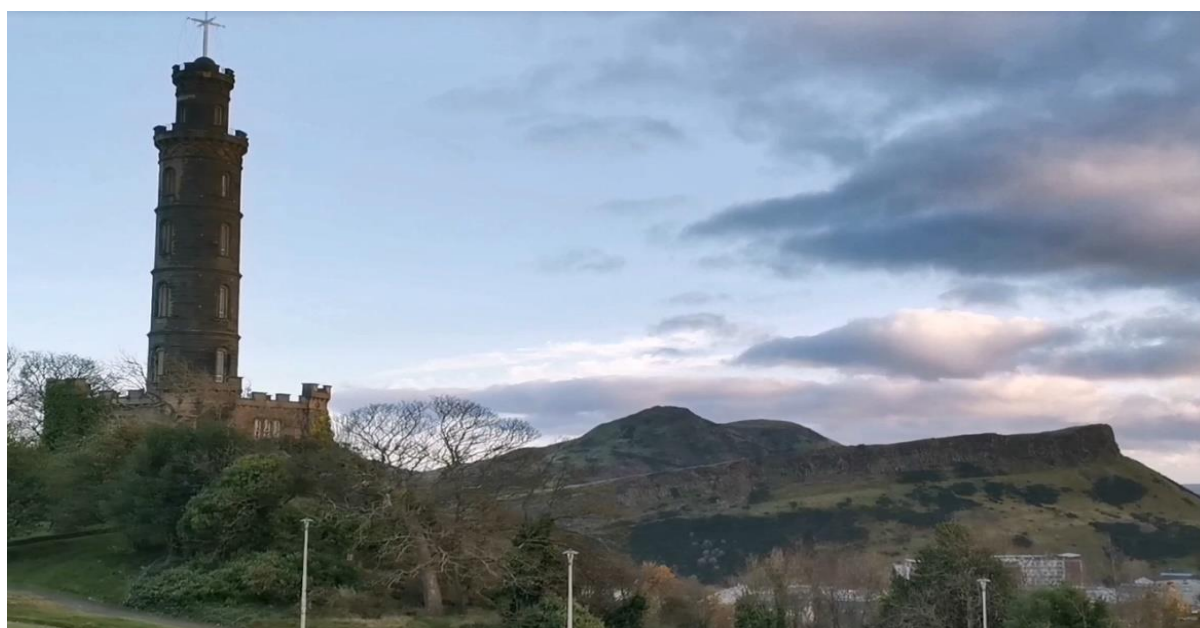


ENOC 24th Annual Conference

Child Rights Impact Assessment



16 - 17 November 2020

Online Event

Hosted by the Children and Young People's Commissioner
Scotland

When people in power make laws and policies, they don't
always think about the impact these will have on children
and young people.

A Children's Rights Impact Assessment aims to address
this by looking at the positive and negative effects a
decision may have on children and young people's rights.



This Conference is co-funded by the European Union's Rights, Equality and Citizenship Programme (REC 2014 – 2020). The content of this event represents only the views of ENOC and is its sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.



Introduction – Child Rights Impact Assessment

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


The need to introduce a continuous process of CRIA has been recommended by the UN Committee on the Rights of the Child in several of its General Comments. In General Comment No.5 on the General Measures of Implementation, the UN Committee says: *“Ensuring that the best interests of the child are a primary consideration in all actions concerning children (art. 3 (1)), and that all the provisions of the Convention are respected in legislation and policy development and delivery at all levels of government demands a continuous process of child impact assessment (predicting the impact of any proposed law, policy or budgetary allocation which affects children and the enjoyment of their rights) and child impact evaluation (evaluating the actual impact of implementation)”*.¹

CRIA has only been adopted in a small number of European Network of Ombudspersons for Children (ENOC) jurisdictions, and whilst it is a known and accepted term internationally there is limited literature on the process. By undertaking extensive work in 2020 on CRIA, drawing on the experience and expertise of those ENOC member countries/regions that have a CRIA process, ENOC aimed to demonstrate that the introduction and systematic use of CRIA would help raise the profile of children's rights in law, policy and decision making within ENOC members' jurisdictions.

The Annual Conference of ENOC provided an opportunity to explore and share knowledge and experience of adopting and implementing a process of child rights impact assessment as a General Measure of Implementation of the UNCRC. Significantly, the participation of young people at the conference ensured that a substantial part of the agenda was focused on the importance of involving children and young people in CRIA.

The ENOC Annual Conference took place online on 16 – 17 November 2020. The ENOC 24th General Assembly meeting, marked by the election of the new ENOC Bureau, was held after the conference on 18 November 2020.

¹ UN Committee on the Rights of the Child (2003) General Comment No.5 General Measures of Implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44. para.6). Para 45.



The event brought together online 138 participants including: 89 participants from ENOC member institutions, 15 young people and their coordinators participating in the European Network of Young Advisers (ENYA) project, observer Ombudspersons for children, observer non-governmental organisations operating in the children's rights field, representatives of the UN, European Commission, European Parliament, Council of Europe, and international experts on child rights impact assessments.

Young people from 13 ENOC countries/regions (Andalusia, Basque country, Catalonia, Cyprus, Greece, Iceland, Malta, Montenegro, Northern Ireland, Norway, Scotland, Slovakia and Sweden) took part in the ENYA project "Let's talk young, let's talk about children's rights in decision-making" this year. The participation project aimed to provide a forum for children and young people to express their views and concerns regarding how to ensure the protection and promotion of their rights, and how to involve them in the development of legislation, policies and decisions that affect them. Promoting and protecting the rights of Lesbian, Gay, Bisexual, Transgender, Intersex, and Questioning+ (LGBTIQ+) children and young people was used as a supporting topic to help make CRIA less abstract for the young people participating in the project.

At the final stage of country activities two representatives per country/region, accompanied by ENYA coordinators, participated in the ENYA Forum on 2-4 October 2020. The Forum took place online and was hosted by Norway. At the Forum, the young people worked on and agreed on a set of common recommendations on CRIA, child participation, and rights of LGBTIQ+ children and young people. A report of the ENYA Forum is available [here](#).

Several of the young people who participated in the Forum attended ENOC's 24th Annual Conference where they presented their recommendations, as well as delivering workshops on CRIA and participation. The ENYA recommendations on CRIA have informed and are reflected in the ENOC position statement on Child Rights Impact Assessment.

All the publications and outcomes on the 2020 theme are available [here](#).


DAY 1: 16 November 2020

Conference Opening Plenary



Bruce Adamson, Conference Host and ENOC Chair-Elect, Children and Young People's Commissioner Scotland, opened the conference, welcoming everyone to Scotland virtually and expressing his regret that ENOC could not meet in person in such an extraordinary year. He emphasized, however, how much remains the same: how Ombudspersons, Children's Commissioners, and Young Advisers alike have worked together domestically and regionally to protect and promote children's human rights. 2020 has been particularly challenging given the human rights crisis caused by the COVID-19 pandemic. The [United Nations Committee on the Rights of the Child's April statement](#) warned of the grave physical, emotional and psychological effects of the pandemic on children which we saw at the domestic level: disrupted education, loss of social interaction with friends and family, restricted play and leisure opportunities, the loss of formative childhood events, and the significant impact on children's mental and physical health, as well as the exacerbation of inequalities and poverty. Children's different way of experiencing time means the pandemic has disproportionately affected how they experience such missed opportunities.

The pandemic has really tested human rights and decision-making systems. ENOC's decision to make Child Rights Impact Assessment (CRIA) its 2020 theme proved to be very timely. The work delivered by the Working Group on CRIA has contributed to



produce key tools for assessing the pandemic's impact on children and their rights across the continent and for moving towards mainstreaming children's rights in policymaking.


The Children and Young People's Commissioner Scotland commissioned an Independent CRIA from the Observatory for Children's Human Rights Scotland analyzing how emergency laws and policies around the pandemic impacted the human rights of children and young people in Scotland. In 2020, the Scottish Government introduced a Bill to incorporate the UNCRC in domestic law, after decades of advocacy and with strong international support.

ENOC Chair, **Koulla Yiasouma (Northern Ireland Commissioner for Children and Young People)**, provided an update on ENOC's 2020 activities and the main achievements of the annual activities, the work on the annual theme of CRIA, and responses to the COVID-19 pandemic. She emphasised the professional and personal challenges Children's Commissioners and Ombudspersons have faced resulting from the pandemic. She highlighted the direct and indirect impacts of the pandemic on children and young people, and the importance of having a CRIA in this context.

Dr. Najat Maalla M'jid, United Nations Special Representative of the Secretary-General on Violence Against Children sent a video message emphasizing the importance of Child Rights Impact Assessments to child rights-focused policy-making, particularly in the context of the COVID-19 pandemic. Precision, data, and a commitment to an evidence-based approach are essential for effective child rights advocacy. She underlined the importance of investing in children, their rights, and their protection as a crucial part of building back better at all levels from the pandemic. Dr. M'jid also expressed an invitation to work with ENOC.

Afshan Khan, United Nations Children's Fund (UNICEF) Regional Director for Europe and Central Asia and Special Coordinator for Refugee and Migrant Response in Europe highlighted the devastating impact of the COVID-19 pandemic on children around the world and the importance of child rights monitoring at national level. Thirty-one years on from the signing of the UNCRC, implementation gaps remain. Children's Commissioners and Ombudspersons have a crucial role to play in ensuring monitoring, accountability, and the full implementation of the UNCRC and its Optional Protocols at the domestic level. ENOC and UNICEF's joint project on CRIA and the response to the pandemic as well as the broader partnership to protect and promote children's rights across the region are of great importance.

Saskia Bricmont, Co-Chair of the European Parliament Intergroup on the Rights of the Child presented the work of the Intergroup and highlighted the need to properly assess the impact of the pandemic, including on children. She made an important call for actions to make CRIA a reality, and protect particularly those children in situations of vulnerability, including in migration or child labour. Concrete



steps to tackle child labour are crucial as 2021 approaches— the international year dedicated to taking more steps to eradicate child labour entirely.

European Parliament Vice President and former Prime Minister of Poland, Ewa Kopacz, thanked ENOC for the kind invitation to the Conference and sent a statement to be shared with members, in which she highlighted the impact of COVID-19 on children's rights and the need to fully understand this. As such, ENOC's CRIA theme and work is timely.


CRIA Expert Panel

This session was co-hosted by **Hope** and **Maria**, two amazing human rights defenders and Young Advisors to the Children and Young People's Commissioner Scotland. The session brought together four experts to share their knowledge of child rights impact assessment.

Kay Tisdall, Professor of Childhood Policy, University of Edinburgh, presented the work undertaken by the [Observatory of Children's Human Rights Scotland](#) to conduct an [Independent Children's Rights Impact Assessment on the response to COVID-19 in Scotland](#) within six weeks. This work was commissioned by the Children and Young People's Commissioner Scotland. Kay provided a brief outline of the aims of the Independent CRIA. She noted that generally it is unusual for a CRIA to be conducted across multiple policy areas, and in doing so discussed the approach taken by the Observatory, drawing on the expertise of subject leads. Those subject leads undertook individual CRIAs in nine different policy areas that subsequently provided the basis for the whole independent CRIA – to summarize 'a big process in a small amount of time'. Further information on the methodology is available in [appendix 10](#) of the Independent CRIA.

Kay identified and discussed four issues that she considered to be learning factors for going forward with CRIA. Her first point was about the process; the need to make it manageable with sufficient time to do it and the importance of engagement at all levels of an organisation undertaking CRIA. Her second point concerned evidence; the practical issues faced in terms of being able to access existing children's rights evidence. The third point concerned how to make sure there is a robust way of involving children and young people in planning a CRIA, so that it becomes part of the way we do things even in times of crisis. The fourth point addressed the need to make sure more training is available on human rights instruments, not just the UNCRC, and the power of working in teams to draw on the expert knowledge of others.

Kay concluded that it is very worthwhile to do a CRIA so long as it is built into a broader plan to make it meaningful, and that the process is important as are its links to decision making. Secondly, the need to think about evidence and child rights indicators and how to make them accessible and robust. Thirdly, children and young people's involvement, and fourthly the value of working in teams to make sure it is not a lonely exercise but something that is built in and meaningful.



Jana Hainsworth, Secretary General, Eurochild, highlighted the importance of civil society organisations joining forces with Ombudspersons' offices to work together to advocate for children's rights in these challenging times.


Jana explained the importance of the forthcoming European Union (EU) strategy on the rights of the child, due to be launched in the Spring of 2021. She provided a timely reminder that this strategy is not only about promoting and supporting children's rights in the 27 EU Member states, but also about how you integrate children's rights in all of the policies, legislation and funding that the EU runs outside the European Union.

She talked about the importance of the European Commission ensuring they take a children's rights perspective across all the areas they consider to be a priority. Jana noted that one of the tools available to do this would be child rights impact assessments, and the importance of making CRIA available within the European Union as a means to sensitize policy-makers to the fact that what they are working on has a children's perspective and therefore children's rights need to be protected.

As well as CRIA, Jana emphasized the importance of helping policy-makers and legislators to understand and put value and resources into bringing in the children's perspective and facilitate meaningful child participation. To enable this to happen at the EU level, infrastructure and systems need to be established at city, regional and national level to work with and for children. The EU can champion this participation work by doing meaningful child participation itself, bringing in children from countries where they are already embedded in participatory activities, and importantly, providing resources and the vision to enable it to be established across countries.

Jana concluded by highlighting the opportunities the European Child Guarantee initiative presents - as both a political commitment and a funding instrument to invest in the most vulnerable children all over Europe and tackle poverty.


Simon Hoffman, Professor, Legal Studies, University of Swansea provided an outline of the process and practice of undertaking child rights impact assessments. He began by observing that CRIA is a procedure to predict in advance the likely impact of a policy proposal on the human rights of children and young people, noting that it is the procedure recommended by the UN Committee on the Rights of the Child to help ensure legislation and policy respect and promote children's rights. CRIA should therefore be applied to government proposals that are likely to have a direct or indirect impact on children – they provide a real opportunity to remove or reduce any adverse impact on children's rights, and to embed the consideration of children's rights into government policy processes. He noted that, despite these potential benefits for children's rights, there is no duty on Governments to carry out CRIA. However, the UN Committee on the Right of the Child has made it clear in several General Comments (in particular General Comments 5 and 19) that it



expects Governments to apply the procedure in order to meet their obligations under article 4 of the UNCRC to give effect to children's rights.

Simon explored the question of how CRIA should be carried out. Although there is no set methodology to CRIA, he explained that there are several core procedural steps that have been identified from available literature as common to human rights and child rights impact assessment. Simon provided a summary of each of these steps. Screening is an initial step in the procedure to help decide which policies should be subject to a detailed assessment. It is followed by scoping and evidence-gathering to assess the likely impact of a policy proposal – the evidence gathered needs to be comprehensive and applicable to different groups of children and young people likely to be affected by a policy proposal. As part of evidence-gathering and assessing impact, CRIA needs to involve children; this is one of the most important procedures for a meaningful CRIA, as evidence from children will be amongst the best evidence of the likely impact of a policy proposal on children's rights. The next stage is analysis of what the likely impact is of a proposal on children's rights and it is vital to effective analysis that it is carried out by someone with proper knowledge of children's rights. Finally, once analysis is complete, a CRIA should reach conclusions including recommendations for any amendments, alternatives, and improvements to a policy proposal and these should be made publicly available to promote transparency and support accountability.

Turning to lessons of CRIA in practice, Simon shared his findings from his [recent examination](#) of studies of CRIA in practice in seven states (Belgium, Bosnia-Herzegovina, Canada, Ireland, Sweden, New Zealand and the UK (Scotland and Wales)). In each of these states CRIA featured at some level of government, either at national or devolved level. His study identified that CRIA faces several challenges. The most immediate challenge is persuading governments to undertake CRIA, especially for budgets and economic policy, and the reasons for failing to do so seem to include lack of resources, capacity, and government willingness to apply CRIA. Another challenge is ensuring compliance with the core elements previously referred to, ensuring that CRIAs are undertaken by officials with the correct levels of expertise. Another issue is the lack of resources or limited capacity to carry out CRIA – this problem may be eased by effective screening measures, but he noted that if screening is too restrictive it can become a weakness and result in some policies that have the potential to impact on children being excluded from analysis. Another possible solution to limited resources is integrated impact assessment – where a CRIA is carried out alongside other impact assessments. However, the experience of CRIA in practice suggests integration risks reducing the focus on children's rights. Another challenge is involving children, and he referred to CRIA in Bosnia-Herzegovina showcasing the benefits of involving children, however he noted that this good practice was the exception. Finally, the timing of CRIA is crucial, as it is often introduced too late in the policy process to make any difference. Early implementation makes it more likely that a CRIA will highlight negative impacts, and therefore it is vital that governments that introduce CRIA introduce it at an early stage in the policy development process.



Ceri Hunter, Senior Policy Advisor, Children and Young People's Participation Team, Scottish Government talked about [Children's Rights and Wellbeing Impact Assessments \(CRWIA\)](#) from a Scottish Government perspective, how they implement them, and learning points from a recent change to their CRWIA process.

Ceri started by outlining the three-stage process of CRWIAs, a screening stage, an analysis stage, and a publication summary stage.

Initially teams are asked to identify all impact assessments they will need to do the day they decide a new policy or legislation will be developed. A team will decide itself how they want to go about the CRWIA process. Often a team will start the screening stage, and then contact Ceri's Team for review and feedback. If they do not have a solid understanding of children's rights, that is often where Ceri and her team must support them and explain to them how their policy area does affect children and young people. A screening needs to be signed off by a Senior Official.

Once a team has completed a screening and decided that they need a full impact assessment they will move onto stage two. This stage involves looking at how a proposal impacts on children's rights by looking at the UNCRC articles and the wellbeing indicators in the Scottish Government's [Getting it Right for Every Child](#) policy, building an evidence base, undertaking stakeholder engagement as well as engagement with children and young people. Once they have completed the assessment, they move onto stage three which is essentially a summary of stages one and two. Ceri noted that this creates duplication in the process, something that the Scottish Government are currently reviewing. Another procedural issue to be addressed concerns the publication of CRWIAs; currently the Scottish Government require that all CRWIAs are published, however publication only includes stage one and three – there is no requirement to publish stage two. This means that publicly there is no information available on who the Scottish Government have engaged with and how the analysis has been undertaken.

Ceri shared her thoughts on the learning she has gained by carrying out CRWIAs, highlighting the key challenges and issues of the current CRWIA process. She emphasized that it is not the job of one person and the advantages of undertaking CRWIAs as part of a team. The Scottish Government needs to find a way to ensure a stronger level of understanding of both the CRWIA process and children's rights amongst officials. Currently there is only an expectation for a CRWIA to be undertaken – there is no mandatory legal requirement, however the Scottish Government intend to address this as part of the forthcoming incorporation of the UNCRC into Scots law where CRWIAs will be mandatory on all legislation.

Ceri concluded by summarizing areas of forthcoming work by the Scottish Government, particularly the planned evaluation of the CRWIA process.

At the end of the presentations by the four experts Maria and Hope co-hosted an engaging question and answer session.

Jana responded to a question on the feasibility of CRIA being specifically mentioned in the new EU Strategy on the Rights of the Child. She noted that it is very feasible, as the European Commission is committed to it being an actionable strategy. Jana expects that CRIA will be among the governance tools that the EU will advocate for in applying a child rights perspective across policy-making at an EU level.

The panel responded to a question on who should carry out a CRIA, whether government officials, independent experts or children and young people. Simon's view was that it should be carried out by government officials but should draw heavily on external expertise and on the lived experience of children and young people. Kay advocated the benefits of taking a team approach – where a children's rights expert works with a policy expert, and through that process the policy expert takes on more responsibility for children's rights. Jana added that for this to work there needs to be political will within institutions and to help garner this it is necessary to show the difference that a CRIA has made, so there needs to be more evaluation and evidence on what impact CRIA has made to policies and the lives of children.

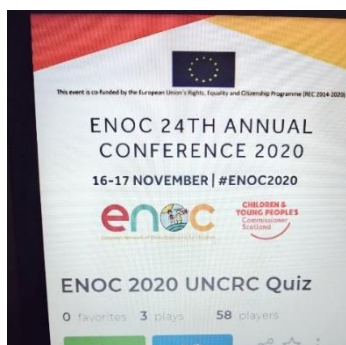
ENYA 2020 – Let's Talk Young, Let's Talk About Children's Rights in Decision-Making

The afternoon of day one was hosted and led by the European Network of Young Advisors (ENYA). Participants were introduced to some of the Young Advisors via a [short film](#).

ENYA Recommendations on CRIA



The focus of this session was on sharing ENYAs recommendations on Child Rights Impact Assessment.



Jonathan and **Abigail**, two of the Young Advisers to the Children and Young People's Commissioner Scotland, welcomed everyone to this session. To gently ease participants into thinking about CRIA, Jonathan and Abigail co-hosted a Kahoot quiz with some challenging questions on the UNCRC, as well as testing people's knowledge of the ENYA recommendations.

Several Young Advisors (**David, Hope, Aitor** and **Catherine**) presented the ENYA CRIA recommendations in greater detail.

They reminded participants that child-friendly information about human rights is not the same as childish information. It's about creating something that is understandable and accurate for different age groups, not about patronizing them.

Summary of the CRIA recommendations:

1. The States should make CRIA mandatory and raise awareness of it.
2. CRIAs must be based on a broad range of articles, up-to-date and relevant statistics, and child-friendly information must be provided.
3. Children and young people must be involved in CRIAs and Child Rights Impact Evaluations (CRIEs).
4. Young people must be educated about children's rights, including CRIA.
5. Adults must be educated about the CRC and CRIA.
6. Adults need to respect children's opinions and be open-minded.
7. Children's Commissioners and Ombudspersons should play a role in CRIAs.
8. Need to be consequences if a CRIA is missing, not used or incomplete.
9. Topics where CRIAs should be conducted.



Topics where CRIAs should be conducted

- Decisions about budget
- Need for a Child Rights Impact Assessment of the Education system and syllabi should be revised to include more relevant skills and topics
- The effect of Covid-19 on children's rights, particularly their right to education - emergencies are not excuses to ignore children's rights
- Focus groups need to be carried out to address certain challenges such as hate speech
- The modernization and improvement of educational and recreational material in the classrooms about bullying
- The design and development of leisure centres/ facilities and activities
- Buildings being constructed and transport - things that are carried out by their councils

Workshop 1 with ENYA – Escape Room

The purpose of this workshop was to introduce participants to the basics of doing a child rights impact assessment using COVID-19 as a case study. Participants were sent to different virtual escape rooms. Each escape room was hosted by a Young Advisor and co-hosted by an ENYA Coordinator. Participants were provided with the case study 'that to halt the spread of Coronavirus new emergency laws had been introduced by the government'. To escape the room participants were given the challenge of doing a CRIA (based on ENOCs CRIA Model) on the new emergency laws. Fortunately, everyone was successful, did their CRIA and escaped the room for the next session.

ENYA Recommendations on LGBTIQ+



The focus of this session was on sharing ENYAs recommendations on the rights of LGBTIQ+ children and young people. This issue had been selected as a supporting topic to help make the concept of CRIA less abstract for the Young Advisors. At the ENYA Forum in October the Young Advisors had been challenged via an Escape Room game to assess the impact on children's rights of a new law about the rights of LGBTIQ+ children. This work enabled them to identify and agree on a set of recommendations.

Several Young Advisors (**Nicole**, **Carmen**, and **Angela**) presented in greater detail the ENYA recommendations on the target areas for promoting and improving the rights of LGBTIQ+ children and young people.

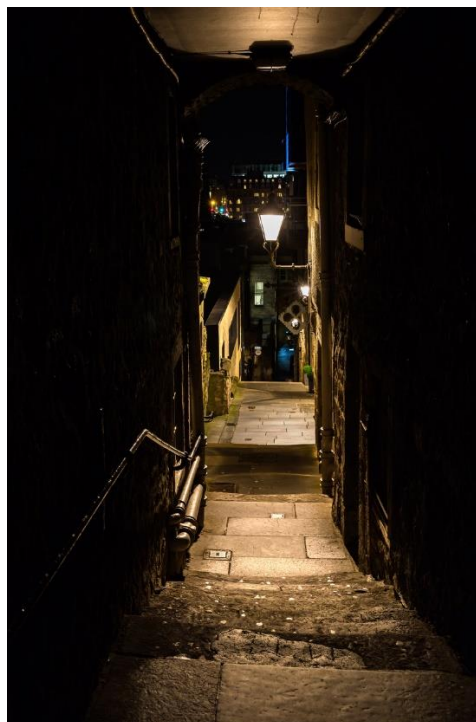
Summary of the LGBTIQ+ recommendations:

1. Safeguard LGBTIQ+ children's rights
2. Education
3. Healthcare and support
4. Bullying

5. Change attitudes through awareness raising and “normalization” of LGBTIQ+ people
6. Transgender children
7. Statistics

After the presentation, **Kjersti Botnan Larsen** (ENYA General Coordinator, Office of the Ombudsperson for Children in Norway) moderated a question and answer session for participants and several of the Young Advisors. An engaging session, participants benefited from the insights of the Young Advisors on the challenges and issues faced by LGBTIQ+ children and young people living in ENOC member states.

The first day of the conference concluded with a virtual walking tour exploring Edinburgh’s medieval old town with our guide **Roísín**. She revealed some of its gruesome history, and how the Edinburgh Enlightenment helped Scotland’s capital gain its reputation as the ‘Athens of the North’.





DAY 2: 17 November 2020

CRIA Case Studies

This session provided an opportunity to hear from the experience of three ENOC Members on what CRIA looks like and how it works in their jurisdiction.



KARIN SJOMILLA

LEGAL ADVISOR OF THE OMBUDSPERSON
FOR CHILDREN IN SWEDEN

SALLY HOLLAND

CHILDREN'S COMMISSIONER FOR WALES


LEEN ACKAERT

POLICY ADVISOR OF THE OFFICE OF THE
CHILDREN'S RIGHTS COMMISSIONER, FLANDERS

#ENOC2020CONFERENCE

Karin Sjomilla, Legal Advisor to the Ombudsperson for Children in Sweden explained that the primary focus of child rights impact assessment in Sweden has been on assessing a proposal or decision against the principle of the best interest of the child (UNCRC article 3). She noted that this approach has not always been useful for drafting legislation. In response to this, and based on ENOC's CRIA work, the Ombudsperson's office is taking a fresh look at how CRIA is undertaken in Sweden and whether they need to develop a new tool for this work that is based more on UNCRC article 4 rather than article 3.

In Sweden there is no legal requirement to carry out a CRIA before a decision is made. Karin highlighted however that with the incorporation of the UNCRC into Swedish law in January 2020, and taking account of the UN Committee on the Rights of the Child's interpretation of article 4, there is a strong case for saying that a CRIA has to be undertaken before a decision is made. This was one of the reasons why the Swedish Government wanted to incorporate the UNCRC; to ensure a child rights-based approach in legislation and in the work carried out by state agencies, municipalities, and regions. However, although the UNCRC incorporation law was approved in 2018, proposals for new laws still lack a child rights approach or a CRIA. Karin emphasized how important it is to have a CRIA in new laws and the preparatory work for a new law as this is where practitioners go when they want to



interpret both the Swedish law and the UNCRC, and understand how a child rights perspective has been assessed in legislation.

Karin provided some brief comments on CRIA in the COVID-19 pandemic. In terms of the rapid decisions being made in Sweden, there have been cases where CRIA has been carried out, as has listening to children, however a child rights perspective has been lacking in a lot of the decisions. One of the most recognized decisions where a child rights perspective was taken was the decision to keep primary schools open in Sweden. This decision was based on the best interests of the child, with the government and authorities clearly stating that it was in the best interests of the child to go to school and be there, highlighting that for children at risk and children from difficult circumstances school was so important that it was necessary to keep schools open.

To conclude Karin noted that in the past 20 years Sweden has taken a lot of steps to undertake structured work on CRIA, however there is still a lot of work to do to: ensure decisions at the highest level are based on CRIA, ensure that children are included in carrying them out, ensure they are equally done throughout the whole country, and ensure CRIAs are part of the legislative process – if it happens there it will spill over into the rest of society.


Sally Holland, Children’s Commissioner for Wales provided a brief outline of the current system in Wales for CRIA.

She explained that there is a legal basis for the UNCRC in domestic legislation in Wales, which is called [The Rights of Children and Young Persons \(Wales\) Measure 2011](#). This Measure embeds consideration of the UNCRC, and the Optional Protocols, however the UNCRC is not fully incorporated into domestic law.

This Measure means Government ministers must have due regard of the UNCRC when exercising any of their functions, and that includes making policy decisions and new legislation. As part of this Measure, there is a statutory children’s rights Scheme which lays out the requirement for a CRIA. The requirement is that a CRIA must be done and published when new legislation is proposed, and that it should be done for all policy decisions to enable Ministers to pay Due Regard to children’s rights.

Reviewing how CRIA has worked over the years, Sally listed some of the positives: CRIAs are an established part of government working, they provide a useful mechanism for the Commissioner’s office and the general public to scrutinize how Ministers are fulfilling their Due Regard duty, and some have been done well – for example the [CRIA](#) accompanying the proposed legislation to end the corporal punishment of children, which laid out very clearly the children’s rights impact.

However, Sally highlighted that there are a lot of barriers and negatives. A number of these have been identified in a recent inquiry by the Welsh Parliament on [Children’s Rights in Wales](#). CRIAs are often done retrospectively and rarely lay out anything that might be wrong with the proposal in terms of children’s rights. They are often of



poor quality, a tick box exercise. They are very rarely published unless they must be for legislation. Completed CRIAs tend to talk of children as one group, and do not look at specific groups of children. Also, of note is that the requirement to do a CRIA does not cover public bodies, only the Welsh Government.

Sally concluded by highlighting some hopeful CRIA developments in 2020. The Welsh Government has made a commitment to publish every CRIA that they do. In response to the pandemic the Commissioner's office has worked with the Welsh Government in lots of ways: by gathering evidence via a survey of how the pandemic affected children and young people, providing that data to the government and training them on how to use the data to inform their CRIAs. The Crisis has allowed for a fundamental and positive shift in the Welsh Government's thinking and approach to CRIA.

Leen Ackaert, Policy Advisor at the Office of the Children's Rights Commissioner, Flanders provided a summary of how CRIA works in Flanders. There is legislation that requires a CRIA (called a JoKER) to be undertaken during the making of a new law by the Flemish Government. It is only used when there is a direct impact on the lives of children and young people. Its application is broader than children as it is for all people under the age of 25. It is a public document and included in the legislation when it comes to the Flemish Parliament. It lacks a child rights perspective and is more of an instrument that looks at the impact on children and young people's lives.

Reflecting on the development of the CRIA process Leen noted that when it was first introduced in 1997 it was for children under 18, and at that point it was a child rights-based instrument. Over the years it has changed, becoming one instrument amongst other types of impact assessment. In 2008 it was extended to proposals that would directly impact under 25s.

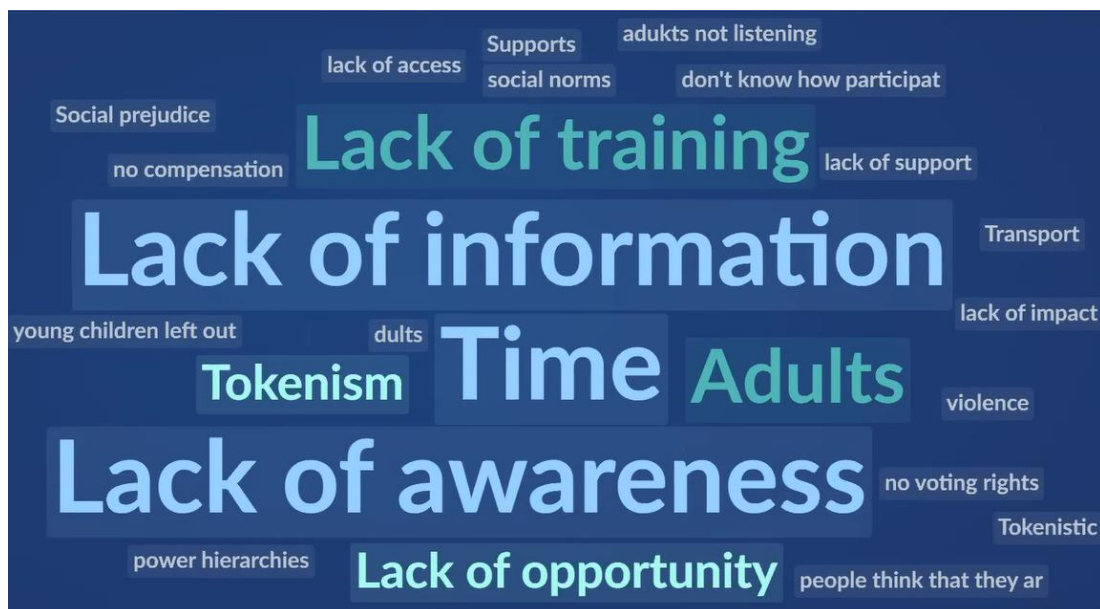
In conclusion, Leen noted that firstly it is important to remember that CRIA is one of many children's rights instruments; we need other instruments such as youth councils, children's ombudspersons, and research to help in assessing impact. Secondly, for a CRIA to be effective it is necessary to start it as early as possible, and it's important to keep this in mind when writing the mandate for a CRIA. Thirdly, make sure it is lively and dynamic; it is important that the civil servant stays in a dynamic and talks to children and experts, to make sure that children's rights are respected. Fourthly, in Flanders a CRIA is only required on new legislation from the Flemish government, and Leen suggests it would make a big difference if this were widened to include other decisions by the Flemish government. Leen's final point was that previously in Flanders rather than a civil servant overseeing all the CRIAs there had been a Commission of Independent Experts (including children's rights experts, experts in research with children etc.) who decided if a CRIA had to be carried out on new legislation.

ENYA Recommendations on Participation



This session was hosted and led by ENYA with support from ENYA Coordinator, **Kjersti Botnan Larsen**. The focus of the session was on sharing the ENYA recommendations on Child Participation.

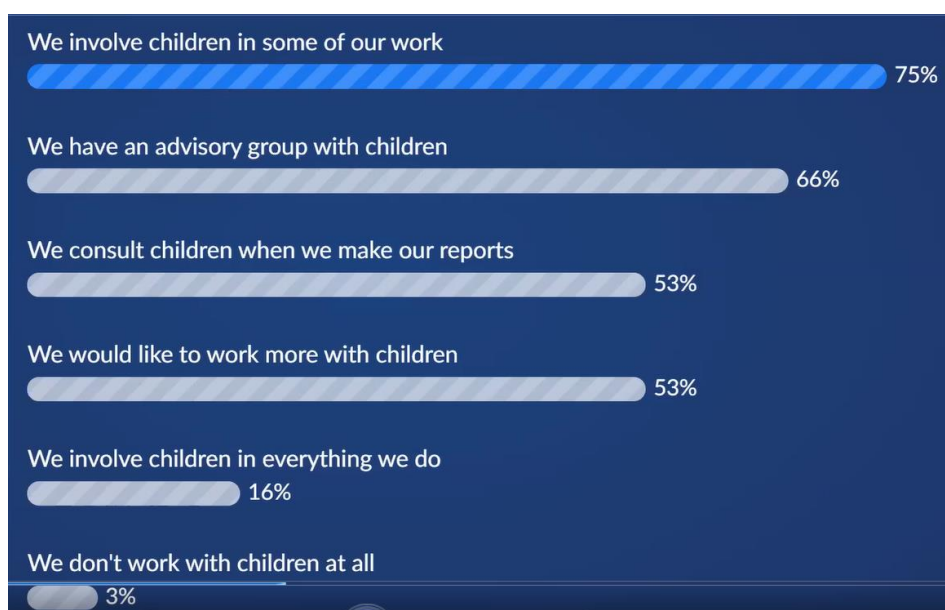
The session started with an introductory question and answer session using Slido. The first question asked by Young Advisor, **Catherine**, was **what are the biggest barriers for children and young people's participation in your country or region?**



Slido showing what the participants thought were the biggest barriers to participation.

Catherine provided a quick summary of the most popular answers: Time (not having enough), Adults, lack of awareness, lack of information, lack of opportunity, lack of training and tokenistic participation.

The second question from Young Advisor **David** was **how do you prioritize children's participation at your office?** Participants selected multiple answers from six pre-selected options.




Several of the Young Advisors (**Jeremy, Oda, Rebeka** and **Jonathan**) presented in greater detail the ENYA recommendations on participation.

Summary of the Participation Recommendations:

1. Need to improve access to participation for all children and young people.
2. Participation should be on children and young people's terms.
3. Provide information and education for young people.
4. Educate and make adults aware of children's right to meaningful participation.
5. Create digital platforms for participation.
6. More youth-led participation.
7. Voting rights for young people should be assessed in the different countries.
8. Young people should be able to participate in all important topics that affect them, including for example: education, health, and the environment.

At the end of the presentations by the four Young Advisors Kjersti took the opportunity to moderate a quick question and answer session.

A Young Advisor responded to a question raised concerning educating adults about participation and addressing their bad behaviour. They noted that this is probably more of an unconscious feeling among adults, where they think children are not mature enough. They emphasized that this must change and the way this can be done is by showing off the talents and responsibilities of children and young people. Adults must train themselves to decrease their patronizing attitudes towards children and young people.



The Young Advisors responded to several questions raised about the voting age. They explained that there had been a very good discussion about this at the ENYA Forum especially as the voting age was very different across ENOC member countries. Responding to a question about the voting age being lowered below 16 they noted that when it was discussed at the Forum a lot of the Young Advisors were unsure about it being lowered below 18 or 16, but as they had seen votes at 16 working well in other countries, felt it was not yet right to lower it further based on what they knew at that point.

A Young Advisor responded to a question to elaborate on what was meant about security in the recommendations. They explained that it is not just about physical security and being safe from attacks, it's more of a mental state and creating safe spaces for children and young people to share their opinions, especially on controversial issues.

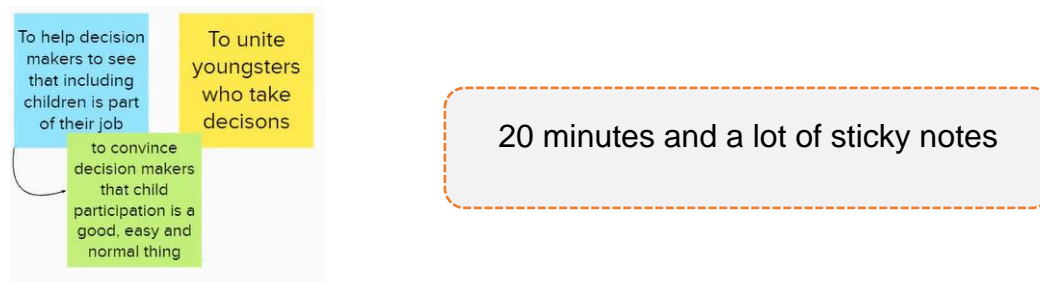
Workshop 2 with ENYA – Participation workshop


The purpose of this workshop was to allow participants to share their experiences of the participation of children and young people in their countries and to reflect on the ENYA recommendations on participation. Participants were divided into different breakout groups, with each group hosted by a Young Advisor and supported by an ENYA coordinator.

Each breakout group was tasked with the question: **What are the most important things for you to do next to improve children and young people's participation in your country?** And asked to provide a set of recommendations and action points to reduce the participation barriers.

Hosted by **Nikoleta**, each of the Young Advisors provided feedback from their breakout groups. Some of the feedback included:

- Introduce legal obligations on participation.
- Empower young people to be part of the procedures.
- Give time for the process of participation.
- Help decision makers to see that including children is part of their job.
- Incorporation of the UNCRC.
- Tackle the culture on how children and young people are perceived.
- Eliminate tokenistic participation.





The Young Advisors finished the session by thanking participants for listening, caring, and taking to heart the issues presented and solutions offered by ENYA. They asked participants to use their abilities and talents to take the recommendations to their governments – and reminded everyone not to ‘let this beautiful opportunity go to waste’.

Kjersti Botnan Larsen, as ENYA Coordinator, thanked all the amazing young people and reminded us that we all have a responsibility to use the ENYA recommendations in our work.

Conference Close

The conference was closed by **Bruce Adamson** who once again expressed his disappointment at not being able to bring all the participants together in Scotland. He concluded by emphasizing that the COVID-19 pandemic has shown just how important tools like impact assessment and impact evaluation are in decision-making when human rights are challenged in a time of crisis.



This event is co-funded by the European Union's Rights, Equality and Citizenship Programme (REC 2014-2020)

THANK YOU
FOR TAKING PART

#ENOC2020CONFERENCE



Throughout the Conference, Artist and Illustrator, **Rikki Marr** captured visually what was being discussed. Some stand-out visuals included the importance of children and young people as “**agents of change**”.



DAY 3: 18 November 2020

ENOC 24th General Assembly [ENOC Members only]

The minutes of the General Assembly meeting are available for ENOC members only and can be requested from the [ENOC Secretariat](#).

The General Assembly meeting was marked by the presentation and approval of ENOC's 2020 activities and accounts, and the election of the new ENOC Bureau.


The new Bureau is:

- Current Chair: **Bruce Adamson** (Children and Young People's Commissioner Scotland)
- Past Chair: **Koulla Yiasouma** (Northern Ireland Commissioner for Children and Young People)
- Chair-elect: **Theoni Koufonikolakou** (Deputy Ombudsperson for Children's Rights, Greece)
- Secretary: **Deborah McMillan** (Children's Commissioner, Jersey)
- Treasurer: **Salvör Nordal** (Ombudsman for Children, Iceland)

The ENOC General Assembly meeting was also marked by the adoption of [ENOC's 2020 Position Statement on Child Rights Impact Assessment](#) (CRIA). This policy statement calls on States, national, regional, and international authorities, and all other relevant stakeholders to develop CRIA as a measure for monitoring implementation of the UNCRC in a way that further promotes the visible integration of children's rights in decision-making. This statement was also based on [recommendations](#) from young advisers from 13 countries participating in the ENYA (European Network of Young Advisors) project.

ENOC members also approved the [Common Framework of Reference](#), which is a practical tool for all relevant stakeholders on how to undertake CRIA and assess the impact of decisions, laws, policies, and practices on children and young people's rights. This step-by-step guide includes a detailed template, child-friendly information about CRIA, and a child-friendly CRIA template to promote engaging with children and young people throughout the CRIA process.

The work on the position statement and Common Framework of Reference was led by the Office of the Children and Young People's Commissioner Scotland and supported by an external independent expert advisor, **Ms. Lisa Payne**, and a Working Group on CRIA, formed of 16 ENOC members. A [synthesis report](#), which analysed the contributions of 30 ENOC members to a questionnaire on CRIA developed by CYPSCS, informed the statement. The draft statement was presented at a working seminar for ENOC members, hosted by CYPSCS, on 21 September and then circulated for substantial comments. A revised version was shared with the



members well in advance of the Conference and a discussion session held on Tuesday November 17th for final feedback.

ENOC members also voted unanimously to adopt the draft amendments to the ENOC Statutes, prepared by the ENOC Working Group on Statutes, which was led by CYPSC and formed of 9 members. The Working Group was established in 2018 following ENOC's Annual Conference in Paris. It provided guidance on changes in six thematic sections, which fed into discussions on the proposed amendments, held in a working seminar in September. A draft version of amendments was circulated prior to the General Assembly and a working meeting held for in-depth discussion of amendments on Tuesday November 17th, following the official closing of the ENOC Conference. Feedback provided was taken on board and integrated into the final proposed draft amendments prior to the General Assembly meeting on the 18th. Key amendments focused on *inter alia* strengthening ENOC's advocacy mandate and processes for membership fees, voting, suspension and dismissal of members. The discussion on Statutes also highlighted the importance of on-going discussions on mainstreaming the participation of children and young people in ENOC's activities, which became a workplan goal for 2020/2021.