Guide to Undertaking Child Rights Impact Assessments

A group of kids holding a sign

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Introduction

This document provides guidance on how to undertake Child Rights Impact Assessments (CRIAs) and is tailored to the specific policy and legislative context of Northern Ireland.

This guidance document will equip you to:

* Understand the importance of undertaking child rights impact assessments (CRIAs) when developing policies, legislation, budgets, services, practice or planning decisions;
* Undertake a preliminary scoping to determine the relevant rights framework, and the groups of children most likely to be affected;
* Consider the cross-cutting strategic context in which the policy is being developed;
* Plan and undertake the evidence gathering required to inform the policy, and the CRIA;
* Assess the impact of the proposed policy on children and young people; and
* Prepare conclusions and recommendations for finalising the policy in the form of a CRIA.

This Guide has been developed by the Northern Ireland Commissioner for Children and Young People and accompanies our CRIA Template, that has been tailored for use by public sector bodies in Northern Ireland.[[1]](#footnote-2) NICCY has also developed a training module on using both the Guide and the CRIA Template and this is available on the [LInKS learning portal](https://www.nical.gov.uk/) and on [NICCY’s webpage](http://www.niccy.org/what-we-do/training/cria/).

While this guidance document provides a brief introduction to children’s rights, it is strongly advised that the accompanying training module: *Introduction to Children’s Rights* is completed prior to starting learning about undertaking Child Rights Impact Assessments.

The Northern Ireland Commissioner for Children and Young People

The **Northern Ireland Commissioner for Children and Young People** (NICCY) was created in accordance with ‘The Commissioner for Children and Young People (Northern Ireland) Order’ (2003) to safeguard and promote the rights and best interests of children and young people in Northern Ireland.

Under Articles 7(2) and (3) of this legislation, NICCY has a mandate to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children and young people by relevant authorities. Under Article 7(4), NICCY has a statutory duty to advise any relevant authority, including Government Departments and Agencies on matters concerning the rights or best interests of children and young persons.

NICCY is a non-Departmental Public Body, and their duties and powers extend to all children and young people in Northern Ireland up to the age of 18 years, or 21 years if the young person has a disability or experience of being in the care of social services. In carrying out their functions, the Commissioner’s paramount consideration is the rights of the child or young person, particularly all relevant provisions of the United Nations Convention on the Rights of the Child (UNCRC), and to take account of the role of parents.

The Commissioner is a member of the **European Network of Ombudsmen for Children** (ENOC), an association of independent children’s rights institutions (ICRIs). Established in 1997, ENOC links 43 independent offices for children from 34 countries in Europe, and aims to:

* encourage the fullest possible implementation of [the Convention on the Rights of the child](https://enoc.eu/wp-content/uploads/2015/01/UNCRC.pdf);
* support collective lobbying for children’s rights;
* share information, approaches and strategies; and
* promote the development of effective [independent offices for children](https://enoc.eu/?page_id=8).

In 2020 ENOC published a statement on Child Rights Impact Assessments, along with materials to explain the basic concept and practice of carrying them out.[[2]](#footnote-3) Member organisations contributed to this work and engaged with children and young people (European Network of Young Advisers) to obtain their input to this process. NICCY was involved in this process and, when the statement was released, contacted all Northern Ireland government departments to advise them on the importance of carrying out Child Rights Impact Assessments.

Following introductory sessions with government departments and agencies to outline the process of undertaking CRIAs, NICCY recognised the importance of tailoring the CRIA materials to the Northern Ireland context and developed two online training modules: an *Introduction to Children’s Rights* and *Undertaking Child Rights Impact Assessments*. Together they equip officials and professionals working in statutory departments and agencies in Northern Ireland to undertake the child rights impact assessment process.

Introduction to Child Rights Impact Assessments

**Children’s Rights**

The United Nations Convention on the Rights of the Child (UNCRC) is an international, legally binding human rights treaty that grants all children and young people (aged under 18) a comprehensive set of rights. The UNCRC consists of [articles](https://www.savethechildren.org.uk/content/dam/gb/reports/humanitarian/uncrc19-summary2.pdf) that set out 42 children’s rights and how governments should work together to make them available to all children.[[3]](#footnote-4)

Under the terms of the Convention, Governments are required to meet children’s basic needs and help them reach their full potential. Central to this is the acknowledgment that every child has basic fundamental rights. These include the rights to:

* Life, survival and development;
* Protection from violence, abuse or neglect;
* An education that enables children to fulfil their potential; and
* Be raised by, or have a relationship with, their parents.

Since it was adopted by the United Nations in November 1989, 196 countries have signed up to the UNCRC. The UK government signed it in 1990 and ratified it in 1991. All countries that sign up to the UNCRC are bound by international law to ensure it is implemented. This is monitored by the Committee on the Rights of the Child, and the Northern Ireland Commissioner for Children and Young People advises on its implementation in Northern Ireland.

You can find out more about Children’s Rights through the ‘*Introduction to Children’s Rights’* online training module.

**What are Child Rights Impact Assessments and why carry them out?**

Impact assessment is a structured, evidence-based process for considering how a

proposal or measure will affect a defined group of people. There are many different types of impact assessments, for example in NI, Equality Impact Assessments (EQIAs), Human Rights Impact Assessments (HRIAs) and Rural Needs Impact Assessments.

A child rights focused impact assessment supports the systematic assessment and

communication of the impact of a proposal or measure on the rights, needs and

interests of children and young people. The process is meant to be continuous, from

assessment of anticipated impact through to a review and evaluation of

actual impact.

Child Rights Impact Assessment (CRIA) examines the potential impacts on

children and young people of laws, policies, budget decisions, programmes and

services as they are being developed and, if necessary, suggests ways to avoid or

mitigate any negative impacts. This is done prior to the decision or action being set

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

The term CRIA refers both to the assessment or evaluation process, as well as the documentation used to present and communicate the findings of the assessment or

evaluation. The assessment is supported by CRIA tools: a template including key questions, the online training module and this Guide which will:

1) take you through the process;

2) prompt you to consider and evidence all relevant areas of children’s rights; and

3) direct you to authoritative interpretive guidance on the UNCRC and other

international human rights treaties.

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

**Why do we need CRIAs when we have EQIAs and HRIAs?**

Child impact assessments in particular are necessary for several reasons. **Children’s rights and interests are often forgotten.** The very rationale for the Convention on the Rights of the Child was that **children require special protection**: while children possess human rights just as any other human being does, they require additional measures to guarantee enjoyment of those rights. As the preamble to the Convention states:

*“The child, by reason of his physical and mental immaturity, needs special*  *safeguards and care, including appropriate legal protection”.*

This statement has been endorsed by almost every nation in the world – the Convention remains the most widely ratified human rights treaty. And yet, despite comprising a substantial proportion of the global population (and around 23% of the population in Northern Ireland), **children and young people have traditionally been largely invisible in government decision making**. While the profile of children’s issues has improved in recent years, children remain disenfranchised and often powerless in decision and policy making processes. With no right to vote in Northern Ireland, no officially recognised role to play in government structures or in the democratic process and a limited ability to influence government agendas or the media, **children are effectively powerless**.

Other mechanisms, therefore, must exist to ensure their rights, interests and views are taken into account in decision making and in the development of law and policy. That such mechanisms are necessary is evidenced by the fact that **children are especially vulnerable and dependent on government and adults**. As some of the biggest recipients of public services, children will benefit enormously from government action and investment but, equally, are especially susceptible to government failures.

Sadly, such failures are not rare. The development and delivery of the very services on which children rely most – in health, education, early years provision, youth work – are **liable to fragmentation and are often compartmentalised across government departments**. While considerable efforts to address these issues have been made recently in Northern Ireland through the Children’s Services Cooperation Act 2015, they are a long way from being resolved.

The cost of failures are high, not only for the children themselves or in the short-term, but also in the future, to communities and to society as a whole. Whereas adults have comparatively ready access to legal redress, complaints mechanisms or other procedures or fora in which to air their grievances should their rights be infringed,

such **procedures often explicitly exclude children, or at least are rendered inaccessible or inappropriate**.

Finally, child impact assessments are a **key mechanism for implementing the United Nations Convention on the Rights of the Child (UNCRC)**. Article 3 of the CRC, to which the UK is a Party, requires that in all actions concerning children, their best interests shall be a primary consideration. This basic principle applies whether the actions are taken by “public or private social welfare institutions, courts of law, administrative authorities or legislative bodies”. Article 4 of the CRC goes on to say that:

*“States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention”.*

The Committee on the Rights of the Child, the monitoring body for the UNCRC, suggests that State Parties can use child impact assessments as a means of going some way towards fulfilling their obligations under Articles 3 and 4. In 2003, the Committee published a ‘General Comment’ on ‘general measures of implementation’ of the UNCRC, stating that:

*“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). This process needs to be built into government at all levels and as early as possible in the development of policy.”*

**When should CRIAs be conducted?**

CRIAs should be carried out in the development of policy, legislation, practice, budgets, services and planning decisions directly or indirectly affecting a child or group of children. As outlined above, CRIA’s should be conducted as early as possible in the development process, prior to finalizing proposals, rather than subsequent to the development of proposed legislation, policies, etc. Ideally, CRIAs should be carried out on measures as they are developed and integrated into the development process. The CRIA should be completed and published at the same time as a public consultation to inform stakeholders of how it has informed the proposals. CRIAs are not required on measures already in place, however they should be carried out where existing measures are being reviewed.

Overview of CRIA process

Screening

Reporting and review

Screening

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

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

Key questions:

¨ What is being proposed and what are 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?

**A full assessment will be required where children’s rights are likely to be affected, directly or indirectly.**

Stage 1: Scoping

In stage 1 the background to the proposal is recorded, the rights framework is mapped out, and stakeholder engagement planning is undertaken. The following questions are provided in the template document, along with space for the responses to be recorded.

Q1: Name the measure / proposal being assessed and describe the overall aim?

**Q2: Which children’s human rights instruments and articles are relevant to the measure / proposal?**

The UNCRC will be the main human rights instrument referred to in this section. In addition, depending on the focus of the proposal, it may be appropriate to consider the Human Rights Act and other treaties and mechanisms such as:

* the UN Convention on the Rights of Persons with Disabilities (UNCRPD);
* the International Covenant on Economic, Social and Cultural Rights (ICESCR); and
* the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

A review of the Convention, and other human rights instruments (as required) will allow key rights to be identified and recorded in the table provided. The expected impact of the proposal on the rights identified should also be considered and recorded.

**Q3: Which groups of children are most likely to be affected by the measure / proposal?**

While it is possible for all children to be affected, in most cases the impact will be felt by specific groups of children, for example:

* in a particular geographical region;
* a specific age group; or
* only children accessing a particular service.

Often measures will have a differential impact based on inequalities already present in society, for example experienced by:

* children in low-income households;
* children with disabilities;
* newcomer children;
* children of different genders, or gender non-binary;
* children from ethnic minority groups; or
* children of different religious backgrounds.

It is important at the Scoping stage to consider which groups of children may be particularly affected, positively or negatively, by the proposal, and to plan out how you will engage with them in developing the measure and undertaking the CRIA process. In all matters affecting children, they have a right to express their views and have them given due weight, as provided for in Article 12 of the UNCRC. Involving children and young people in the development of the proposal or measure is fundamental to good decision-making.

You can consult the Equality lead and/or Children’s Champion in your department / organisation to identify groups that may be able to help you access these children and young people. The Children and Young People’s Unit of the Department of Education is also developing a participation mechanism to support departments and agencies to engage with children and young people.

**Q4: Which stakeholder groups should be engaged during the policy development process?**

In addition to children and young people themselves, you should identify other stakeholders who may be able to provide insight into the impact the proposal on children’s rights. These are likely to include:

* Parents and carers;
* NGOs working with children generally, or with the specific groups of children you have identified;
* Academics who may have undertaken research on the issue;
* Unions; and
* NICCY.

In considering this question you should also consider whether there are people within your own department/organization that either have experience of working with the groups of children you have identified, or where they may be working on related matters. You should also identify key staff in other government departments or agencies that could potentially inform the development of the measure and the CRIA process.

The answers to Q3 and Q4 will support the planning of a co-design process.

Resources:

[Committee on the Rights of the Child](https://www.ohchr.org/en/treaty-bodies/crc)

[Convention on the Rights of the Child | OHCHR](https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child)

[UNCRC summary (UNICEF)](https://www.unicef.org.uk/wp-content/uploads/2019/10/UNCRC_summary-1_1.pdf)

Stage 2: Context and collaboration

The focus in this stage is on mapping out how this measure sits within the key strategic context for children and young people, namely:

* The Programme for Government;
* The Children and Young People’s Strategy; and
* Other related policy/legislative developments for children.

The aim is to identify cross-cutting issues and promote joined-up government, as required by the Children’s Services Co-operation Act (Northern Ireland) 2015 (CSCA).

The CSCA is a significant legislative development which aims to improve the well-being of children and young people through placing an obligation on ‘children’s authorities’ (departments, agencies and other organisations working on issues affecting children) to co-operate with each other in order to contribute to the improvement of outcomes for children and young people. It was created in recognition that a cross-departmental and cross-agency approach is required, in most instances, to address breaches of children’s rights in Northern Ireland. The obligations under the Act should inform all of the work which government departments and agencies undertake to improve the lives of children and young people in Northern Ireland.

The Act placed a statutory obligation on Government to adopt a Children and Young People’s Strategy outlining how it will work collaboratively to improve outcomes for children across eight wellbeing outcomes:

1. physical and mental health;
2. the enjoyment of play and leisure;
3. learning and achievement;
4. living in safety and with stability;
5. economic and environmental well-being;
6. the making by them of a positive contribution to society;
7. living in a society which respects their rights; and
8. living in a society in which equality of opportunity and good relations are promoted between persons who share a relevant characteristic and persons who do not share that characteristic.

The CSCA specified that, in determining the meaning of well-being for the purposes of this Act, regard is to be had to the United Nations Convention on the Rights of the Child.

Considering the opportunities for cooperation in the development and implementation of a policy or measure within an organisation or with the work of other departments/agencies is critical to the CRIA process and to meeting the statutory obligations of the CSCA. This will make the monitoring requirements of the Act easier to comply with on an ongoing basis and should impact on how departments and agencies focus their work, with a clear emphasis on children’s rights, with the child at the centre of delivery of children’s services and co-operation and best use of resources as fundamental guiding considerations.

Mapping how the strategic context of the proposed measure also should support streamlined reporting processes across government.

The following questions are provided in the template document, along with space for the responses to be recorded.

**Q5: Which Programme for Government outcomes does this policy aim to impact on?**

Ideally there will be a specific outcome focusing on the wellbeing of children and young people in the Programme for Government, and in addition the proposed measure may potentially deliver on a number of outcomes.

**Q6: Which Children and Young People’s Strategy outcomes does this policy aim to impact on?**

You should refer to the eight wellbeing outcomes to complete this section. It may be helpful to also review the text relating to the relevant outcomes in the Children and Young People’s Strategy to understand the strategic context of the wellbeing outcomes.

**Q7: What opportunities are there to promote joined up outcomes for children?**

Reviewing the Children and Young People’s Strategy Delivery Plan should support the identification of other actions being taken forward under the same outcomes, and where there may be opportunities to collaborate with other departments or agencies to deliver more effectively. The CRIA template document contains space for recording where collaboration may be developed, and plans for engagement (e.g., joint working, keeping informed, consultation, etc.).

Resources:

[Children’s Services Co-operation Act (Northern Ireland) 2015 (legislation.gov.uk)](https://www.legislation.gov.uk/nia/2015/10/contents/enacted)

[Children and Young People’s Strategy 2020-2030 | Department of Education (education-ni.gov.uk)](https://www.education-ni.gov.uk/publications/children-and-young-peoples-strategy-2020-2030)

Stage 3: Evidence gathering

The focus of stage 3 is on gathering evidence and identifying where there may be gaps that need to be filled, for example by commissioning research, or seeking additional data from other sources.

The Northern Ireland Executive’s ‘A Practical Guide to Policy Making in Northern Ireland’ provides detailed instruction as to sources of evidence and the process of gathering and assessing it to inform policy development. These include:

* Administrative data collected by government agencies (often ‘Front Line’ information);
* Official government statistical data (see NISRA website);
* Assembly reports;
* Research conducted by academics and/or private sector companies; and
* Data and research from NGOs and organisations such as NICCY, NIHRC, ECNI.

The questions in the template CRIA, while framed in relation to considering the evidence already gathered, should also be used to plan the evidence gathering process.

**Q8: What quantitative evidence have you used to inform your assessment? What does it tell you?**

**Q9: What qualitative evidence have you used to inform your assessment? What does it tell you?**

**Q10: What key missing information / evidence would have been beneficial to your analysis?**

While it may be possible to work from the existing evidence base, if there are gaps the CRIA should trigger the commissioning of further researcher to address these and to ensure the assessors can make an informed assessment of the potential impact on children’s rights.

**Q11: What existing evidence on children and young people views has been considered in the development of the proposal or measure?**

While it is important to engage with children and young people in developing proposals that will affect them, it is also important to ensure that where there is already evidence of their views on the matter in question, this is fully considered before planning further engagement.

**Q12: What groups of children have been directly involved in developing the proposal or measure?**

This question prompts the assessor to review the evidence proactively gathered from the groups of children and young people identified at Stage 1, to assess what was learned in relation to the impact of the measure on their rights.

**Q13: What stakeholder groups have been engaged in developing/reviewing the proposal or measure?**

This question supports the analysis of the evidence gathered from the stakeholder groups identified in Stage 1.

Resources: [NICS Practical Guide to Policy Making](https://www.executiveoffice-ni.gov.uk/sites/default/files/publications/ofmdfm_dev/practical-guide-policy-making-amend-nov-16.PDF)

[Policy making | The Executive Office (executiveoffice-ni.gov.uk)](https://www.executiveoffice-ni.gov.uk/articles/policy-making)

Stage 4: Assessing Impact

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

In stage 4 the findings from the analysis of the evidence gathered is applied to each proposed option being considered, to determine the impact on children’s rights, whether there are different impacts on different groups of children, and whether there are options to modify the proposal or mitigate any negative impacts.

The following questions should be completed for each option being considered. In a co-design process, it will be important to get input from stakeholders on these.

**Q14: What impact will (or does) the proposal or measure have on children and young people’s rights?**

The CRIA should indicate whether the assessed impact or impacts are:

* positive and will help progress children’s rights;
* neutral with no expectation of significant change either way; or
* negative, and so will require modification of the policy or mitigation of its anticipated effects.

The assessor should explain their reason for assessing the impact as positive, neutral or negative. The CRIA may also identify if the likely impact of a proposal will have short, medium or long-term outcomes.

**Q15: Will there be (or are there) different impacts on different groups of children and young people?**

As explored in Stage 1, impacts of a proposal can vary for different groups of children and young people. Where this is the case, the CRIA should identify the differential impacts and suggest how the competing interests of these different groups should be dealt with.

**Q16: If a negative impact is identified for any area of rights or any group of children and young people, what options are there to modify the proposal or measure to mitigate the impact?**

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

Stage 5: Conclusions and recommendations

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

**Q17: In summary, what are your key findings on the impact of the measure or proposal on children and young people’s rights?**

Recommendations reached could include, for example, that:

* The proposal does not go ahead;
* The proposal should be amended before going ahead;
* Compensatory measures should be taken to mitigate adverse impact on children; or
* Further evidence is required.

Reporting and Review

When the CRIA is complete, feedback should be provided to the stakeholders consulted, including the children and young people involved. The CRIA should be published, along with a child-friendly version to promote transparency and open the decision-making process to external scrutiny. This enables the reasoning during the development of the proposal, and the extent to which it realises children’s rights to be clearly set out. Not only should the full impact assessment be published but decision-makers, when announcing the final proposal or measure, should provide a written account for the decision made, explaining why recommendations made in the CRIA have not been accepted or implemented, and indicate how children’s rights have been considered and given due weight. It is necessary to identify the extent to which the recommendations made in the CRIA have been considered or acted upon by the decision-maker. Although decision-makers may publish a CRIA, often the extent to which this has influenced the final decision is difficult to identify.

A CRIA should be an ongoing process that is subject to review, and updated as the law, policy or practice develops. A post-implementation monitoring and review mechanism should be established.

Conclusion

This Guide has been provided by NICCY to support staff working in statutory departments and agencies in Northern Ireland to undertake CRIAs. It accompanies our CRIA Template, and training module on conducting CRIAs. We hope that this is useful and would welcome positive or negative feedback on any of these materials. NICCY will also do our best to respond to queries or requests for advice on undertaking CRIAs. Please contact us at [ResearchTeam@NICCY.ORG](mailto:ResearchTeam@NICCY.ORG).

Appendix 1: A summary of the UN Convention on the Rights of the Child

The following summary of the UNCRC can be used to identify the rights engaged in a CRIA process, at which point the full text of the rights in question should be consulted.

**Article 1 (definition of the child)**

Everyone under the age of 18 has all the rights in the Convention.

**Article 2 (non-discrimination)**

The Convention applies to every child without discrimination, whatever their ethnicity, gender, religion, language, abilities or any other status, whatever they think or say, whatever their family background.

**Article 3 (best interests of the child)**

The best interests of the child must be a top priority in all decisions and actions that affect children.

**Article 4 (implementation of the Convention)**

Governments must do all they can to make sure every child can enjoy their rights by creating systems and passing laws that promote and protect children’s rights.

**Article 5 (parental guidance and a child’s evolving capacities)**

Governments must respect the rights and responsibilities of parents and carers to provide guidance and direction to their child as they grow up, so that they fully enjoy their rights. This must be done in a way that recognises the child’s increasing capacity to make their own choices.

**Article 6 (life, survival and development)**

Every child has the right to life. Governments must do all they can to ensure that children survive and develop to their full potential.

**Article 7 (birth registration, name, nationality, care)**

Every child has the right to be registered at birth, to have a name and nationality, and, as far as possible, to know and be cared for by their parents.

**Article 8 (protection and preservation of identity)**

Every child has the right to an identity. Governments must respect and protect that right, and prevent the child’s name, nationality or family relationships from being changed unlawfully.

**Article 9 (separation from parents)**

Children must not be separated from their parents against their will unless it is in their best interests (for example, if a parent is hurting or neglecting a child). Children whose parents have separated have the right to stay in contact with both parents, unless this could cause them harm.

**Article 10 (family reunification)**

Governments must respond quickly and sympathetically if a child or their parents apply to live together in the same country. If a child’s parents live apart in different countries, the child has the right to visit and keep in contact with both of them.

**Article 11 (abduction and non-return of children)**

Governments must do everything they can to stop children being taken out of their own country illegally by their parents or other relatives, or being prevented from returning home.

**Article 12 (respect for the views of the child)**

Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. This right applies at all times, for example during immigration proceedings, housing decisions or the child’s day-to-day home life.

**Article 13 (freedom of expression)**

Every child must be free to express their thoughts and opinions and to access all kinds of information, as long as it is within the law.

**Article 14 (freedom of thought, belief and religion)**

Every child has the right to think and believe what they choose and also to practise their religion, as long as they are not stopping other people from enjoying their rights. Governments must respect the rights and responsibilities of parents to guide their child as they grow up.

**Article 15 (freedom of association)**

Every child has the right to meet with other children and to join groups and organisations, as long as this does not stop other people from enjoying their rights.

**Article 16 (right to privacy)**

Every child has the right to privacy. The law should protect the child’s private, family and home life, including protecting children from unlawful attacks that harm their reputation.

**Article 17 (access to information from the media)**

Every child has the right to reliable information from a variety of sources, and governments should encourage the media to provide information that children can understand. Governments must help protect children from materials that could harm them.

**Article 18 (parental responsibilities and state assistance)**

Both parents share responsibility for bringing up their child and should always consider what is best for the child. Governments must support parents by creating support services for children and giving parents the help they need to raise their children.

**Article 19 (protection from violence, abuse and neglect)**

Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone else who looks after them.

**Article 20 (children unable to live with their family)**

If a child cannot be looked after by their immediate family, the government must give them special protection and assistance. This includes making sure the child is provided with alternative care that is continuous and respects the child’s culture, language and religion.

**Article 21 (adoption)**

Governments must oversee the process of adoption to make sure it is safe, lawful and that it prioritises children’s best interests. Children should only be adopted outside of their country if they cannot be placed with a family in their own country.

**Article 22 (refugee children)**

If a child is seeking refuge or has refugee status, governments must provide them with appropriate protection and assistance to help them enjoy all the rights in the Convention. Governments must help refugee children who are separated from their parents to be reunited with them.

**Article 23 (children with a disability)**

A child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community. Governments must do all they can to support disabled children and their families.

**Article 24 (health and health services)**

Every child has the right to the best possible health. Governments must provide good quality health care, clean water, nutritious food, and a clean environment and education on health and well-being so that children can stay healthy. Richer countries must help poorer countries achieve this.

**Article 25 (review of treatment in care)**

If a child has been placed away from home for the purpose of care or protection (for example, with a foster family or in hospital), they have the right to a regular review of their treatment, the way they are cared for and their wider circumstances.

**Article 26 (social security)**

Every child has the right to benefit from social security. Governments must provide social security, including financial support and other benefits, to families in need of assistance.

**Article 27 (adequate standard of living)**

Every child has the right to a standard of living that is good enough to meet their physical and social needs and support their development. Governments must help families who cannot afford to provide this.

**Article 28 (right to education)**

Every child has the right to an education. Primary education must be free and different forms of secondary education must be available to every child. Discipline in schools must respect children’s dignity and their rights. Richer countries must help poorer countries achieve this.

**Article 29 (goals of education)**

Education must develop every child’s personality, talents and abilities to the full. It must encourage the child’s respect for human rights, as well as respect for their parents, their own and other cultures, and the environment.

**Article 30 (children from minority or indigenous groups)**

Every child has the right to learn and use the language, customs and religion of their family, whether or not these are shared by the majority of the people in the country where they live.

**Article 31 (leisure, play and culture)**

Every child has the right to relax, play and take part in a wide range of cultural and artistic activities.

**Article 32 (child labour)**

Governments must protect children from economic exploitation and work that is dangerous or might harm their health, development or education. Governments must set a minimum age for children to work and ensure that work conditions are safe and appropriate.

**Article 33 (drug abuse)**

Governments must protect children from the illegal use of drugs and from being involved in the production or distribution of drugs.

**Article 34 (sexual exploitation)**

Governments must protect children from all forms of sexual abuse and exploitation.

**Article 35 (abduction, sale and trafficking)**

Governments must protect children from being abducted, sold or moved illegally to a different place in or outside their country for the purpose of exploitation.

**Article 36 (other forms of exploitation)**

Governments must protect children from all other forms of exploitation, for example the exploitation of children for political activities, by the media or for medical research.

**Article 37 (inhumane treatment and detention)**

Children must not be tortured, sentenced to the death penalty or suffer other cruel or degrading treatment or punishment. Children should be arrested, detained or imprisoned only as a last resort and for the shortest time possible. They must be treated with respect and care and be able to keep in contact with their family. Children must not be put in prison with adults.

**Article 38 (war and armed conflicts)**

Governments must not allow children under the age of 15 to take part in war or join the armed forces. Governments must do everything they can to protect and care for children affected by war and armed conflicts.

**Article 39 (recovery from trauma and reintegration)**

Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life.

**Article 40 (juvenile justice)**

A child accused or guilty of breaking the law must be treated with dignity and respect. They have the right to legal assistance and a fair trial that takes account of their age. Governments must set a minimum age for children to be tried in a criminal court and manage a justice system that enables children who have been in conflict with the law to reintegrate into society.

**Article 41 (respect for higher national standards)**

If a country has laws and standards that go further than the present Convention, then the country must keep these laws.

**Article 42** **(knowledge of rights)**

Governments must actively work to make sure children and adults know about the Convention.

*The Convention has 54 articles in total. Articles 43–54 are about how adults and governments must work together to make sure all children can enjoy all their rights.*

**Optional Protocols**

There are three agreements, called Optional Protocols, that strengthen the Convention and add further unique rights for children. They are optional because governments that ratify the Convention can decide whether or not to sign up to these Optional Protocols. They are:

1. the Optional Protocol on the sale of children, child prostitution and child pornography (ratified by UK government);
2. the Optional Protocol on the involvement of children in armed conflict (ratified by UK Government); and
3. the Optional Protocol on a complaints mechanism for children (not yet ratified by the UK Government).

*Source: UNICEF*

Appendix 2:

**Child Rights Impact Assessment template**

**Senior Responsible Officer:**  Click or tap here to enter text.

**Document version: Draft / Consultation / Final**

**Date completed:** Click or tap here to enter text.

STAGE 1: SCOPING (Background and Rights Framework)

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| **Question 1: Name the measure / proposal being assessed and describe the overall aim** |
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| [add/delete rows as required] Click or tap here to enter text. |

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| --- | --- | --- |
| **Question 2: Which children’s human rights instruments and articles are relevant to the measure / proposal?** | | |
| Human Rights Instrument | Article | Further analysis on the expected / actual effect |
| Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |
| [add/delete rows as required]Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |

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| --- | --- | --- |
| **Question 3: Which groups of children are most likely to be affected by the measure / proposal?** | | |
| Group of children | How are they likely to be affected? | How will you engage with them? |
| Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |
| [add/delete rows as required]Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |

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| **Question 4: Which stakeholder groups should be engaged during the policy development process? (e.g., parents/carers, NGOs, unions, NICCY, academics, etc.)** | | |
| Stakeholder group | What can they contribute to the process? | How will you engage with them? |
| Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |
| [add/delete rows as required]Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |

STAGE 2: CONTEXT AND COLLABORATION

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| **Question 5: Which Programme for Government outcomes does this policy aim to impact on?** | |
| PFG Outcome | Way in which the policy will have an impact |
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| **Question 6: Which Children and Young People’s Strategy outcomes does this policy aim to impact on? Resource: CYPS** | |
| Children’s Strategy Outcome | Way in which the policy will have an impact |
| Click or tap here to enter text. | Click or tap here to enter text. |
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| --- | --- | --- |
| **Question 7: What opportunities are there to promote joined up outcomes for children? Resource: CSCA** | | |
| Department and policy area | Shared outcome / cross cutting issue | How will you engage with them? (e.g., joint working, keep informed, consultation, etc) |
| Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |
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STAGE 3: EVIDENCE GATHERING

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| **Question 8: What quantitative evidence have you used to inform your assessment? What does it tell you?** | | | |
| Evidence collected | Evidence source | Explanation of the importance |
| Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |
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| **Question 9: What qualitative evidence have you used to inform your assessment? What does it tell you?** | | |
| Evidence collected | Evidence source | Explanation of the importance |
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| **Question 10: What key missing information / evidence would have been beneficial to your analysis?** |
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| **Question 11: What existing evidence on children and young people views has been considered in the development of the proposal or measure?** | | | |
| Group of children | Source of Information | Please provide a brief description of process | What were the findings? |
| Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |
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| **Question 12: What groups of children and young people have been directly involved in developing the proposal or measure?** | | | |
| Groups involved [ if those affected by the proposal] | **** | How were they involved? | What were the findings? |
| Click or tap here to enter text. |  | Click or tap here to enter text. | Click or tap here to enter text. |
| [add/delete rows as required] Click or tap here to enter text. |  | Click or tap here to enter text. | Click or tap here to enter text. |

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| **Question 13: What stakeholder groups have been engaged in developing/reviewing the proposal or measure?** | | |
| Stakeholder group | How were they involved? | What were the findings? |
| Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |
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STAGE 4: ASSESSING THE IMPACT

***Complete questions 14-16 for each option being considered***

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| --- | --- | --- |
| **Question 14: What impact will (or does) the proposal or measure have on children and young people’s rights?** | | |
| Type of impact *[please highlight]* | Justification for Argument | likely or actual short/medium/long-term outcomes |
| Positive / Negative / Neutral | Click or tap here to enter text. | Click or tap here to enter text. |
| [add/delete rows as required] Positive / Negative / Neutral | Click or tap here to enter text. | Click or tap here to enter text. |

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| --- | --- | --- |
| **Question 15: Will there be (or are there) different impacts on different groups of children and young people?** | | |
| Group of children affected | Initial analysis of the positive impact on rights | Initial analysis of the negative impact on rights |
| Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |
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| **Question 16: If a negative impact is identified for any area of rights or any group of children and young people, what options are there to modify the proposal or measure to mitigate the impact?** | |
| Negative impact | What options are there to modify the measure(s) or mitigate the impact? |
| Click or tap here to enter text. | Click or tap here to enter text. |
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STAGE 5: CONCLUSIONS AND RECOMMENDATIONS

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| **Question 17: In summary, what are your key findings on the impact of the measure or proposal on children and young people’s rights?** |
| Click or tap here to enter text. |

1. These draw heavily on CRIA materials developed by the European Network on Ombudsmen for Children. [↑](#footnote-ref-2)
2. [ENOC Statement on CRIAs](https://enoc.eu/wp-content/uploads/2020/11/ENOC-2020-Position-Statement-on-CRIA-FV-1.pdf); [ENYA report on CRIAs](https://enoc.eu/wp-content/uploads/2020/12/FV-ENYA-Report.pdf) [↑](#footnote-ref-3)
3. See appendix 1 for a summary version of the UN Convention on the Rights of the Child. [↑](#footnote-ref-4)