

5. Child Rights Impact Assessment Tool

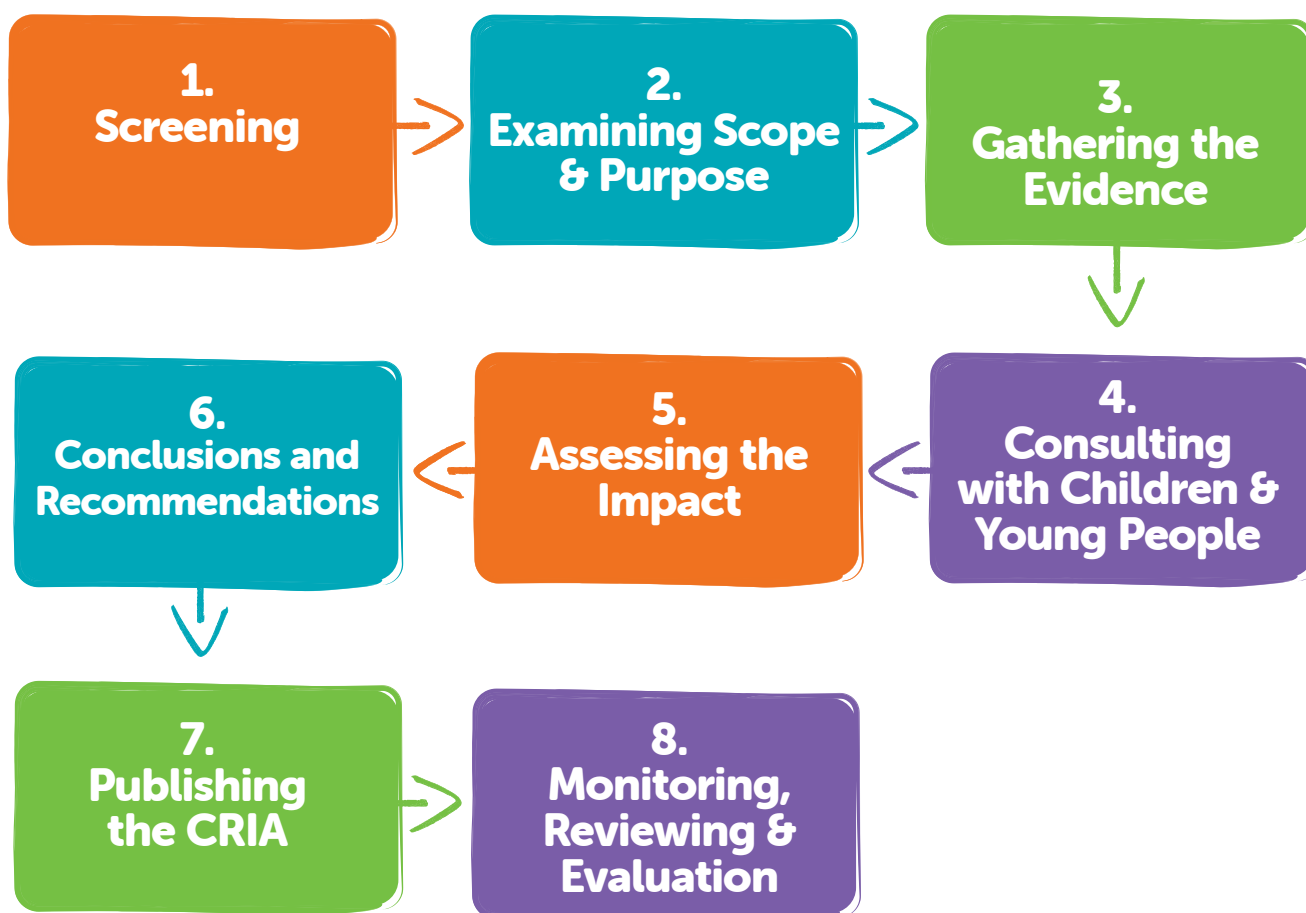


CRIAs can be conducted by national and/or local government, as well as statutory bodies and any organisations working with children and young people or making decisions about them. They can be used to examine the potential impacts on children and young people of laws, policies, programmes and services before they are developed and as they are developed, and can suggest ways to avoid, minimise or mitigate any potential impact prior to the action being taken or set in place. CRIAs can be undertaken on all types of decisions that affect all children, from groups of children who may be affected, or for an individual child.²⁴⁸

A CRIA should be viewed as a complementary tool, and a support to decision-making processes, and other children’s rights infrastructure.²⁴⁹

Steps for carrying out a Child Rights Impact Assessment

There are common steps taken in impact assessments, and these tend to include the following eight steps:²⁵⁰



²⁴⁸ Payne L., ENOC Synthesis Report (ENOC 2020) 11.

²⁴⁹ Kathy Vadergrift, Coalition for the Rights of Children, 'Presentation at the University of Ottawa, Faculty of Law, Common Law Section, Child Rights Impact Assessment: A tool for implementing children’s rights' (14 November 2012).

²⁵⁰ James Harrison and Mary-Ann Stephenson, *Human Rights Impact Assessment: Review and Practice Guidance for Future Assessments* (June 2010).

1. Screening

As an initial step in the framework, a Child Rights Impact Assessment Screening Sheet can be used to help determine whether a law, policy, service, programme or a budgetary decision, that may impact children's rights should be assessed more fully or if the impact(s) on children and young people merit further analytical steps.²⁵¹ Completion of a Screening Sheet may be enough for some assessments, where the impacts on children are assessed as neither distinct nor significant. Use of this sheet can be of particular benefit as a first step and for initial internal discussion by a body, department, agency etc.²⁵² It can allow drafters or assessors to consider the rights of children and young people at an early stage and the results of this screening stage can then feed into ongoing policy or decision-making processes.²⁵³ If the impacts on children and young people are assessed as distinct and significant, which might only become apparent as a Child Rights Impact Assessment Screening Sheet is being completed, then the material used in the Screening Sheet can be transferred into, and expanded upon, within a Child Rights Impact Assessment.²⁵⁴ Any initial screening sheet should be published to promote transparency, understanding and scrutiny.²⁵⁵

2. Examining Scope and Purpose

The first step of a full CRIA is to consider the scope and purpose of the proposal. To do this you need to consider and document what the aim of the proposal is generally, and specifically any aims that are related to children and young people. Following this you will need to consider and document which articles of the UN Convention on the Rights of the Child are relevant.²⁵⁶

3. Gathering the Evidence

Once scope and purpose have been examined, the next step is gathering the evidence. The CRIA requires any evidence that was considered to inform the assessment to be documented. Evidence that could be considered includes both quantitative and qualitative evidence. For example, if the measure being considered relates to child poverty evidence that is considered could include child poverty statistics and projections and research reports.²⁵⁷

251 Payne L., ENOC Synthesis Report (ENOC 2020) 11.

252 *ibid.*

253 *ibid.*

254 New Zealand Government, Improving the wellbeing of children and young people in New Zealand – Guidance for carrying out a Child Impact Assessment (New Zealand Government 2018) 4.

255 Interview conducted by the Children's Rights Alliance with the Children's Rights Capacity Manager, Government of Scotland, 12 December 2023 and Interview conducted by the Children's Rights Alliance with the Policy Director, Children in Wales, February 21 2024.

256 *ibid.*

257 *ibid.*

258 *ibid.*

259 Payne L., ENOC Synthesis Report (ENOC 2020) 11.

260 *ibid.*

261 *ibid.*

262 *ibid.*

4. Consulting Children and Young People

The next step, which is a crucial step in the process, is consulting with children and young people. This can be done in two ways. Firstly, it can be done directly by convening a group of children and young people and asking them for their views on what is being proposed. The second way in which children and young people can be consulted is by considering the findings from consultations previously carried out with children and young people.²⁵⁸ This can be useful in some instances for example where children and young people have been consulted on the issue previously or where it is not possible to conduct a direct consultation due to time constraints. Irrespective of which method is chosen to hear the voices of children and young people, the process and findings should be recorded in the CRIA.²⁵⁹

5. Assessing the Impact

When all the steps above are completed, it is then time to assess the impact of what is being proposed. In assessing the impact, it is important to consider if different groups of children are more likely to be impacted by what is being proposed. Sometimes a proposal will have no effect on most children but may have a disproportionate effect on certain groups, such as children with a disability.

If a negative impact is identified, consideration then needs to be given on what can mitigate or reduce the impact.²⁶⁰ Where a positive impact is identified, consideration should be given to how to fully optimise the positive effects of the measure.²⁶¹

6. Conclusions and Recommendations

Once the impacts have been considered, the next step is to document the findings of the assessment. As part of this, consideration should be given to whether or not the proposal is a reasonable way to achieve the objective and whether or not there are any steps recommended to mitigate any negative effects and strengthen any positive effects. It is important for the final step of monitoring, reviewing and evaluating that any recommendations are documented in this section.²⁶²

7. Publishing the CRIA

Once you have completed a CRIA the next step is to consider whether the CRIA should be published and if so, whether a child-friendly version should be published also. Public accountability and access to the CRIA through publication can increase the likelihood of creating a higher standard of output so it should be given careful consideration.²⁶³

8. Monitoring, Reviewing and Evaluation

The final step in the process is to review and monitor the implementation of the CRIA. This is an opportunity to consider if the recommendations made as part of the process have been acted upon and if any further review is necessary.²⁶⁴

Challenges of the Child Rights Impact Assessment process

In developing this research, a number of interviews were carried out which helped identify some of the challenges of the CRIA process and how these can be overcome.

Knowledge of Children's Rights

A lack of sufficient knowledge, understanding and familiarity generally around children's rights has been noted as a barrier to the implementation of CRIAs.²⁶⁵ This lack of understanding of the scope of complexity of children's rights may lead to gaps in policy-making and implementation, and can also pose a challenge to the completion of CRIAs.²⁶⁶ Consideration could be given to establishing a child rights training programme for decision-makers and those who are conducting the CRIAs to better equip them with the knowledge to carry out the assessment.

Including the views and voice of the child

Impact assessments should always include the views of children and young people on the issues being examined, but this can be a challenging, slow and laborious process, requiring investment in terms of time, effort and expenditure.²⁶⁷ Where direct consultation or participation work with children and young people cannot occur, then related research which has covered the same issues could be referenced. It is important to ensure that the views of children in vulnerable situations, who are the most likely to be disproportionately impacted by changes in policies, are taken into account. Established participation systems could be utilised, which can help mainstream CRIAs.

Data

In order to determine the impact of particular measures on children and young people, there needs to be access to sufficient and reliable disaggregated quantitative and qualitative data on children's lives which can help identify disparities in outcomes for different groups of children and young people. Making data accessible and transparent is essential for promoting accountability and facilitating evidence-based decision-making, especially for children in vulnerable situations.

Support and Advice

Having champions to promote, support and carry out CRIAs has been noted as crucial in terms of its positive impact and successful use.²⁶⁸ Support from senior leadership is also seen as significant to the success of CRIA and there should be someone in senior leadership designated to deal with all CRIAs.²⁶⁹

Furthermore, access to persons with expertise in the area of CRIAs and policy should be made available.²⁷⁰ This is an approach that has been successfully rolled out in Scotland and Wales, for example, with key points of contact and training provided by experts in Scotland and access on a monthly basis for officials carrying out CRIAs to ask questions or seek advice.²⁷¹ In Wales, a monthly Children's Rights Advisory

263 *ibid.*

264 *ibid.*

265 Payne L, ENOC Synthesis Report Child Rights Impact Assessment, (ENOC 2020) 9.

266 *ibid.*

267 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. 99. More information can be found: European Network of Ombudspersons for Children (ENOC) (2020) Common Framework of Reference on Child Rights Impact Assessment. A Guide on How to carry out CRIA; T. Collins, E.Tisdall, C. M,McMellon, Children and young people's participation in impact assessment. In T. Burdett, & A. J. Sinclair (Eds.), *Handbook of Public Participation in Impact Assessment*, 221-236.

268 See Scotland, Finland and Wales as examples.

269 See Scotland as an example.

270 Interview conducted by the Children's Rights Alliance with the Children's Rights Capacity Manager, Government of Scotland, 12 December 2023 and Interview conducted by the Children's Rights Alliance with the Policy Director, Children in Wales, February 21 2024.

271 *ibid.*

Group has been hugely successful in not only providing advice for all stages of the CRIA process, but also increasing interdepartmental co-operation, understanding, and has aided the development of professional relationships.²⁷² An email 'hotline' was promoted by one interviewee; an email address that was specifically set up for CRIA questions and where questions can be directed by those filling out CRIAs to an expert.²⁷³

CRIAs should be reviewed and evolve

CRIAs are a living impact assessment, meaning that CRIAs can and should be reviewed and updated after initial completion.²⁷⁴ In Scotland for example, the CRWIA has undergone three revisions, and a fourth revision is underway during 2024 to ensure the process meets the duties in the UNCRC (Incorporation) (Scotland) Bill.²⁷⁵

272 Interview conducted by the Children's Rights Alliance with the Policy Director, Children in Wales, February 21 2024.

273 Interview conducted by the Children's Rights Alliance with the Children's Rights Capacity Manager, Government of Scotland, 12 December 2023.

274 *ibid* and Government of Scotland, *UNCRC (Incorporation) (Scotland) Act 2024 - part 2: statutory guidance* <<https://www.gov.scot/publications/statutory-guidance-part-2-uncrc-incorporation-scotland-act-2024/pages/3/>> accessed 19 August 2024.

275 *ibid*.

Child Rights Impact Assessment Template

Step 1: Screening

1. Name the measure, policy proposal or legislation to be screened:

2. What Children's Rights does the measure impact? (List the Legislation / UN Convention on the Rights of the Child articles etc that are relevant):

3. Describe the negative or positive impacts on children's rights:

4. Describe the negative or positive impacts on children's rights:

5. What is the likely impact of the measure?

6. Is a full child rights impact assessment required? YES NO
Explanation:

If a full child rights impact assessment is required, then continue to step 2.
If not then consider if this screening sheet should be published.

Full CRIA

Step 2: Scope and Purpose

1. What is the measure or policy proposal or legislation to be assessed? Summarise its overall aim and any aims that are specific to children.
2. Which UNCRC articles are relevant to this measure? Are any other Human Rights Instruments or national laws relevant?

Step 3: Gather the Evidence

1. What quantitative and qualitative evidence have been used to inform the assessment?

Step 4: Consulting Children and Young People

1. Has any evidence from third party consultations with children and young people or research been used to inform the decision? **YES** **NO**
If yes, please describe:
2. Have children and young people been consulted directly in developing this assessment? **YES** **NO**
If yes, who was consulted, how and what were the findings? If no, why not?

Full CRIA

Step 5: Assessing the Impact

1. What impact does or will the proposed measure have on children and young people's rights?

2. Will there be different impacts on different groups of children? YES NO
If yes, what are they?

3. If a negative impact is identified, are there options that can mitigate the impact, and what options might exist to modify the impact, or optimize the positive?

Step 6: Conclusions and Recommendations

1. What are the key findings and conclusions on the impact of the measure on children and young people and their rights?

2. Is the proposal a reasonable way to achieve the objective? YES NO
Please describe:

3. Are there any recommendations for strengthening the measure to better respect and protect children and young people's rights?

Full CRIA

Step 7: Publish the CRIA

1. Should this full CRIA be published? YES NO
If no, why not?

2. Should a Child Friendly Version of the CRIA be produced and published? YES NO
If no, why not?

Step 8: Monitor, Review and Evaluate

1. Have any of the recommendations made been acted on? YES NO
If yes, please describe:

2. Is any further action required to evaluate the outcomes or outputs? YES NO
If yes, please describe:

3. Is any further action or follow up required? YES NO
If yes, please describe:

Appendix 1: Interview List

- Adviser, Central Union for Child Welfare, Finland, 8 November 2023
- Child Rights and Wellbeing Impact Assessment Policy Officer, Government of Scotland, 12 Dec 2023
- Children's Rights Capacity Manager, Government of Scotland, 12 December 2023.
- Department for Investigation and Analysis, Office of the Ombudsman for Children in Sweden, April 15 2024.
- Fondazione L'Albero della Vita ETS, 18 December 2023.
- Head of Policy and Public Affairs, Children's Commissioner for Wales, 13 February 2024.
- Legal Department, Vienna Child and Youth Advocate's Office (KIJA Wien), Ombudsman's Office, 13 October 2023.
- Office of the Children and Young People's Commissioner Scotland, 13 November 2023.
- Policy and Research Unit, Ombudsman for Children's Office, 13 July 2023.
- Policy Director, Children in Wales, February 21 2024.
- Policy Unit, Children's Rights Commissioner, Flanders, 24 October 2023.
- Veronique Lerche, Independent Human Rights Consultant, 23 November 2023.

Appendix 2: Interview Questions

Semi-structured interviews Interview Questions

Introductions

- Can you tell me about your role and the organisations or departments that you work with?

Child Rights Impact Assessment (CRIA)

1. Are other impact assessment tools used in your country - gender, equality, environmental?
2. Are CRIAs established in your country and are they commonly used?
 - How did the use of CRIAs get established in your country?
 - Is it a legal obligation to use CRIAs or what is the mandate? Is it discretionary, or in policy as best practice?
 - Who decides to carry out a CRIA or not?
 - What is the process of carrying out a CRIA?
 - Should they be a legal requirement?
3. What has been the experience and impact of using CRIAs in your country?
4. Are children's views always heard during the CRIA process in your country?
5. Does your country have an evaluation system for CRIAs – such as a Child Rights Impact Evaluation (CRIE)? (Legislative scrutiny)

6. Who carries out the CRIAs?
7. Who trains people in their use and implementation?
8. Has the CRIA or process in your country evolved over time?
9. Do CRIAs in your country get published?
10. What, if anything, do you think should be done differently and what recommendations do you have for Ireland?

Decision-Making in an emergency

11. Did any emergency legislation (or policy) enacted or implemented to combat Covid-19 in your country consider the impact on children and their families? Were CRIAs used?
12. Were there any reports or investigations in your country that looked at the impact of Covid 19 restrictions on children or their families?

Additional information

13. Do you have anything else you would like to add?

Founded in 1995, the Children's Rights Alliance unites over 150 members working together to make Ireland one of the best places in the world to be a child. We change the lives of all children in Ireland by making sure that their rights are respected and protected in our laws, policies and services.

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Míchumais, Lánpháirtíochta agus Óige
Department of Children, Equality,
Disability, Integration and Youth