

Child Rights Proofing

Child Rights Impact Assessments Framework & Tool: Introduction



Child Rights Impact Assessments (CRIA)

‘Getting it RIGHT for our Children and Young People’



- NICCY is a member of the European Network of Ombuds' and Commissioners for Children (ENOC*).
- The Annual General Assembly 2020 agreed its Position Statement on CRIAs following extensive work involving members of ENOC – NICCY contributed to this.
- The Child Rights 'proofing' CRIA Framework and Tool requiring application of the UNCRC to the development of legislation, policies and strategies was produced and issued following the Conference.

**42 Institutions across 34 Member States: The European Network of Ombudspersons for Children (ENOC) is a not-for-profit association of independent children's rights institutions (ICRIs). Its mandate is to facilitate the promotion and protection of the rights of children, as formulated in the [UN Convention on the Rights of the Child](#).*

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

Why is child rights proofing needed?



1. Children have rights and needs that are separate and different to adults and these must be given due consideration.
1. Children's wellbeing is as vital to a nation as a healthy society and economy yet is rarely given the same priority.
2. Children are largely excluded from public decision-making with no voting rights and limited advocacy power except through adults.
3. Government responsibility for children tends to be fragmented across departments and agencies.
4. Children are rarely consulted and their overall visibility in government processes is low.
5. Children make more use of and depend more on public services than adults; there is a high possibility of adverse effects on children when those services are deficient or fail.
6. Children have poorer access to complaints mechanisms, remedy, and redress.

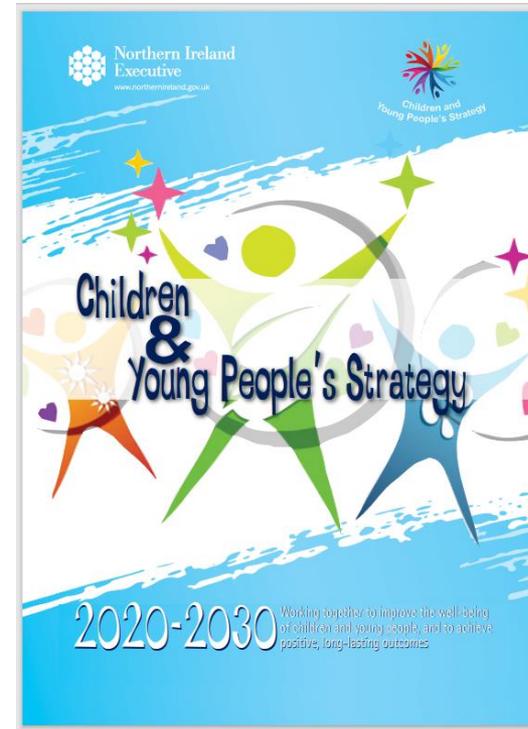
Why needed? PfG and Children Strategy

Programme for
Government (draft)



Children and Young
People Strategy

**Outcome 1:
Our children
and young
people have
the best start
in life**



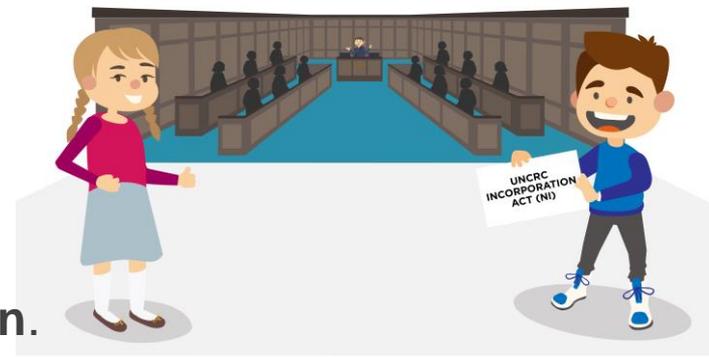
Child Rights Impact processes: two types

There are two types of child rights focused impact processes:

- 1. Child Rights Impact Assessment (CRIA)** provides an opportunity to examine the potential impacts on children and young people of proposed laws, policies, budgets, and other administrative decisions 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.
- 2. Child Rights Impact Evaluation (CRIE)** provides an opportunity to consider the intended or unintended effects those legislative changes, policies, budgetary allocations, and other administrative decisions have had on children and young people. This is done after a decision has been made or an action has been taken.

Procedural Standards

1. **UNCRC** and its Optional Protocols should be used as the **framework for assessment and evaluation**.
2. Carry out **across government, not just children's departments**.
3. Consider direct AND indirect impact on children.
4. Identify different impact on children when compared to adults, or different groups of children.
5. A **CRIA** should be carried out as **early as possible** and a **CRIE** at an agreed time **following implementation**.
6. Evidence based AND with input from children.
7. Provide recommendations to ensure compliance with the UNCRC and consider how the decision may progress the realisation of children's rights.
8. Publish assessments and evaluations.



Recommendations

1. Require child rights proofing **CRIAs** and **CRIEs** to be conducted on laws, policies, strategies, budgetary, and other administrative decisions to embed a child rights perspective.
2. Ensure that the **rights of individual children and groups of children are addressed**; their **voices are heard** and they **participate** in the process when CRIAs and CRIEs are undertaken.
3. Take all necessary steps to ensure that **adequate resources**, and other general measures for implementing children's rights, are in place to support CRIA and CRIE processes.
4. Ensure CRIA and CRIE **processes are transparent**, support better accountability for decisions made and indicate the extent to which children have influence those decisions.
5. Develop and expand **knowledge and understanding** on CRIA and CRIE processes.



Government's & Departments' Actions to support 'Child Rights Proofing' - CRIAs

1. Agree and communicate a clear statement of purpose for introducing or undertaking a CRIA process.
2. Clarify and allocate responsibilities
 - Establish and clear, authoritative and durable mandate.
 - Lead from the top, support from senior levels of organisation.
 - Clear responsibilities and sign offs.
3. Determine shape and parameters of CRIA processes
 - Wide involvement within organisation.
 - Clarify types of decisions that will be subject to CRIA.
 - Clear criteria.
 - Ensure adequate resources.

Government's / Departments' Actions to support 'Child Rights Proofing' - CRIAs (cont)

4. Improve CRIA skills and build in best practice
 - Capacity building in undertaking CRIAs.
 - Develop a children's rights evidence base.
 - Engage with rights holders affected – support involvement of children and young people.
5. Quality assure CRIA processes
 - Agree criteria for monitoring and assessing effectiveness of CRIA process.
 - CRIA tools, training and support provided should be reviewed and revised.
 - Consider having a core team to advise colleagues on CRIAs.
 - Consider appointing a group of child rights experts to advise on CRIA processes.

Undertaking CRIAs: an eight-stage process

1. Screening.
2. Scoping.
3. Gather evidence.
4. Scrutinising children's participation
5. Assess impact.
6. Conclusions and recommendations.
7. Publish CRIA.
8. Monitor and review.



CRIA - Stage 1: Screening

- Impact assessment should be proportionate.
- Screening acts as a preliminary check to determine whether a full CRIA is required.
- Provides a written record of the basis for this decision.



Key questions checklist:

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

CRIA - Stage 2: Scoping

- Expanding on the information provided in the initial screening.
- Helps develop a research plan.
- Helps identify when and how other departments, sectors, experts and stakeholders should be involved in the development of the CRIA.

Key questions checklist:

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

CRIA - Stage 3: Evidence gathering

- Gathering evidence base from a variety of sources, combining quantitative and qualitative data.
- Should include information on the views and experiences of children and young people affected by the policy.
- Also draw information from other stakeholders including parents, carers, experts.
- May require commissioning of additional research.

Key questions checklist:

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

CRIA - Stage 4: Scrutinising participation

- Involving children and young people in the development of a proposal or measure is fundamental to good decision-making.
- Views of children and young people should have been sought in earlier stages.
- The purpose of this stage is to assess the extent to which they have been involved in informing/drafting the proposal/measure.
- Children's Commissioners should provide independent scrutiny of how children and young people have been involved.

Key questions checklist:

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

CRIA - Stage 5: Assess impact

- Using information gathered in earlier stages to assess impact on children.
- Impacts may be positive, neutral or negative.
- If impact assessed as negative, policy should be modified, or mitigations included.
- If impact assessed as neutral, policy should be modified to better progress implementation of the UNCRC.
- Consider likely impacts on short, medium and long term outcomes.
- Should identify differential impacts on different groups of CYP, and outline how competing interests can be addressed.
- Resource implications considered.



CRIA - Stage 5: Assess impact (cont)

Key questions checklist:

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

CRIA - Stage 6: Conclusions and Recs

- Considering findings of the assessment, conclusions should be reached.
- Recommendations should be made, if necessary, drawing on alternatives and compensatory measures in stage 5.
- Recommendations may suggest not going ahead, amendments to policy or compensatory measures to mitigate adverse impacts.
- Consideration should be given to whom the recommendations are targeted.

Key questions checklist:

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

CRIA - Stage 7: Publication

- Publication of the full CRIA is important to evidence the conclusions reached and support the recommendations.
- A child friendly version of the CRIA should be published.
- If the CRIA concerns a case of an individual child, this should only be shared with those directly involved in the case, although lessons learned could be made more widely available through an anonymised case study.

Key questions checklist:

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

CRIA - Stage 8: Monitor and review



- A CRIA is an ongoing process subject to review and revision as the policy, law or practice develops.
- The CRIA should report the planned monitoring and review process following implementation.
- Identify how the recommendations in the CRIA have been acted on by the decision-maker – this is often absent from reporting.

Key questions checklist:

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

CRIA Resources



1. Checklists:
 - Foundations for CRIAs.
 - Procedural criteria for CRIAs.
2. Child friendly information on CRIA.
3. Child friendly CRIA template.
4. CRIA Framework
5. CRIA Template.

CRIA Resources – CRIA Template

The template can be adapted for NI context.



Child Right Impact Assessment - ENOC Template

This template is provided to help ENOC Members get started on undertaking a CRIA. Please remember that you can modify it to suit your local context. As you work through each stage of the template you may find it helpful to refer to the information provided in Part 2 of ENOC's Common Framework of Reference for carrying out CRIAs.

Impact Assessment by: Click or tap here to enter text.

Date: Click or tap here to enter text.

Date to be reviewed: Click or tap here to enter text.

Reviewed by: Click or tap here to enter text.

STAGE 1: SCREENING

Question 1: Name the measure / proposal and briefly describe its overall aim

Click or tap here to enter text.

Question 2: What children's rights does it impact upon?

Click or tap here to enter text.

Question 3: What children and young people will be affected?

Q & A Discussion



For further Information and Resources see:

www.niccy.org/cria