of children and young people and, by extension, the policies and practices they establish. Desmet E. notes that this does not include regulatory decrees, budget decrees, draft decrees proposed by other members of Parliament, or decrees agreeing to international or interregional treaties.⁹⁷

The JoKER manual defines 'direct' as not only affecting children and young people who are the target group of the initiative, but also those who may experience an indirect impact.

3. Mandate

Legal requirement since 2001 – first as a stand-alone child impact report (KER) then, from 2005, integrated into Regulatory Impact Assessment.

The extension of the original KER to the JoKER assessment mirrors the development of Flanders' Youth and Children's Rights Policy Plan. Although the strategy covers 'youth' up to the age of 30, the age limit for JoKER is 25 years of age.⁹⁸

JoKERS are undertaken by the competent administration or Minister responsible for the draft decree and receive first principal approval by government. They are conducted by civil servants who have an option to gather additional information from external experts to inform the JoKER, but rarely do so.

⁹⁵ Desmet, E, Op de Beeck, H and Vandenhole, W (2014) Walking a tightrope: evaluating the Child and Youth Impact Report in Flanders, in *International Journal of Children's Rights* 22:78-108

⁹⁶ Ibid

⁹⁷ Desmet, E (2013) The child and youth impact report (JoKER) in Flanders. Presentation to Bringing Children in from the Margins: Symposium on Child Rights Impact Assessment Ottawa – May 2013.

⁹⁸ According to the Explanatory Memorandum of the 2008 decree, this choice is predominantly informed by socio-economic considerations in that most over-25s are already economically independent.

4. Templates/tools

After identifying the policy domain of the new legislation, CRIA steps are set out in a RIA template⁹⁹ and a JoKER manual:¹⁰⁰

1. Title
2. Reason and objective
3. Options
4. Effects
 - i. Target groups and involved parties
 - ii. Option ...
 - Direct effects / Distribution effects / Indirect effects
 - Comparative table
5. Elaboration, implementation and monitoring
6. Consultation
7. Information for Inspection of Finance
8. Summary
9. Contact information

5. When conducted

JoKER should be conducted before the decision. However, the 2012 evaluation found that, in most cases, the JoKER document was drafted at the end of the process in order to comply with the obligation to produce one.

The Flemish Children's Rights Commissioner Office comments that, because of that, JoKER findings and recommendations do not appear to have a significant impact on the final decision.

6. How are children and young people involved in CRIA

Children and young people are not involved in the development of the JoKERs, which are treated as an administrative procedure which is not at all child-friendly. Sometimes young people are invited to reflect on new legislation or on new policy plans, but the Children's Rights Commissioner has the impression that their points of views are not taken as seriously as other stakeholders.

The 2012 evaluation noted that the perspectives of children and young people were largely absent from JoKERs, particularly in terms of implementation, monitoring and review of the decree. None of the JoKER reports reviewed for the evaluation had involved direct consultation with children and young people, though there had been some consultation with groups representing children and young people's interests.

7. Challenges

See evaluation findings below.

8. Evaluations of CRIA in the jurisdiction

⁹⁹ <https://www.vlaanderen.be/publicaties/leidraad-voor-de-opmaak-van-een-reguleringsimpactanalyse-ria>

¹⁰⁰ http://www.sociaalcultureel.be/ontw/jeugd/jeugd_kinderrechtenbeleid_doc/JoKER-handleiding.pdf

Findings from the 2012 evaluation¹⁰¹ have been written up and widely circulated in journal articles and through presentations.¹⁰² The evaluation found that around 19% of the draft decrees from 2011/12 included a JoKER amidst the RIA suite of impact assessments, but also noted that other RIAs had considered the effects of the proposed regulation on children and young people, without being explicitly identified as JoKER. The limitation of the material scope to draft decrees meant there was a notable absence of child rights analysis relating to regulatory measures and budgetary decisions.

The quality of the JoKER was variable, with particular weaknesses in the presentation of options and the measures to prevent potential negative consequences of the proposed decision for children and young people. The evaluation also found that including all 18 to 25 year olds caused confusion among those drafting the JoKER, with too many JoKERs *'lumping children and young people together in one category'* and thereby failing to take into account the differential impacts on age groups or the specifics of the rights-based framework provided by the UNCRC. The authors also recommended a more open relationship between policymakers and external children's rights experts, and those experts recommended children's rights capacity building within the civil service.

The evaluation also noted a clear perception that political will and commitment to JoKER was lacking at both the highest level of government and the middle/management level of the civil service. Suggested responses included having a Minister for Children's Rights coordinating, promoting and communicating the importance of children's rights and JoKER across government.

9. Effectiveness of CRIA in the jurisdiction

In theory, JoKER should be effective but, in practice, are not. Despite being evaluated, the recommendations for improvement have not been implemented.

10. CRIA impact on outcomes for children and young people

No information provided.

¹⁰¹ Desmet, E, Op de Beeck, H and Vandenhole, W (2012) [Evaluatie van de kind- en jongereneffectrapportage \(JoKER\): onderzoeksrapport](#) Ghent: Children's Rights Knowledge Centre (KeKi)

¹⁰² Desmet, E (2013) – see note 96; Desmet, E and Op de Beeck, H (2014) Strategic decisions in setting up child rights impact assessments, in *Revue Générale de Droit*, pp.125-151; Desmet, E, Op de Beeck, H and Vandenhole, W (2014) – see note 100

Bulgaria

1. Process

National government is required to review new laws using a CRIA process but do not have a set methodology in place for doing so.

The Ombudsman institution is implementing a special mechanism to follow up on the formulated recommendations to state institutions and the impact on the children.

2. Material scope

Law, policy, practice.

3. Mandate

There is no template. Rather, CRIA actions are based on the regular monitoring process of individual claims and the impact on all children is assessed and based on trends, from which recommendations are formulated. When child rights violations are assessed, the Guidance for implementation of the UNCRC is implemented. Experts on child policy undertake the CRIA.

4. Templates/tools

None

5. When conducted

Bulgarian legislation requires national government to conduct an ex ante impact assessment and ex post impact evaluation for new legislation, including those that will affect children. However, the process is usually done rather formally without real in-depth assessment.

The Ombudsman institution uses a CRIA process to review impacts after decisions have been made.

6. How are children and young people involved in CRIA

They are involved using different tools.

7. Challenges

There are a lack of unified procedures with indicators and a lack of quality review procedures.

8. Evaluations of CRIA in the jurisdiction

Not aware of any.

9. Effectiveness of CRIA in the jurisdiction

After conducting a thematic ex ante CRIA on the issue of ensuring personal assistance for children with disabilities, recommendations were made which led to children with disabilities being included in the scope of a new Act.

10. CRIA impact on outcomes for children and young people

See example above

Finland

1. Process

There is a CRIA guide for decision-makers at regional and municipal level which sets out the CRIA process.¹⁰³

In addition to this, 37 of the 309 municipalities in Finland co-operate with the Finnish Committee for UNICEF Finland in implementing the UNICEF's 'Child friendly city' model.

2. Material scope

Law, policy, practice, budgetary decisions.

3. Mandate

There is no legal requirement for CRIA in law. Policy documents and guidelines on assessing the impact of legislative choices on children are informed by the UNCRC: for example, the guide on legislative drafting from the Ministry of Justice includes a brief section on assessing the impact on children.¹⁰⁴ The Ministry of Social Affairs and Health has issued a guide on legislative drafting in its own area of expertise, which covers most social welfare matters.¹⁰⁵ Pages 30-35 cover CRIA, including a checklist of topics where CRIA is needed. The checklist covers most topics from the UNCRC and includes items such as 'functioning of everyday life' and 'participation' and 'equality'.

The 2006 CRIA guide for regional and municipal level decision-makers¹⁰⁶ was developed in a previous government's policy programme and is described by UNICEF as '*specifically intended to help local and central government policy-makers and authorities identify the child's best interests*'.¹⁰⁷ Unlike the broader central government criteria for legislative drafting, this guide provides concrete examples and easy-to-follow guidelines for CRIA.

As the requirement to carry out CRIA is generic, there are no specific requirements on who actually conducts the assessment, which means those carrying out assessments can have different skills and fields of expertise. Legislative drafts are usually prepared within the Ministry in question and, depending on the topic, the personnel may have little knowledge of CRIA or, conversely, may be quite well versed in children's rights and child policy. Legislative drafts are then circulated for statements, and the Ombudsman's office and key NGOs comment on them either before or during the parliamentary proceedings.

¹⁰³

https://www.julkari.fi/bitstream/handle/10024/136377/PP_LAVA_prosessikuvaus_vihr_lape_ilme.pdf?sequence=1&isAllowed=y

¹⁰⁴

http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/76082/saadosehdotusten_vaikutusten_arviointi_ohjeet.pdf

¹⁰⁵

[http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/75241/02_2016_Saadოსvaikutusten_arviointi_ihmisiin_fi_nettil_kansilla.pdf](http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/75241/02_2016_Saadোসvaikutusten_arviointi_ihmisiin_fi_nettil_kansilla.pdf)

¹⁰⁶ See note 97

¹⁰⁷ UNICEF (2011) – see note 47, p.22.

On the municipal level, the expertise employed in CRIA can also vary widely. Some municipalities use advisors in the assessment.

4. Templates/tools

The guide for regional and municipal decision-making provides the most detailed CRIA template, setting out an 11-step process:

1. Create a foundation for CRIA
2. Recognise when CRIA is needed
3. Define extent and methods for CRIA
4. Involve children and other parties
5. Gather and analyse all data
6. Identify which groups of children would be negatively affected
7. Weigh pros and cons
8. Document
9. Present the results of the assessment for decision-makers and decision-making
10. Make the decision publicly known
11. Follow up on impact on children

5. When conducted

The CRIA should be conducted before a decision has been made, though the Office of the Ombudsman for Children in Finland finds that practice varies, and that there is no follow-up.

6. How are children and young people involved in CRIA

Children and young people should be involved, as per policy, but the Ombudsman is not sure how comprehensive and inclusive the processes are. There is significant local variation on this topic as well, as children and young people are involved as a part of some individual projects in municipalities, but only sporadically on the national level.

The Ministry of Justice has recently carried out a project to evaluate children and young people's participation, as per a CoE recommendation.¹⁰⁸

One of the key avenues for children and young people to be involved in municipalities are youth councils (nuorisovaltuusto), though this institution is not CRIA-specific and, depending on the municipality, may not be involved in CRIA processes.

Key challenges to involving children and young people include a lack of knowledge and training on involving children and young people, and unfamiliarity with existing bodies of knowledge on children and young people's views on relevant topics. A lack of resources is probably the most commonly cited reason.

7. Challenges

¹⁰⁸ https://oikeusministerio.fi/documents/1410853/4750802/OM-lasten-osallistumisoikeudet-esite-A4-FI_FINAL.pdf/bfa23bde-fc7b-d9ca-6202-965a97af0570

One of the challenges is the multi-layered administrative structure in Finland, as a lot of grassroots decision-making and policy drafting that concerns children and families directly is carried out in the municipalities which have a constitutionally important mandate. The municipalities have quite a high level of autonomy regarding their policies and practices. Finland – a country of 5 million people – has 309 municipalities that carry out their own policies in the framework of national legislation. The high level of autonomy means it is a challenge to implement a comprehensive standard of CRIA throughout the country, though this work is ongoing.

The current goal is to inform regional and municipal policymakers about UNCRC provisions and to promote CRIA in decision-making, but financial resources for CRIA are not yet sufficient.

8. Evaluations of CRIA in the jurisdiction

The Ombudsman is not aware of academic research on child rights impact assessment specifically. A review of social impact assessments includes CRIA but, in its analysis, does not provide findings specific to CRIA.¹⁰⁹ Overall, economic impact assessment predominated. Equality Impact Assessment was the most widely assessed rights-based impact. Other review findings pointed out: the emphasis on ‘unrealistic’ positive assessments; how both quantitative and qualitative data were used to indicate the conditions and opportunities that the laws offer for people rather than how the laws would impact their everyday lives; and how none of those reviewed used empirical material gained through consulting with the groups who would be affected. One of the study’s recommendations was that more attention should be paid to impact assessments on rights.

9. Effectiveness of CRIA in the jurisdiction

As far as the Ombudsman knows, there is no comprehensive data on the effectiveness of CRIAs. The impression is that the effectiveness depends very much on the level of government and especially on the municipality in question.

10. CRIA impact on outcomes for children and young people

No information provided.

¹⁰⁹ Rantala, K, Alasuutari, N, Järvikangas, I and Saarenpää, K (2019) [Social Impact Assessments in the government’s legislative proposals: from classification to quality and its deficiencies: summary](#). Helsinki: Institute of Criminology and Legal Policy

Scotland (United Kingdom)

1. Process

In March 2015, the Scottish Government introduced a Child Rights and Wellbeing Impact Assessment (CRWIA). The process combines two frameworks – child rights and child wellbeing – incorporating into the assessment process the Scottish Government’s national approach (Getting it Right for Every Child) to improving the wellbeing of children and young people.

The CRWIA process begins with a screening stage which helps determine whether a full CRWIA is required. A full CRWIA should be used on all new legislation and policy that impacts on children and young people, not just children’s services.

A version of the CRWIA should be published on the Scottish Government website. Looking at the guidance it is not clear whether the published version should be the full set of CRWIA templates, or a summarised version of the CRWIA.

2. Material scope

New legislation, policy.

The UNCRC assessment in the CRWIA covers children up to age 18; the child wellbeing assessment covers children up to age 18 and vulnerable groups of young people up to 25.

3. Mandate

Although CRWIA has no statutory basis, the current Scottish Government has made it part of their implementation strategy to deliver their duties under Part 1 (Rights of Children) of the Children and Young People (Scotland) Act 2014.

CRWIAs are undertaken and authorised by the policy lead on a proposal/measure in the Scottish Government. Some may be specialists within their area. As they are civil servants they will belong to the technical level of government. They are counter authorised by someone at Deputy Director level. As senior civil servants, Deputy Directors also belong to the technical level of government.

4. Templates/tools

The Scottish Government have developed a set of templates¹¹⁰ and guidance¹¹¹ on when and how to best use the CRWIA. These were last updated in March 2019. They have also published their CRWIA 20-minute training tool¹¹² which was developed for civil servants.

Stage 1 – Screening

1. Name the policy and describe its overall aims.
2. What aspects of the policy/measure will affect children and young people up to age 18?

¹¹⁰ <https://www.gov.scot/publications/childrens-rights-wellbeing-impact-assessments-crwia-templates/>

¹¹¹ <https://www.gov.scot/publications/childrens-rights-wellbeing-impact-assessments-crwia-guidance/>

¹¹² <https://www.gov.scot/publications/childrens-rights-wellbeing-impact-assessments-crwia-training-tool/>

3. What likely impact the policy/measure will have on children and young people?
4. Which groups of children and young people will be affected?

Based on this, the official decides – will this require a CRWIA? If so, they move on to Stage 2 of the process.

Stage 2 – the CRWIA

1. Which CRC Articles are relevant to the policy/measure?
2. What impact will the policy/measure have on children's rights?
3. Will there be different impacts on different groups of children and young people?
4. If a negative impact is assessed for any area of rights or any group of children and young people, what options have you considered to modify the proposal, or mitigate the impact?
5. How will the policy/measure give better or further effect to the implementation of the UNCRC in Scotland?
6. How will the policy/measure contribute to the wellbeing of children and young people in Scotland?
7. What evidence have you used to inform your assessment? What does it tell you?
8. Have you consulted with relevant stakeholders?
9. Have you involved children and young people in the development of the policy/measure?

Stage 3 – Publication of the CRWIA

Provides two different templates for publication: one for a CRWIA of policy proposals; the other for a CRWIA of a Bill or draft Regulations.

5. When conducted

Before the decision – according to Scottish Government guidance the CRWIA should take place as early as possible in the policy development cycle.

Based on a brief analysis of a small number of policy proposals by the Scottish Government where a full CRWIA has been undertaken, it appears that the findings and recommendations from the CRWIA are not contained within the final policy proposal, instead being published alongside the policy proposal. To ascertain whether the findings and recommendations of the CRWIA are reflected in the policy proposal is left to the individual to determine.

6. How are children and young people involved in CRIA

Under the current process, if a full CRWIA is undertaken the policy lead is asked to set out how they have involved children and young people in the assessment. The guidance from the Scottish Government primarily suggests that this would be via consultation with children and young people. They suggest different methods for doing this, such as commissioning a targeted consultation with specific groups of children and young people, adding specific questions to a broader consultation etc. As well as direct bespoke consultation they suggest other indirect sources of information on children and young people's views, such as other relevant research that includes children's views.

Some of the suggested approaches would not be considered as meaningfully involving children and young people. Even targeted consultation has its limitations, as it is not clear the extent to which you are listening to the views of children and young people and ensuring that those views inform the decision-making process.

A review of CRWIA based on document analysis stressed the importance of identifying at as early a stage as possible (ideally the CRWIA screening) which groups of children and young people will be affected by a policy, taking account of how children's diversity might affect the impact of the policy on them.¹¹³ Early identification would enable the policy developers to engage with identified children and groups of children to enable their views to feed into the impact analysis.

7. Challenges

- Maintaining momentum within organisations to consistently and systematically apply a child rights impact assessment process requires senior buy-in within the organisation and the necessary resources (primarily people and time) in place to support people to implement the process.
- Leaving people to apply the child rights impact assessment process with limited understanding of children's rights can increase the likelihood of it being merely a tick-box exercise. This challenge can be off-set by ensuring that support and training is delivered via a rolling programme.
- There is no statutory obligation in Scotland to require a CRWIA, which means that the current Scottish Government's commitment to CRWIA is susceptible to change.
- The decision-making landscape has various impact assessment processes which must be undertaken by a diminishing civil service, which is likely to have increased the workloads of government officials whilst decreasing their capacity and enthusiasm to undertake child rights impact assessments and other non-statutory processes. A busy landscape of impact assessment approaches can leave proponents of child rights impact assessment feeling that they are competing against other assessment processes.

8. Evaluations of CRIA in the jurisdiction

To date there have been no official evaluations of the CRWIA process within the Scottish Government, although the government announced it would commission an evaluation sometime this year [2020].

Two independent research reports^{114 115} based on document analysis of CRWIAs made a number of recommendations to make the process more participatory for children and young people and other stakeholder groups; to establish an independent expert panel to review and quality assure CRWIAs; to make CRWIAs more comprehensive through aligning them with child budgeting; the development

¹¹³ 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.

¹¹⁴ Backbier, Maren and others (2019) – see note 107

¹¹⁵ 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

and use of child rights indicators to measure impact; and using templates that require a more systematic analysis of positive and negative impacts while allowing for a more contextualised impact assessment.

9. Effectiveness of CRIA in the jurisdiction

There has been no systematic evaluation or quality assurance of individual CRWIAs. This lack of evaluation and quality assurance means that the Children and Young People's Commissioner Scotland doesn't know how well the process is working or where improvements are required.

The Commissioner's office has concerns about equating wellbeing with children's rights in the Scottish Government's impact assessment process. A child rights framework is established in international law, whilst wellbeing is not set in statute in Scotland, other than via a brief list of eight child wellbeing indicators. Addressing the two parallel agendas in a CRWIA may be challenging for those policy leads tasked with undertaking the assessment.

10. CRIA impact on outcomes for children and young people

No information provided.

Spain (Basque Country)

1. Process

There is not a defined procedure beyond the mandatory character of CRIA as part of the procedure for the elaboration of bills and draft regulations.

2. Material scope

Through law, bills and draft regulations.

According to Section 2.1.f) of Royal Decree 931/2017 of the Spanish Government (not applicable to the Basque Country), as a principle, all public policies should undergo CRIA, even if only to state, with reasons, that the legal act proposed will not have any impact on the lives and rights of children.

A Bill for reform of the Basque Act 8/2003 will introduce mandatory CRIA (see below for more detail) with an administrative requirement for CRIA currently in place.

3. Mandate

Spanish Parliament Act 26/2015 provides for CRIA – new section 22 inserts a section into Act 1/1996 on Legal Protection of Children the requirement that: *‘Impact assessment reports which must be attached to bills and draft regulations will include an assessment of their impact on children and young people’*

A bill for reform of Basque Act 8/2003 on the Procedure for the Elaboration of Legal Provisions of a General Scope will introduce mandatory CRIA. In the meantime, the Basque Government has decided to include CRIA as one of the documents required by the electronic system that manages the procedure. The Ararteko could ascertain that an assessment is currently requested for new Government regulations but does not have knowledge of the quality of the assessments.

CRIA is carried out by the officials within the regional administration in charge of the procedure. They do not need to have special knowledge on children’s issues.

4. Templates/tools

The duty is very recent and the CRIA approach is still in development. However, the University of Comillas, the Child Observatory of the Autonomous Region of Asturias and UNICEF’s Committee in Spain have created a guide¹¹⁶ which has been presented to different regional parliaments as guidelines or proposal for persons responsible for carrying out CRIA.

Royal Decree 931/2017, which regulates the requirements of impact assessment reports, lays down a consultation process as part of the procedure to elaborate bills and draft regulations. Impact assessment reports, including CRIA, need to include a description of the consultation process, a summary of the contributions received as well as of their outcome and how they are incorporated into the bill or draft regulation.

5. When conducted

¹¹⁶ https://www.unicef.es/sites/unicef.es/files/comunicacion/Guia_metodologica.pdf

Before the decision.

6. How are children and young people involved in CRIA

The Decree does not require the involvement of children and young people in CRIA, and this is considered one of the main gaps and one of the main challenges. Some legislation regulating the process of the elaboration of legislation (for example, Section 26 of Act 50/1997 of the Spanish Parliament on the Government, which does not apply to the Basque Country) foresees public participation and consultation of persons potentially affected and representative organisations. In theory, this allows at least for children's organisations, or organisations promoting the interests of children and young people, to make their contributions to the process, but there is not a specific mechanism for child participation and the Ombudsperson is not aware that current participation and consultation procedures are particularly child-friendly or that they are being used effectively.

There is a need to create stable and reliable structures and procedures for child participation.

7. Challenges

- To carry out an effective and genuine impact assessment specialised in children and young people.
- To incorporate the voices of children and young people to the analysis in the most direct way possible.
- To make sure that CRIA has an effective impact on final the Bill or draft regulation, and to prevent it becoming mere bureaucracy.
- To extend the obligation to carry out CRIA to the further levels of the Basque Administration: provinces, municipalities and independent agencies.
- To extend CRIA beyond legislation: public policies, plans, programmes, strategies, budget, etc.

CRIA may degenerate into mere bureaucracy which only makes sure that the formal requirement is complied with without making sure necessarily that the results of the assessment are effectively incorporated into the final Bill or draft.

8. Evaluations of CRIA in the jurisdiction

No.

9. Effectiveness of CRIA in the jurisdiction

The introduction of CRIA is very recent. Children and Youth Rights Department of the ARARTEKO, Ombudsperson of Basque Country, have the feeling that it is not being particularly effective. This is due to the officials carrying out the assessment lacking specialisation on children's issues, and to doubts about whether CRIA findings are trickling down to the final Bill or draft regulation.

10. CRIA impact on outcomes for children and young people

No information provided.

Sweden

1. Process

There is no one national CRIA process used in Sweden. Agencies, municipalities and regions develop their own. The Ombudsman for Children in Sweden has developed guidance how to assess the best interests of the child, based on General Comment No. 14 from the UN Committee on the Rights of the Child,¹¹⁷ and a webinar.¹¹⁸ Based on these, several agencies, regions and municipalities have developed their own CRIA.

The best interests of the child is the most common issue raised when professionals ask for assistance from the Ombudsman for Children in Sweden and has been the subject of many discussions during the process of having the UNCRC incorporated into Swedish law.

2. Material scope

Law, policy, practice – it can be carried out in these areas but is not mandatory.

3. Mandate

In some legislation, including almost all that are of most relevance to children, the principle of the best interests of the child is included and, because of that, a CRIA should be carried out.

Although not conducted regularly, they have been conducted at all levels of government. The CRIA is usually carried out by a civil servant, but that person's knowledge and understanding of children's rights varies and depends on the question being assessed and to whom the CRIA is made.

4. Templates/tools

The different stages set out in the Ombudsman for Children in Sweden guidance are:

1. Describe the matter: whether the impact will be direct or indirect; who it will affect; and the circumstances of the case. [this is also the screening stage of the CRIA]
2. Listen to the child or children.
3. Obtain the evidence from the child and other sources.
4. Be guided by the rights set out in the UNCRC.
5. Develop options and analyse the impacts.
6. Assess the best interests of the child and make a decision.
7. Feedback and evaluation.

5. When conducted

If a CRIA is conducted, it is usually before a decision.

CRIA findings are sometimes reflected in the final decision, but it varies – sometimes the CRIA just states the child's best interests have been taken into consideration.

¹¹⁷https://www.barnombudsmannen.se/globalassets/dokument-for-nedladdning/publikationer/provning-av-barnets-basta---slutversion-25-september-2018_ksf_2.pdf

¹¹⁸ <https://www.barnombudsmannen.se/barnratt-i-praktiken/kunskapslyft-infor-barnrattslagen/filmade-webbseminarier/webbseminarium-provning-av-barnets-basta/>

6. How are children and young people involved in CRIA

When a CRIA is carried out in an individual case, the child concerned should be, but is not always, heard. For CRIA on more general decisions or matters, it depends on the actor carrying it out; some of them involve children, others do not.

For example, for a decision to be taken at municipality level, children are involved in different ways, when they are involved. Some municipalities have youth councils who are consulted, others consult the groups of children who will be affected. Usually it is done in groups. Some municipalities carry out regular surveys with children and gather information that way.

There are particular challenges in involving ALL children – including young children, children with disabilities and children who do not speak Swedish. Participation must be meaningful, not just tokenistic. The CRIA should document what weight has been given to the children's opinions in the CRIA process.

7. Challenges

Lack of competence among the persons carrying it out on how to do it. Where the best interests of the child has been incorporated in national laws, the legislator rarely has given any support in the preparatory work on how the principle should be implemented and weighed against other interests.

There is also a lack of knowledge about existing support, e.g. the General Comment from the UN Committee on the Rights of the Child.

8. Evaluations of CRIA in the jurisdiction

There is no one model of CRIA in place. Following discussions on the incorporation of the UNCRC, as well as the assignment to the Ombudsman to build competence on children's rights, more and more actors are developing models and carrying out training on CRIA.

9. Effectiveness of CRIA in the jurisdiction

Difficult to say since CRIA is not yet used in that manner in Sweden.

10. CRIA impact on outcomes for children and young people

No information provided.

Wales (United Kingdom)

1. Process

Annex 1 of the 2014 Children's Rights Scheme¹¹⁹ sets out the process that Government officials are required to follow for CRIA for both legislation and non-legislation, and when CRIA should be completed and published. However, since July 2018 the Welsh Government has introduced Integrated Impact Assessments (IIA),¹²⁰ and CRIA is one of a package of impact assessments that may be required for a particular policy area or Bill.

All CRIAs relating to legislation and regulations must be published. Other CRIA titles are listed in the Welsh Government's CRIA Newsletter and must be made available upon request.

There is a Children's Rights Team within the Government that can advise on CRIA and related issues; however, these officials are not required to be specialists or experienced in law or children's rights. In recent months, some officials from the education department have used the Government's Children's Rights Advisory Group (CRAG) as a sounding board when developing their CRIA. This group has representatives from CCfW, Children in Wales (umbrella children's charity in Wales), UNICEF, and the Wales Observatory on the human rights of children. Although a welcome development, the process has not yet been ironed out/cascaded to other departments. Due to the lack of a formal process for this, officials can be risk averse, fearing Freedom of Information requests that might indicate undue influence over certain decisions. This means officials are reluctant to share copies other than an early view of a CRIA at a meeting, with copies having to be handed back in straight away. This limits the ability for members to give this document detailed consideration.

2. Material scope

Law, policy, practice, budgetary (although to date, a CRIA on the budget has not been undertaken)

CRIA are required to be completed wherever Government is exercising their functions, on a matter that may be considered to affect children.

3. Mandate

Legal mandate – the Welsh Government is required to produce and maintain a Children's Rights Scheme under the Rights of Children and Young Persons (Wales) Measure 2011, and CRIA are required to be completed according to the Children's Rights Scheme. The duty does not apply to other public bodies.

However, CRIA itself is not protected by the legislation; the contents of the Scheme could be changed by future Governments, as the legislation is broad as to what the Scheme should contain.

¹¹⁹ <https://www.assembly.wales/Laid%20Documents/GEN-LD9732%20-%20Children's%20Rights%20Scheme%202014-22042014-255569/gen-ld9732-e-English.pdf>

¹²⁰ <https://business.senedd.wales/documents/s81339/Welsh%20Government%20handout%20-%20Integrated%20Impact%20Assessment%2015%20November%202018.pdf>

Government officials are required to complete the CRIA, and the Deputy Director of their Branch is required to sign off the CRIA. Ministers often only see a few lines in their advice note, stating that due regard has been paid to the UNCRC, rather than the CRIA itself.

4. Templates/tools

Despite the introduction of the IIA process, the 2014 CRIA flowcharts have not been updated.

However, the CRIA introduced as part of the IIA in July 2018 comprises two main stages:

1. *Describe and explain the impact of the proposal on children and young people.*
 - How will the proposal affect the lives of children, positively and negatively?
 - How will the proposal affect different groups of children?
 - What evidence have you used to inform your assessment, including evidence from children or their representatives?
 - How have you consulted with children and young people? If you haven't, please explain why.
 - What other evidence would inform the assessment?

2. *Explain how the proposal is likely to impact on children's rights.*
 - Identify which UNCRC articles are most relevant to the proposal.
 - Explain if, and if so – how the proposal maximises, supports or promotes children's UNCRC rights, making connections between the outcomes identified at question 1 and the rights you have identified.
 - Remember that promoting children's rights includes increasing children's access to their rights, or to services and/or resources that give access to rights, or enabling children to participate and take advantage of their rights. You should explain how the proposal achieves these objectives, if at all.
 - Explain any negative impact on children's rights arising from the proposal, including any reduction in resources available to support policies or programmes.
 - When considering each of the above ensure you take account of how the proposal will impact on the rights of different groups of children?
 - Refer to any information or evidence that has informed your assessment, including from children or their representatives.

For other public bodies, the Children's Commissioner for Wales has published a guide on a Children's Rights Approach to public services in Wales.¹²¹ The Approach sets out five principles of a children's rights approach: Embedding rights, equality and non-discrimination, empowering children, participation, and accountability. Although this is not a formal CRIA itself, it is a useful tool that sets out one way to start to embed and mainstream children's rights into public services. Using the five

¹²¹ <https://www.childcomwales.org.uk/resources/childrens-rights-approach/right-way-childrens-rights-approach-wales/>

principles, the Commissioner has also recently developed a new CRIA template for public services to use if they wish to.

5. When conducted

It varies. The Scheme is not very specific on this point. The publication requirements mean that the CRIA needs to have been completed prior to draft legislation being presented for consultation/scrutiny. The position for non-legislative CRIAs is more confused. Often officials will have started working on a CRIA but will be unwilling to share the document publicly until they receive consultation responses, to inform the completion of the CRIA. This seems to prioritise achieving the 'perfect CRIA document' rather than seeing the CRIA as a dynamic process that can inform thinking and decision making.

The Welsh Government publishes a summary of responses to any public consultation they undertake; however, it is rare for comments about the CRIA and/or children's rights to feature in these summaries as they tend to be fairly high level documents. Very often, CRIA practice means it is too late to truly influence the direction or final decision on a particular policy as some decisions will have already been taken such as ruling out certain options at the outset.

6. How are children and young people involved in CRIA

The CRIA template includes a question about engagement with children and young people but it is not a mandatory requirement. Often officials will state that they intend to consult with children, but this may not be followed through.

The Children's Rights Scheme (due to be updated) requires children and young people to be involved in its development, which includes the CRIA process, so there is the opportunity to involve them in what the process should look like.

Young People's versions and/or easy read versions of consultations are sometimes published, though in practice it is difficult for young people to actually respond to the consultations. The Government has held specific consultation event sessions for children and young people.

Challenges to involving children and young people include:

- Timing of policy decision making: there are layers of approval and sign off within Government that take weeks to go through, so this significantly reduces the time available to policy officials to form their instructions. This should not be a barrier to engaging children as these timescales can be planned for, but in practice this appears to be the case.
- Lack of training/specialism: officials often struggle to make suitable materials available to enable children to participate. They may produce a young person's version of a document, but its language is still inaccessible, or it needs the reader to refer back to the main document to get a true understanding of the proposals.
- Officials often state that children don't come to events/respond to consultations but fail to understand that they haven't planned their events or consultation methods/locations with children in mind. Too often, the involvement of children and young people is an afterthought – perhaps because it is not mandatory.

- The Government has a national youth forum (Young Wales) that they can engage to communicate and cascade consultations and plans through to reach local youth fora and schools, but often officials are unaware of this or have not made use of the opportunity.

7. Challenges

The Welsh Government are currently undertaking a review of their introduction of IIA. In general, the Children’s Commissioner for Wales has found that IIA has decreased the transparency around CRIA, as only a version is included in the main IIA document. This has made it increasingly difficult to scrutinise the Government’s due regard to children’s rights. Where a Bill is presented, the full CRIA will also be published as an annex to the IIA.

Although Wales is fortunate in having a CRIA process in place, there are several challenges in implementation and/or improvements that could be made:

- Timeliness – when in the process the CRIA is completed. The Scheme requires the CRIA to be available when a matter goes out to public consultation, but this is very often the last phase in the process, and the options might have been narrowed considerably without having undertaken a CRIA. Some departments do not routinely publish their CRIA, and do not make them available until the public consultation has closed which does not allow for any comments about the CRIA and how it could have influenced the actual policy development to be properly taken into account.
- Contents – the current template asks broad questions about the likely positive and negative impacts of the policy proposals. It does not include a section asking the author to then assess/balance/analysis those impacts and make a recommendation.
- Quality – The template doesn’t require any research or consultation work to feed into the CRIA automatically, so often this is missing.
- Risk aversion – Although this isn’t official policy, it appears that officials are reluctant to highlight any potential negative impacts that the policy might create. This means that they are effectively glossed over, rather than acknowledging the negatives and then going on to set out how these will be mitigated and/or how the overall aims and benefits will outweigh these negatives. The Children’s Commissioner has repeatedly advised officials that it is unlikely that any policy will have a solely positive or neutral impact, and it is better to acknowledge negatives and deal with them, from the point of view of transparency.¹²²
- Link to Decision Makers themselves – officials complete the CRIA, but it is not clear what Ministers routinely see. It is likely they only see an IIA summary, so don’t have the opportunity to scrutinise the CRIA or ask questions about the assumptions made. The way the system operates in Wales at present means

¹²² An example of this would be a CRIA on childcare funding for children aged 3-4 of working parents. The CRIA noted that the childcare would be universally beneficially for the children who were included in the proposals but failed to acknowledge that the proposed benefits would not extend to the children of non-working parents. Had the CRIA been completed at an earlier stage, there would have been the potential to amend the proposal to cover more groups of children. Unfortunately, by the time it was made available with the Bill, the policy limitations had been set and the CRIA simply confirmed that young children of working parents would benefit from the policy.

that Ministers may not be clear exactly how they have had regard to the UNCRC.

- Transparency and publication – the Children’s Commissioner has repeatedly urged the Welsh Government to make all CRIA public as a matter of course. This would significantly increase transparency and accountability and respond to UN Committee recommendations.
- Wider application to publicly funded bodies –the due regard duty in Wales only applies to Welsh Ministers, so at present there is no requirement for other public bodies to use CRIA. Some Local Authorities have incorporated or embedded the UNCRC into their own work and use a form of CRIA voluntarily to evidence their regard of the UNCRC. The Children’s Commissioner for Wales has encouraged Government to fully incorporate the UNCRC and to give it effect beyond Government, including CRIA.

8. Evaluations of CRIA in the jurisdiction

In 2016, a report evaluating the Welsh Government’s Child Rights Impact Assessment Procedure was published, including a review of the principles of the CRIA procedure and recommendations for improvement.¹²³ The evaluation noted that, while there was good practice, the quality of CRIAs varied with too many being undertaken late in the policy development process, and a too-limited knowledge and awareness of children’s rights amongst the officials undertaking them which often led to a superficial and unsubstantiated analysis of impact. Among its recommendations clearer guidance on the CRC and CRIA itself be provided to the officials using it; the need to strengthen the CRIA guidance on the possible discriminatory impacts of a proposal; and the need to consult with children and young people.

In 2018, Children in Wales and the Wales Observatory on the Human Rights of Children undertook a review of progress made on children’s rights in Wales since the introduction of the UNCRC into domestic law, which included looking at the use of CRIA.¹²⁴

9. Effectiveness of CRIA in the jurisdiction

The introduction of CRIA has certainly ‘mainstreamed’ the language of rights and brought this within the scrutiny of the legislature and external organisations. It is unlikely this would have happened without such a measure. However, the format of the CRIA questions, and the lack of training and specialism in working on children’s rights in policy development, means that very often the impact of decisions is poorly recorded and discussed, or not included at all. CRIA have increasingly become a post decision justification measure, or simply a process rather than a tool to influence and analyse the impact of different options or decisions. The Children’s Commissioner has not seen officials revisit CRIA post decision to map their assumptions against what has happened.

¹²³ 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](#). Swansea: Wales Observatory on Human Rights of Children and Young People.

¹²⁴ Hoffman, S (2019) [The impact of legal integration of the UN Convention on the Rights of the Child in Wales](#). Manchester: Equality and Human Rights Commission

Despite the practice not working particularly well as yet, the Children's Commissioner for Wales believes CRIA has the potential to take account of the impact of decisions on children and children's rights. A positive example is the policy on the prohibition of physical punishment in the family that has been firmly and overtly framed in rights language, with the purpose of the Bill explicitly to protect and enhance compliance with children's rights. This is unlikely to have been achieved without a growing acceptance of a rights based language and approach.

10. CRIA impact on outcomes for children and young people

No information provided.

Annex 2: Background information from ENOC member survey responses

Jurisdiction	CRIA research	Recommendations made for CRIA	CRIAs undertaken by the Offices	UN Committee recommendations
Albania People's Advocate Institution of Albania	Child Protection Index reveals how Albania performs against 600+ indicators derived from the UNCRC, providing evidence on policy development, implementation & service provision.	In a collaboration between the Ombudsman & Save the Children Tirana, a 2020 objective is the development of a CRIA process	No	2012 report Assessment of budget allocations, addressing disparities on the basis of indicators related to children's rights
Belgium (Flemish community) Flemish Children's Rights Commissioner Office	2012 evaluation of JoKER , the youth & children rights impact assessment 2018 conference on CRIA organised by The National Commission on Children's Rights (NCPC), a children's rights alliance	In the alternative report to the UN Committee – despite having JoKER (CRIA) in place, have concerns about the declining impact of these instruments & about regulations that do not always fully support children's rights: e.g., juvenile offenders can be referred to adult court; and donor conceived children have no right to ascertain the identity of their biological father	Annual report from the Commissioner's Office to Ministers and MPs sums up complaints made to the Office by children, young people, parents and professionals on children's rights violations Also, external CRIA reports on: State of Children's Rights for Homeless Children State of Children's Rights for Children in Detention	2019 report (Belgium report) Implement a tracking system for the allocation and the use of resources for children throughout the budget; such a tracking system should also be used for impact assessments of how investments in any sector may serve the best interests of the child, ensuring that the different impact of such investment on girls and boys is measured Establish a clear regulatory framework for the industries operating in the State party to ensure that their activities do not negatively affect human rights or endanger

Jurisdiction	CRIA research	Recommendations made for CRIA	CRIAs undertaken by the Offices	UN Committee recommendations
				environmental and other standards, especially those relating to children's rights.
Belgium (French community) Délégué Général aux Droits de l'enfant	Belgian National Child Rights Indicators	Domestically, the Institution calls upon the competent authorities to collect aggregated data to better assess the implementation of the UNCRC. Internationally, the Institution joined the AOMF in its Rabat Declaration, urging Member States to implement CRIA.	No	2019 report (Belgium report) Recommendations as above
Bulgaria Ombudsman of the Republic of Bulgaria	Different groups of experts and NGOs are undertaking research relevant to the CRIA process. The most comprehensive one is done annually by the National Network for Children – The Report Card on Childcare	In accordance with art.19(1), p. 10 of the Law on the Ombudsman of the Republic of Bulgaria, the institution regularly publishes statements, positions and recommendations regarding the impact of relevant legislation, policies or practices towards children. In the annual report there is a special section dedicated to children and based on the received claims related to issues with children and their families there is an analysis of the situation and impact on children's lives.	Office CRIA conducted on an unaccompanied minor External CRIA – The main function of the Ombudsman is to monitor independently the situation and assess the implementation of legislation and policy of state institutions and the impact of their work on children. The Ombudsman also monitors the implementation of the UNCRC and reports on this in the Annual report of the Ombudsman Institution.	2016 report Introduce a child rights impact assessment procedure for all new legislation adopted at the national level Conduct a comprehensive assessment of the budgetary needs of children and allocate adequate budgetary resources, in accordance with article 4 of the Convention, for the implementation of children's rights; increase the budget allocated to social sectors; address disparities on the

Jurisdiction	CRIA research	Recommendations made for CRIA	CRIAs undertaken by the Offices	UN Committee recommendations
				basis of indicators relating to children's rights; and, in particular, substantially increase the allocations in the areas of education and social assistance to adequate levels
Croatia Ombudsman for Children, Republic of Croatia	An evaluation of the Ombudsperson for Children in 2008 report was based on assessing the efficiency of the Omb activities and whether Omb goals were realised; as well as whether work led to expected outcomes for individual children and the child population. An ex post assessment was based on the UNCRC and focusing on Article 3 in each case or activity			2014 report Establish effective monitoring, evaluation and accountability mechanisms and provide detailed information of the evaluation of implementation of its laws and regulations in the area of children's rights in its next report
Cyprus Commissioner for Children's Rights, Cyprus	No	In an Annual report submitted by the Commissioner to the President of the Republic of Cyprus and the president of the Parliament. One area covered is a description & outcomes of recommendations and amendments submitted to either executive or legislative	The Commissioner submitted 117 reports to the Parliamentary Committees with outcomes after applying CRIA-like process. 106 reports have been submitted to the executive body of the State where a CRIA-like procedure was applied.	2012 report Pay particular attention to the full implementation of article 4 of the Convention by prioritising budgetary allocations for the implementation of the economic, social and cultural rights of children, in particular those belonging to

Jurisdiction	CRIA research	Recommendations made for CRIA	CRIAs undertaken by the Offices	UN Committee recommendations
		<p>members of boards during the procedure of developing or updating laws and administrative procedures or practices.</p> <p>In relation to individual complaints, the Commissioner examines whether existing laws, practices or administrative procedures are aligned to the application of children's rights as defined in the UNCRC and General Comments, leading to a report or statement of findings and recommendations for amendments to law/bills, procedures and practices.</p>		<p>economically disadvantaged groups, "to the maximum extent of ... available resources". Furthermore, specify the amount and proportion of the State budget spent through public and private institutions or organisations for the implementation of children's rights, in order to allow evaluations on the impact and effect of such expenditures in relation to the accessibility, quality and effectiveness of such services for children in the different sectors</p>
<p>Denmark</p> <p>The National Council for Children</p>	<p>In part</p> <p>Unicef and the Danish Institute for Human Rights (2013) Children's rights impact assessments: guide for integrating children's rights into impact assessments and taking action for children.</p> <p>Primarily a tool for companies.</p>	<p>In August 2019, the council decided to engage in a collaboration with the Nordic ombudsmen in developing models for CRIA in the north, to engage in the ENOC work with CRIA, and to work towards getting CRIA to be a part of the assessment of bills in Denmark.</p>	<p>No</p>	<p>2017 report</p> <p>Take all measures necessary to ensure that legislation and administrative regulations throughout the territory of the State party conform fully with the principles and provisions of the Convention and the two Optional Protocols</p> <p>Assess draft legislation in</p>

Jurisdiction	CRIA research	Recommendations made for CRIA	CRIAs undertaken by the Offices	UN Committee recommendations
				<p>due course and evaluate it in terms of its impact on children</p> <p>Refrain from implementing further cuts without having first carried out an assessment of the impact that austerity measures would have in areas that are directly and indirectly related to children's rights and repeal those measures that have a negative impact as soon as possible.</p>
<p>Estonia</p> <p>Chancellor of Justice of Estonia</p>	<p>Don't know</p>	<p>Report of the Chancellor of Justice of the Republic of Estonia on the implementation of the CRC (2015)</p> <p>Recommendations for the state:</p> <ul style="list-style-type: none"> - to develop the methodological materials that concern the general principles of the UNCRC, incl. the assessment of the best interests of the child, and to systematically organise relevant training; and - to make the assessment 	<p>No</p>	<p>2017 report</p> <p>Welcomes the inclusion of the principle of the best interests of the child in the 2016 Child Protection Act, but is concerned that there is no best interests impact assessment of national legislation and local regional initiatives on children's rights, and methodological guidance to assess the best interests of the child is limited</p> <p>Recommends that the State party strengthen its efforts to ensure that this right is</p>

Jurisdiction	CRIA research	Recommendations made for CRIA	CRIAs undertaken by the Offices	UN Committee recommendations
		<p>of the impact on children mandatory when decisions are made at the level of local governments and the state.</p> <p>Also, the office organises training, shares best practice and publishes articles on the assessment of the best interests of the child – so our main focus has been on the individual child so far.</p>		<p>appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that are relevant to and have an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration</p> <p>On the right of the child to be heard, the Committee recommends that the State party:</p> <p>(a) Take measures to ensure the effective implementation of legislation recognising the right of every child to be heard, according to his or her level of maturity, in all settings.</p> <p>(b) Develop toolkits for public consultation on national</p>

Jurisdiction	CRIA research	Recommendations made for CRIA	CRIAs undertaken by the Offices	UN Committee recommendations
				policy development to standardise such consultation at a high level of inclusiveness and participation, including consultation with children on issues that affect them
<p>Finland</p> <p>The Office of the Ombudsman for Children in Finland (Lapsiasiavaltuutetun toimisto)</p>	<p>2019 research project on Social Impact Assessment in travaux preparatoires also covers CRIA in part</p> <p>Policy guide prepared by the National Institute of Health and Welfare and the Ministry of Social Affairs and Health among other institutions</p> <p>Lastensuojelun keskusliitto (Central Union for Child Welfare), one of the key NGOs in the field in Finland, has prepared a presentation on CRIA including links to more material. There are also excellent sites by other NGOs, such as by Mannerheimin lastensuojeluliitto (Mannerheim League for Child Welfare)</p>	<p>The Office of the Ombudsman for Children in Finland has been active in promoting CRIA and its importance on regional, national, and international levels since the Office was established in 2005. We routinely comment on the importance of and lack of CRIA in our statements on policy or legislative matters.</p> <p>In 2011, the office commissioned a report from Kirsi Alila</p> <p>CRIA and child budgeting were one of the key themes in the Ombudsman's Report to the Parliament in 2018, and Merike Helander, the lawyer at the office, gave a presentation on the topic</p>	<p>No – Our work involves commenting on CRIA aspects in most cases where we comment on legislative drafts and policies. But we are currently discussing whether a more systematic and structured CRIA process would be beneficial for achieving our strategy goals</p>	<p>2011 report</p> <p>In relation to child budgeting –</p> <p>The Committee regrets the lack of comprehensive national assessment, documentation and oversight which leads to a weak system of control at national level.</p>

Jurisdiction	CRIA research	Recommendations made for CRIA	CRIAs undertaken by the Offices	UN Committee recommendations
		The Office carried out a small informal survey for ENOC members in 2018		
France Défenseur des droits	No	Our office has asked that CRIA is set up in France: in our 2014 annual report, in our 2015 report to the CRC, and during an Audition at the Parliament where we again spoke about the importance of CRIA	No	2016 report The CRC asked the State to put in place assessment procedures for all children's rights public policies including through CRIA
Greece Children's Rights Department in the Independent Authority of the Greek Ombudsman	No	No	No	2012 report Take steps to ensure that domestic legislation is fully compatible with the principles and provisions of the UNCRC and has precedence over customary practices Establish a clearly structured body to coordinate the implementation of child rights policies and programmes among all the relevant ministries and institutions and among the central, regional and municipal levels, and provide it with the human, technical and financial resources necessary to implement child rights policies that are

Jurisdiction	CRIA research	Recommendations made for CRIA	CRIAs undertaken by the Offices	UN Committee recommendations
				comprehensive, coherent and consistent at the national, regional and municipal levels
Iceland The Ombudsman for Children in Iceland	No	Presented the Ministry of Social Affairs with our suggestions for the improved participation of children in policy and decision making in December 2019. The Ministry is meant to introduce some proposals soon.	No	2011 report No recommendations about CRIA
Ireland Ombudsman for Children's Office (OCO)	Three items by Carmel Corrigan: Developing and Implementing Child Impact Statements in Ireland (National Children's Office, 2006) All Our Children: Child Impact Assessment for Irish Children of Migrant Parents (CADIC, 2006) Carmel Corrigan, ' Child Impact Statements: protecting children's interests in policy and provision? ', <i>Journal of Children's Services</i> , Volume 2 Issue 4 December 2007	In the OCO's alternative report to the UN Committee on the Rights of the Child in 2015 , one of the recommendations we made was that the State should 'expand the current framework for integrated social impact assessments in order to ensure that fiscal and budgetary decisions are subject to children's rights impact assessments and evaluations'.	No	2016 report Include child rights impact assessment in the framework for integrated social impact assessments, to ensure that fiscal and budgetary decisions are compliant with obligations under the Convention
Jersey (UK)	Preliminary research into	In our advice to government	No	2016 report (UK report)

Jurisdiction	CRIA research	Recommendations made for CRIA	CRIAs undertaken by the Offices	UN Committee recommendations
Office of the Children's Commissioner for Jersey	CRIAs by the government in Jersey as they are working to implement a duty to have Due Regard to the UNCRC, including a Ministerial duty to use CRIAs when making policy and legislation – proposals in development	<p>in implementing a due regard duty, we recommended that:</p> <ul style="list-style-type: none"> - CRIAs should be used by all those formulating legislation and policy including all government departments and not just those traditionally viewed as children's services, in recognition of the universality and interdependence of rights; - Training and support should be offered to professionals to ensure more effective use of CRIAs through a better understanding of children's rights and to support a wider cultural change; - Children and young people should be supported to engage with the process to ensure that the impact of decisions on children is better understood and to allow opportunities for scrutiny of CRIAs, and - CRIAs should be 		<p>Introduce a statutory obligation at the national and devolved levels to systematically conduct a child rights impact assessment when developing laws and policies affecting children, including in international development cooperation.</p> <p>Publish the results of such assessments and demonstrate how they have been taken into consideration in the proposed laws and policies.</p>

Jurisdiction	CRIA research	Recommendations made for CRIA	CRIAs undertaken by the Offices	UN Committee recommendations
		published to allow for proper scrutiny unless it is in the child's best interests for these not to be published due to the nature of some Ministerial decisions containing sensitive personal information which may be identifiable in a small island community.		
Latvia Ombudsman's Office of the Republic of Latvia	No	No	Don't know	2016 report No recommendations about CRIA
Lithuania Child Rights Ombudsperson Institution of the Republic of Lithuania	No	No	The Ombudsperson controls and supervises how the provisions of the Constitution of the Republic of Lithuania, international treaties of the Republic of Lithuania, legal acts of the European Union, laws and other legal acts of the Republic of Lithuania regulating the protection of the rights and legitimate interests of children are implemented in Lithuania (Article 11 of the Law on the Ombudsperson for Children), by:	2013 report Amend its legislation to expressly mention the 'best interests of the child' in national law and better reflect the right of the child to have his or her best interests taken as a primary consideration as established by the Convention. Strengthen its efforts to ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and

Jurisdiction	CRIA research	Recommendations made for CRIA	CRIAs undertaken by the Offices	UN Committee recommendations
			<ul style="list-style-type: none"> - Investigating individual complaints and giving suggestions and recommendations on how to improve the situation. The process of investigation includes: an analysis of the problem; which group of children it concerns; gathers evidence; analyses relevant law; evaluates predictable effects on the child; and gives final decision (recommendations) after making a total assessment of all factors. - Researching problems concerning implementation of children's rights (after the evaluation of the existing situation and problems, concrete proposals are laid down and, later, information on changes is gathered. <p>The Ombudsperson also presents annual reports to the Parliament (assessment of the implementation of</p>	<p>judicial proceedings as well as in all policies, programmes and projects relevant to and with an impact on children at central and local levels. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area, and to disseminate these to the public, courts of law, administrative authorities and legislative bodies.</p>

Jurisdiction	CRIA research	Recommendations made for CRIA	CRIAs undertaken by the Offices	UN Committee recommendations
			<p>children's rights in different areas as well as gives proposals, determining what changes need to be made.</p> <p>Proposals to the President of the Republic, the Seimas (Parliament) and the Government are based on thoroughly collected information on the situation in the country, taking into account the impact and benefits to children (proposals are given after evaluation of legislation allowing, based on empirical data and practice, to identify the effectiveness, efficiency and relevance of the specific act).</p> <p>The Ombudsperson also gives proposals and raises problems while taking part in working groups as well as by commenting on draft legislation in the field of the protection of the rights of the child.</p> <p>All the activities of the Ombudsperson are based on</p>	

Jurisdiction	CRIA research	Recommendations made for CRIA	CRIs undertaken by the Offices	UN Committee recommendations
Luxembourg Ombudsman pour les Droits de l'Enfant	Jordane Segura, Working paper 2012-13 L'application de la Convention Internationale des Droits de l'Enfant en droit luxembourgeois	In annual reports since 2003 http://ork.lu/index.php/fr/les-rapports-de-l-ork [see next column for reports from 2010]	the best interests of the child. ORK 2019 The implementation of children's rights regularly monitored ORK 2018 Child and Youth Mental Health ORK 2017 Rights of the Child and children in cross-border and international situations ORK 2016 Children with special needs ORK 2015 Report Parenting and Children's Rights ORK 2014 Participation of children and young people ORK 2013 Children on the move – migrant children ORK 2012 Review of the first 10 years of the ORK ORK 2011 Child victims of violence ORK 2010 The child in the process of separation from his parents	2016 report Continue and strengthen its efforts to develop a comprehensive system for the collection of comparative and disaggregated data on the implementation of the Convention Prepare a comprehensive policy on children and, on the basis of the policy and in consultation with children and civil society, that it develop a comprehensive strategy for the overall realisation of the principles and provisions of the Convention
Malta Office of the Commissioner for Children, Malta	No	The Office regularly encourages Government and other entities to carry out a CIA when laws and policies are drawn up: for example, when meeting with Malta's Planning Authority, the Commissioner encouraged	The Office regularly assesses various issues and the impact they may have on children's rights. For example, in 2017 when the office was tasked with monitoring the National Children's Policy a series of	2019 report Reference was made to: General Comment No. 5 and the need for Malta to improve data collection; General Comment No. 19 and the need for Malta's budgeting

Jurisdiction	CRIA research	Recommendations made for CRIA	CRIAs undertaken by the Offices	UN Committee recommendations
		the Authority to carry out a CIA when formulating policies within their remit. This recommendation was positively received.	meetings were held with key stakeholders as part of this process. A number of workshops were also held with children to determine the impact this policy will have.	process to include a child rights perspective; and General Comment No. 14 and the need to include the best interest principle in all legislation.
Moldova People's Advocate Office	No	No	No	2017 report No recommendations about CRIA
Netherlands De Kinderombudsman (the Children's ombudsman)	In 2014, UNICEF, Defence for Children and our office jointly organised a round table to discuss the potential benefits of a CRIA in the Netherlands. Several experts on children's rights, policy makers, politicians, NGOs and young people participated, and concluded that CRIA could ensure that the interests of the child is taken into account as a rule when drafting new legislation, policies and strategies. Also, it was expected that the assessment of the interests of the child would be conducted in a better, more coherent manner. Next to that, CRIA could create awareness on the fact that	In the 'Children's rights monitor 2014', we recommended implementing CRIA as an integral part of the legislation and policy process. Also, we recommended ensuring children were involved in every CRIA. In response, the government agreed that it was important to have sufficient attention for the impact of new legislation and policies on children, but that this was accounted for already; the government and parliament ensure that new legislation and policies are in accordance with the UNCRC. The Youth care act (which encompasses help with raising children, child	Don't know - It depends on the definition of a CRIA. We developed a tool (based on GC 14) called 'The best decision for the child in 4 steps' that is mainly designed to facilitate decision making for individual cases, but has also proven useful to assess the impact of policies and legislation. We have used this tool to assess the impact of a proposed policy that would allow child care facilities to refuse unvaccinated children. We identified three groups of children that would be impacted in different ways: 1) children who are protected against the disease (either by	2015 report No recommendations about CRIA

Jurisdiction	CRIA research	Recommendations made for CRIA	CRIAs undertaken by the Offices	UN Committee recommendations
	<p>legislation, policies and strategies have a (direct and indirect) impact on children. Lastly, it could further the implementation of the UNCRC in the Netherlands, as new legislation, policies and strategies would have to be in line with the UNCRC. Participation of children and young people was identified as a key requirement.</p>	<p>protection, youth probation and mental health care for youths) and so called 'Appropriate education act' (about children with special educational needs) were named as good examples.</p> <p>The government also agreed that child participation was vital to ensure that new legislation and policies were in accordance with the UNCRC. However, participation has yet to become a standard part of the policy and legislation process.</p>	<p>vaccination or by immunization after having the virus), 2) children who could be protected, but are not because of their parents' choice and 3) children who depend on herd immunity for medical reasons (young age, not being able to get vaccinated because of ill health). For each of these groups, we assessed the impact of the proposed policy.</p>	
<p>Northern Ireland (UK)</p> <p>Northern Ireland Commissioner for Children and Young People (NICCY)</p>	<p>NICCY commissioned a study on how CRIAs could be used in the Northern Ireland (NI) context in 2013-14.</p> <p>A 2013 joint project between NICCY and Centre for Human Rights at Queen's University Belfast developed options for child rights legislation for Northern Ireland, including the option of legislation to require CRIAs</p>	<p>NICCY has called for and advocates for all measures required to implement the UNCRC domestically to be adopted - including CRIAs as per 'General Measures'.</p>	<p>We commissioned a CRIA of the impact of changes to social security (welfare benefits reform) on children's rights in 2012. In disseminating this with Government, we advocated for mitigation measures in NI to be adopted. NI Executive did this and introduced a package of measures accordingly.</p> <p>In developing our Corporate Plan in 2016, we undertook a</p>	<p>2016 report</p> <p>[see recommendations under Jersey]</p>

Jurisdiction	CRIA research	Recommendations made for CRIA	CRIAs undertaken by the Offices	UN Committee recommendations
			<p>Child Rights Programming process in respect of our key priorities. This involved a CRIA-type approach to analysing each of the priority areas of work for the Office.</p> <p>Our analysis of government policy (part of NICCY's duty to provide advice to and monitor government delivery for children and young people) follows a CRIA approach.</p> <p>In January 2020, NICCY advised the Departments of Health and Education NI on a draft CRIA developed by the Departments to support the 'Looked After Children' Strategy: A Life Deserved'. However, the Strategy has not yet been implemented.</p>	
<p>Norway</p> <p>Norwegian Ombudsperson for Children</p>	<p>No</p>	<p>We have worked on CRIA and made recommendations on several occasions in relation to the work of different public commissions and when the ministry is proposing new or revised legislation. For example, we</p>	<p>In our office's annual report for 2019, we are also addressing CRIA and the work we have done so far.</p>	<p>2018 report</p> <p>Conduct a comprehensive assessment of the budget needs for children, with a particular emphasis on children in vulnerable and marginalized situations.</p>

Jurisdiction	CRIA research	Recommendations made for CRIA	CRIAs undertaken by the Offices	UN Committee recommendations
		<p>informed the public commission that delivered an Official Norwegian Report proposing a new Education Act of their obligation to do a CRIA and gave them guidance about how to do it. This commission agreed and described the work they did as ground-breaking in a Norwegian context.</p> <p>In all the governments hearings about legislation we call for CRIAs if the government haven't done one, or in other ways have assessed the consequences for children's rights.</p>		<p>While welcoming the availability of disaggregated data on a significant number of issues, encourages the State party to increase its efforts to ensure that its data-collection system allows for the collection of disaggregated data related to all areas of the Convention.</p> <p>Strengthen its efforts to:</p> <p>(a) Establish clear criteria regarding the best interests of the child for all authorities that take decisions affecting children.</p> <p>(b) Ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes, projects and international cooperation relevant to and having an impact on children.”</p> <p>Establish and/or strengthen a national mechanism for reporting and follow-up as a</p>

Jurisdiction	CRIA research	Recommendations made for CRIA	CRIAs undertaken by the Offices	UN Committee recommendations
				standing government structure that is mandated to coordinate and prepare reports to and engage with international and regional human rights mechanisms, as well as with coordinating and tracking national follow-up to and implementation of the treaty obligations and the recommendations and decisions emanating from such mechanisms.
<p>Scotland (UK)</p> <p>Children and Young People's Commissioner Scotland (CYPCS)</p>	<p>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.</p> <p>Compares the Scottish CRWIA method to international examples and academic research, the researchers found five key areas of consideration to ensure the successful assessment of children's rights.</p>	<p>Over the course of 2005-2006, we looked at whether the use of CIAs would be one means to fulfil the Commissioner's duty to review law, policy and practice relating to the rights of children and young people. We found that the majority of previous work had focused on CIAs as a means to examine the effect of policies or legislation on the welfare of children, their needs and interests, and whilst children's rights might form part of this they were not explicitly so. We also found that there was limited information on how to do</p>	<p>External CRIAs undertaken:</p> <p>Between 2006-2009, twenty-three initial screening assessments were undertaken within the Commissioner's office to assess proposed policies, legislation and decisions being made within national and local government. Examples include:</p> <ul style="list-style-type: none"> - Schools (Nutrition and Health Promotion) Bill - Consultation on Scottish Vetting and Barring Scheme - Overnight stays guidance for looked after and accommodated children 	<p>2016 report</p> <p>[see recommendations under Jersey]</p>

Jurisdiction	CRIA research	Recommendations made for CRIA	CRIAs undertaken by the Offices	UN Committee recommendations
	<p>Chitashvili, Ivane et al (2019) Recommendations and notes on Scottish Children's Rights and Wellbeing Impact Assessments. LLM Human Rights Clinic, Edinburgh University Law School.</p> <p>Analyses Scotland's Children's Rights and Well-being Impact Assessment (CRWIA) practice, in order to assess its effectiveness in advancing the four general principles enshrined within the UNCRC, focusing on two specific CRWIA. Recommendations to help improve CRWIA practice in Scotland and enable it to become effective.</p> <p>UNICEF UK (2017) Strengthening child rights impact assessment in Scotland.</p> <p>This briefing addresses the situation regarding child rights impact assessment in Scotland.</p> <p>Payne, L (2019) Child Rights Impact Assessment as a policy improvement tool in</p>	<p>CIAs. This work culminated in the development and publication of our own model in 2006 'Child Rights Impact Assessment: the SCCYP model'.</p> <p>UK Children's Commissioners report to the UN Committee on the Rights of the Child (2008)</p> <p>The UK Government, devolved administrations and local authorities should carry out children's rights impact assessments of all legislative and policy developments that affect children at national and local levels.</p> <p>UK Children's Commissioners report to the UN Committee on the Rights of the Child (2016)</p> <p>Recommendation</p> <p>The UK and devolved governments should legislate to ensure children's rights impact assessments are undertaken of proposed policies, budgetary decisions and legislation likely to affect children and young people.</p>	<ul style="list-style-type: none"> - Protection of Vulnerable Groups (Scotland) Bill – information sharing provisions - Enquiry – Gaelic Medium School <p>During this time one full impact assessment was undertaken on the Protection of Vulnerable Groups (Scotland) Bill – vetting and barring provisions.</p> <p>2013, initial screening on Victim and Witnesses (Scotland) Bill.</p> <p>2015, full impact assessment to inform Scottish Parliament Public Petition Improving Youth Football in Scotland</p>	

Jurisdiction	CRIA research	Recommendations made for CRIA	CRIAs undertaken by the Offices	UN Committee recommendations
	<p>the International Journal of Human Rights. This paper examines the use of CRIA with a focus on the UK and its devolved governments, looks at issues that can limit its effectiveness, and suggests what should be in place to support the potential of CRIA.</p> <p>Payne, L (2017) Child Rights Impact Assessment (CRIA): a review of comparative practice across the UK. UNICEF UK.</p> <p>This comparative study explores the role of child rights impact assessment (CRIA) in supporting governments to protect and promote children's rights, setting out recommendations for action in England, Northern Ireland, Scotland and Wales.</p>	<p>Such assessments should reflect the views and experiences of children and outline how any negative impact upon children should be mitigated.</p> <p>UK Children's Commissioners UNCRC mid-term review (2019).</p> <p>It should be a requirement for all impact analysis of new legislation in the UK to include a section on the effect on children's rights.</p>		
<p>Slovakia</p> <p>Office of the Commissioner for Children in Slovak Republic</p>	No	No	No	<p>2016 report</p> <p>No recommendations about CRIA</p>
<p>Spain (Basque Country)</p>	No research but guide to	The Spanish Parliament	No	2018 report

Jurisdiction	CRIA research	Recommendations made for CRIA	CRIAs undertaken by the Offices	UN Committee recommendations
<p>Children and Youth Rights Department of the ARARTEKO, Ombudsperson of Basque Country</p>	<p>CRIA [see column below for Spain (Catalonia)]</p>	<p>passed Act 26/2015 providing for CRIA. Before that date, the Ararteko's annual reports used to refer to the importance of impact assessment on children's lives as individuals or collectively. After Act 26/2015 came into force, the Ararteko started to act proactively and to recommend explicitly impact assessment in accordance with the Act.</p> <p>The Ararteko's General Recommendation 2/2015 of 8th April, entitled "The imperative consideration of the child's best interest in public policy and, particularly, in the minimum-income guarantee system" does not refer to CRIA as such, but it proposes that each and every decision taken within the minimum-income guarantee system should involve an assessment of its own impact on the lives and on the rights of the children it may affect. Such assessment should be included in the</p>		<p>The report applies to all of Spain. The CRIA recommendations are applicable to the Basque Country.</p> <p>The Committee recommends that the State undertake evaluations of the impact of legal and regulatory measures that affect the rights of the child, in accordance with the provisions of Law No. 26/2015.</p> <p>With reference to its General Comment No. 19 on public budgeting for the realization of children's rights, the Committee recommends that the State Party</p> <p>d) Carry out impact assessment of legal and policy measures that affect children's rights, as provided for by Act No. 26/2015.</p>

Jurisdiction	CRIA research	Recommendations made for CRIA	CRIAs undertaken by the Offices	UN Committee recommendations
		<p>provisions laying down sanctions against the beneficiaries of the minimum income system</p> <p>In its 2017 annual report, the Ararteko's Office for Children and Young People noted that the authorities in the Basque Country were not carrying out CRIA despite Act 26/2015. In 2018, the Office opened an investigation with the objective of obtaining knowledge of the initiatives taken by the Department of the Basque Government responsible for child policy to incorporate an assessment of the impact on children and young people in the process for the elaboration of legal acts of a general scope and of any planning instrument. In 2019 that Department added an assessment of children and young people into the procedure for the elaboration of legal provisions of a general scope.</p>		
Spain (Catalonia)	The University of Comillas, the Child Observatory of the	We have opened an ex officio action about CRIA and		2018 report

Jurisdiction	CRIA research	Recommendations made for CRIA	CRIAs undertaken by the Offices	UN Committee recommendations
<p>Síndic de Greuges de Catalunya (Catalan Ombudsman)</p>	<p>Autonomous Region of Asturias and UNICEF's Committee in Spain (2015) Guía metodológica: para la elaboración de los informes previos de impacto en la infancia y la adolescencia de las disposiciones normativas. Presented to different regional parliaments as guidelines or proposals for persons responsible for carrying out CRIA.</p> <p>Collaboration of the Deputy Ombudsman on Children's Rights with the University in a Research Project (still not ended) about the application of child rights impact assessment (CRIA) in the regional administration.</p>	<p>the Ombudsman has recommended child protection administration to:</p> <ul style="list-style-type: none"> - when regulating, to incorporate the assessment of the best interests of the child individually and as a collective and the assessment of the impact of the rule on children's rights. - incorporate the participation of children and adolescents in the procedure of elaboration of rules that concern any of the areas of their life, either individually or collectively, through per-established participation structures or other means that ensure that. 		<p>The Committee recommends that the State undertake evaluations of the impact of legal and regulatory measures that affect the rights of the child, in accordance with the provisions of Law No. 26/2015.</p> <p>The Committee recommends that the State party undertake an assessment of the impact of air pollution on children's health and on the climate as the basis for designing a strategy with adequate resources to remedy the situation, and that it strictly regulates the maximum emissions of pollutants from the atmosphere, including those produced by private companies.</p>
<p>Republika Sprska</p> <p>Ombudsman for the Children of Republic of Srpska</p>	<p>No</p>	<p>No</p>	<p>Workshops for children that we conduct in primary and secondary schools are mandatory activities of the institution since its inception. These workshops are a great opportunity to hear the views of children on all issues of</p>	<p>2019 report for Bosnia-Herzegovina</p> <p>Not clear whether these apply to Srpska</p> <p>Comments on the lack of a coherent data-collection</p>

Jurisdiction	CRIA research	Recommendations made for CRIA	CRIAs undertaken by the Offices	UN Committee recommendations
			protecting their rights.	<p>system on all cases of violence against, abuse and neglect of children across administrative units that is necessary for assessment and monitoring</p> <p>Require companies to undertake assessments, consultations and full public disclosure of the impact of their business activities and plans on environmental and health-related children's rights.</p> <p>Continue conducting an assessment of the effect of air pollution and uranium contamination on children</p>
<p>Sweden</p> <p>Ombudsman for Children in Sweden</p>	<p>Different government inquiries which have included research on what impact child rights impact assessment has had, or how the best interest of the child has been used as a rule of procedure. Some of the most important are:</p> <ul style="list-style-type: none"> - The Child Rights Inquiry (2016) investigated what impact the UNCRC had 	<p>The best interests of the child have been the focus for many discussions during the process of having the UNCRC incorporated into Swedish law. It is the most common issue raised when professionals ask for assistance from the Ombudsman for Children in Sweden. We have therefore developed guidance on how to assess the best interests</p>	<p>Yes – for individual children.</p> <p>It is difficult to say exactly how many, but we do it before we take decisions on talking to children in different situations and about different issues. This has been one of our main working models in the last 10 years, hence we have done quite a few CRIA in this field. In our CRIA we have assessed if we should</p>	<p>2015 report</p> <p>Undertake impact assessments on how “the best interests of the child” are taken into consideration in relation to investments or budget cuts in any sector, and measure the impact of such investments or budget cuts on both girls and boys.</p> <p>While noting with</p>

Jurisdiction	CRIA research	Recommendations made for CRIA	CRIAs undertaken by the Offices	UN Committee recommendations
	<p>had in decision making within four areas of specific importance to children: the asylum process, how the social services respond to children who witness violence in the home, the courts decisions when a child has been abused by his/her parents, and when a child shall receive support due to his/her disability. It found that the best interests of the child had rarely been used as a rule of procedure and that decisions rarely had an individual approach to the best interests, but looked at it from a more general level.</p> <p>- The Custody Inquiry (2017) looked at how the best interest of the child had been evaluated and assessed in custody cases. It also found a lack of individual approach in the assessments. The same findings – that the best</p>	<p>of the child, based on General Comment No. 14 from the UN Committee on the Rights of the Child, as well as our own experiences.</p> <p>Based on this we have also produced a webinar including a written Q&A based on questions posted by participants of the live broadcast of the webinar.</p> <p>In all our reports or other written submissions, we highlight the importance of CRIA and how it needs to be strengthened. We also propose changes in legislation in relation to CRIA.</p>	<p>talk to children in a specific situation, how this can be carried out to ensure the best interest of the child, what efforts need to be taken to ensure the child has support after talking to us, what form of contact before, during and after which is best in a given situation, how to reach out to children etc.</p>	<p>appreciation that the right of the child to have his or her best interests taken into consideration is covered by certain laws, the Committee remains concerned that inadequate weight is given to that right, especially in asylum procedures where children are involved. The Committee is also concerned about:</p> <p>(a) The lack of a mandatory child rights impact assessment regarding all measures that concern children.</p> <p>(b) Insufficient training for relevant professionals on best interests' determination.</p> <p>In the light of its General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee reiterates its previous recommendations that the State party strengthen its measures to raise awareness of the meaning and practical application of the principle of</p>

Jurisdiction	CRIA research	Recommendations made for CRIA	CRIAs undertaken by the Offices	UN Committee recommendations
	<p>interests of the child is not used as a rule of procedure and that it lacks individual assessments, have also been concluded in research on children taken into social care.</p> <p>In 2019 a doctoral thesis by jur.dr. Louise Dane (Stockholm University) focused the best interests of the child in migration, in particular in relation to the interest of controlling immigration. It highlights the lack of guidance both on how to assess the best interests of the child, and how to decide which interest should prevail.</p>			<p>the best interests of the child, and ensure that article 3 of the Convention is duly reflected in its legislation and administrative measures. The Committee also recommends that the State party:</p> <p>(a) Undertake mandatory child rights impact assessments to determine the impact of any proposed policy, legislative, regulatory, budget, international cooperation or other administrative decision which affects children and their enjoyment of their rights.</p> <p>(b) Ensure that the principle of the best interests of the child the basis of, and guides the process of, all decisions, especially in asylum cases involving children, including by the provision of regular training to staff of the Migration Board and the social welfare authorities; and increase training on best interests determination.</p>
<p>Ukraine Ukrainian Parliament</p>	<p>In Ukrainian Parliament Commissioner for Human Rights annual reports;</p>	<p>Annual report of the Ukrainian Parliament Commissioner for Human</p>	<p>In 2019, the Ombudsman Office in Ukraine made thematic researches about</p>	<p>2018 report Urges the State party to</p>

Jurisdiction	CRIA research	Recommendations made for CRIA	CRIAs undertaken by the Offices	UN Committee recommendations
Commissioner for Human Rights	Alternative Report on the implementation of the UN Convention on the Rights of the Child by Ukraine; thematic reports.	Rights has a section about children's rights which include child rights impact assessment of state reforms, legislation and state programmes. This report is presented to the Ukrainian Parliament and is published. It provides recommendations for Parliament, Government and local authorities about improvement of state policy and necessary legislative changes.	the rights of the child in alternative care and about taking into account the child's opinion in decisions regarding the child taken by the judiciary and local authorities. External CRIA undertaken about the work of national legislative, executive, judicial bodies.	improve its policies and analysis of resource allocation for children and to ensure that budget allocation at the central and local levels is correlated with actual needs and implementation effectiveness. The Committee further recommends that the State party ensure that poverty reduction reforms focus on social assistance and benefits to low-income families and child protection.
Wales (UK) Children's Commissioner for Wales	In 2016 Dr Simon Hoffman of Swansea University published a report evaluating the Welsh Government's Child Rights Impact Assessment Procedure , including a review of the principles of the CRIA procedure and recommendations for improvement. In 2017 UNICEF undertook analyses of CRIA in the UK; here is the analysis for Wales . We have used this report to try to influence improvements/amendments	CCfW evidence to Children, Young People and Education Committee on their Children's Rights in Wales inquiry - All evidence and the history of this inquiry can be found online – the publication of their final report has been delayed due to the Covid-19.	We have a published guide on a Children's Rights Approach to public services in Wales: The Right Way and a sister document for education settings . The Approach sets out five principles of a children's rights approach: Embedding rights, equality and non-discrimination, empowering children, participation, and accountability. We have used these guides and principles to develop work with local health boards, police forces and other organisations; more	2016 report [see recommendations under Jersey]

Jurisdiction	CRIA research	Recommendations made for CRIA	CRIAs undertaken by the Offices	UN Committee recommendations
	<p>to the current procedures here in Wales</p> <p>Children in Wales and the Wales Observatory on the Human Rights of Children undertook a review of progress made on children's rights in Wales since the introduction of the UNCRC into domestic law, which included looking at the use of CRIA. The report was commissioned by the Equality and Human Rights Commission and published in April 2019.</p>		<p>information can be found here.</p> <p>We've also used the Education work to help schools self-assess their work and environment against a children's rights approach, and published high level findings. Although this is not a formal CRIA itself, it is a useful tool that school bodies can use and may be of interest to other countries as one way to start to embed and mainstream children's rights into their public services.</p> <p>In order to ensure our own organisation's work is promoting and upholding the UNCRC, we've undertaken an analysis of our operational work and project, using the five principles from the Right Way. We report on this in our Annual Report; please see page 33 of the 2018/19 report for more details.</p> <p>Using the five principles, we</p>	

Jurisdiction	CRIA research	Recommendations made for CRIA	CRIAs undertaken by the Offices	UN Committee recommendations
			<p>have also recently developed a new CRIA template for public services to use if they wish to. We had become frustrated at the lack of detailed or quality analysis in Government CRIA so developed some prompts/questions and top tips to help guide the thought process in completing the document.</p> <p>We undertake a broader Equalities Impact Assessment for our annual work plan, but not a specific CRIA. The legislation that governs our work requires us to have regard to the UNCRC in exercising all of our functions, so we use project plans and all staff work planning days to ensure that this is taking place throughout our work.</p>	

Annex 3: ENOC Members Survey (Word Version)

ENOC Members Questionnaire 2020 Child Rights Impact Assessment (CRIA)

'Child Rights Impact Assessment' is the ENOC theme for 2020. We hope you can take part in this questionnaire **by 13 March 2020** so we can hear as many ENOC member views and experiences as possible. Your answers will inform this year's position statement.

Preparation of the statement provides an important opportunity to bring to the attention of decision and policy makers within all our jurisdictions and EU institutions 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.

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. The intent is to understand how a proposed course of action will contribute to or undermine fulfilment of children's rights, and how positive impacts can be maximised, and negative impacts avoided or mitigated, or alternatives considered.

Children and young people's views and recommendations will be captured during the parallel work of ENYA and will also be incorporated into this year's position statement.

Please note that we may produce a summary paper as part of the drafting process and may include feedback and information from the questionnaire in this.

Thank you so much for taking the time to complete this questionnaire,

ENOC Working Group on Child Rights Impact Assessment

Section 1 - Contact Information

Q1. Name of Ombudsman Office: Click or tap here to enter text.

Contact Name: Click or tap here to enter text.

Jurisdiction: Click or tap here to enter text.

Email Address: Click or tap here to enter text.

Phone Number: Click or tap here to enter text.

Questionnaire Instructions

- All jurisdictions to complete sections 2,3,4,6,8 & 9
- Jurisdictions with CRIA to complete section 5
- Jurisdictions without CRIA to complete section 7

Section 2 - Introductory Questions

Q2. Has any research been undertaken on the process, value or effectiveness of child rights impact assessment (CRIA) in your jurisdiction?

- Yes
- No
- Don't know

If yes, please provide details and/or links to reports/research:

Click or tap here to enter text.

Q3. Has your office undertaken work, published a report and/or made recommendations (domestically or internationally) in relation to CRIA?

- Yes
- No
- Don't know

If yes, please provide details:

Click or tap here to enter text.

Q4. Has your office ever undertaken a CRIA in relation to one or more of your office's own areas of work?

- Yes
- No
- Don't know

If yes, can you indicate how many and provide brief details and/or examples:

Click or tap here to enter text.

Q5. Has your office ever undertaken a CRIA in relation to work by other organisations?

- Yes
- No
- Don't know

If yes, can you indicate how many and provide brief details and/or examples:

Click or tap here to enter text.

Section 3 - UN Committee on the Rights of the Child (CRC) Concluding Observations

Q6. When was the last set of CRC concluding observations for your jurisdiction?

Please enter the year: Click or tap here to enter text.

Q7. Was CRIA discussed or recommended in the last set of CRC concluding observations for your jurisdiction?

- Yes
- No
- Don't know

If yes, please provide details on what the CRC said about CRIA:

Click or tap here to enter text.

Section 4 - Development of CRIA within your jurisdiction

Q8. Does your jurisdiction have a national action plan/strategy on children or on children's rights? *[as recommended in the CRC General Measures of Implementation]*

- Yes
- No
- Don't know

Please provide details:

Click or tap here to enter text.

Q9. Does the plan/strategy include a goal, aim, action or recommendation about CRIA?

- Yes
- No
- Don't know
- Does not apply – there is no national action plan/strategy on children or children's rights in my jurisdiction

If yes, please provide details:

Click or tap here to enter text.

Q10. Within your jurisdiction is the obligation to undertake CRIA provided for within legislation?

- Yes
- No
- Don't know

If yes, please provide details:
Click or tap here to enter text.

Q11. Within your jurisdiction do you have a dedicated strategy or policy on undertaking CRIA?

- Yes
- No
- Don't know

If yes, please provide details:
Click or tap here to enter text.

Q12. Does the legislation, strategy or policy identify which bodies are responsible for developing practice on CRIA within your jurisdiction? *[In other words, develop practice to inform/support/drive how other organisations undertake CRIA]*

- Yes
- No
- Don't know
- Does not apply – there is no CRIA legislation, strategy or policy in my jurisdiction

If yes, please provide details:
Click or tap here to enter text.

Q13. Does the legislation, strategy or policy identify which bodies are responsible for undertaking CRIAs?

- Yes
- No
- Don't know
- Does not apply – there is no CRIA legislation, strategy or policy in my jurisdiction

If yes, please provide details:

Click or tap here to enter text.

Section 5 - CRIA In Practice

This section is only relevant for ENOC members who have CRIA in their jurisdiction

Q14. Can you provide a brief summary of the CRIA process used within your jurisdiction? *[It would be helpful if you could provide details and/or links to models, templates or guides used]*

Please provide details:

Click or tap here to enter text.

Q15. On which type of decisions or proposals are CRIA conducted in your jurisdiction? *[Please select all that apply]*

- Law
- Policy
- Practice
- Budgetary
- Other (please specify)

Click or tap here to enter text.

Comments:

Click or tap here to enter text.

Q16. Does your jurisdiction have specific criteria to help decide which decisions or proposals need to undergo a CRIA?

- Yes
- No
- Don't know

If yes, please provide details:

Click or tap here to enter text.

Q17. At what point in the decision-making process are CRIA conducted in your jurisdiction?

- Before the decision
- After the decision
- Don't know

Comments:

Click or tap here to enter text.

Q18. If you selected 'before the decision', how are the findings and recommendations of a CRIA reflected in the final decision?

Comments:

Click or tap here to enter text.

Q19. At what levels of government are CRIA conducted in your jurisdiction?

Comments:

Click or tap here to enter text.

Q20. Who conducts a CRIA within those bodies required to undertake them? *[We are interested in knowing about the actual persons who conduct the assessment, for example are they specialists in child policy, do they belong to the political or technical level of government]*

Comments:

Click or tap here to enter text.

Q21. What are the challenges in developing and implementing a CRIA process in your jurisdiction?

Comments:

Click or tap here to enter text.

Q22. Has there been any evaluation of the CRIA process or CRIAs in your jurisdiction?

- Yes
- No
- Don't know

Comments:

Click or tap here to enter text.

Q23. Are CRIAs proving to be an effective way to take account of the impact of decisions and proposals on children's rights in your jurisdiction?

- Yes
- No
- Don't Know

Comments:

Click or tap here to enter text.

Q24. If yes, please provide one or more specific examples of positive change to outcomes for children and young people in your jurisdiction?

Please provide details:

[Click or tap here to enter text.](#)

Section 6 - Involving Children and Young People

Q25. Are children and young people involved in the CRIA process in your jurisdiction?

- Yes
- No
- Don't know
- Does not apply – CRIA is not practiced in our jurisdiction

Comments:

[Click or tap here to enter text.](#)

Q26. If yes, please can you describe and include examples of how children and young people are involved?

Please provide details:

[Click or tap here to enter text.](#)

Q27. What do you think are the challenges to meaningfully involve children and young people within an effective CRIA process?

Comments:

[Click or tap here to enter text.](#)

Section 7 - Jurisdictions without CRIA

This section is only relevant for ENOC members who do not have CRIA in their jurisdiction

Q28. If your jurisdiction does not have legislation or a national commitment to undertake CRIAs, could you briefly explain why you think this is the case?

Comments:

[Click or tap here to enter text.](#)

Q29. Are there other mechanisms used to take account of the impact of law, policy and practice on children's rights?

- Yes

- No
- Don't know

Please provide details:

[Click or tap here to enter text.](#)

Q30. Has your jurisdiction previously undertaken a CRIA process?

- Yes
- No
- Don't know

If yes, please provide details:

[Click or tap here to enter text.](#)

Q31. If yes, can you explain why CRIAs are no longer undertaken:

Comments:

[Click or tap here to enter text.](#)

Q32. Has your jurisdiction attempted to introduce a CRIA process?

- Yes
- No
- Don't know

Please comment and/or provide details:

[Click or tap here to enter text.](#)

Q33. Are there barriers that prevent a process of CRIA being developed and implemented within your jurisdiction?

Comments:

[Click or tap here to enter text.](#)

Section 8 - Other types of assessment

Q34. Does your jurisdiction have legislation in place for undertaking any other type of impact assessment? *[For example: human rights impact assessment, equalities impact assessment, poverty impact assessment etc.]*

- Yes
- No
- Don't know

If yes, please provide details:

[Click or tap here to enter text.](#)

Q35. If yes does the consideration of children and young people's rights form a part of the legislation for undertaking the assessment

- Yes
- No
- Don't know

If yes, please provide details:

[Click or tap here to enter text.](#)

Q36. Does your jurisdiction have a dedicated strategy or policy for undertaking any other type of impact assessment?

- Yes
- No
- Don't know

If yes, please provide details:

[Click or tap here to enter text.](#)

Q37. If yes does the consideration of children and young people's rights form a part of this strategy or policy for undertaking the assessment?

- Yes
- No
- Don't know

If yes, please provide details:

[Click or tap here to enter text.](#)

Section 9 - Position Statement

Q38. What (if any) are the priority areas for the work of your office in relation to implementing and developing a process of CRIA within your jurisdiction?

Please provide details:

[Click or tap here to enter text.](#)

Q39. What are the three priority areas which your office advises should be addressed in ENOC's position statement on CRIA?

Priority 1:

[Click or tap here to enter text.](#)

Priority 2:

[Click or tap here to enter text.](#)

Priority 3:

Click or tap here to enter text.

Q40. Do you have any other comments to inform ENOC's work on CRIA?

Comments:

Click or tap here to enter text.



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