



Conducting Child Rights Impact Assessments (CRIAs) and Child Rights Impact Evaluations (CRIEs): Learning in Action

1. About CRIAs and CRIEs

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.*

Child Rights Impact Evaluation (CRIE): *provides an opportunity to consider the intended or unintended effect legislative changes, budget decisions, policies, programmes or services have had on children and young people's rights. Where necessary, the CRIE can propose what changes would be needed to ensure the measure respects children's rights and complies with the UNCRC. This is done **after** a decision has been made or an action has been taken. (ENOC 2020, page 3)*

The UN Committee on the Rights of the Child recommends a continuous process of CRIA and CRIE as part of a wide range of general measures to aid implementation of the UN Convention on the Rights of the Child (UNCRC).

This is an exciting time for children's rights in Scotland with the incorporation of the UNCRC into domestic Scots law. Incorporation provides a strong foundation for progressing children's rights and is fundamental to ensuring that children and young people in Scotland have their human rights respected, protected and fulfilled.

Incorporation on its own cannot make children's rights real – other measures of implementation are needed. Incorporation places new legal requirements on the Scottish Government to prepare and publish child rights and wellbeing impact assessments (CRWIAs) of the likely effect of proposed Bills and strategic decisions on children and young people. This approach takes account of both children's rights and child wellbeing within a CRIA. The Scottish Government have been undertaking CRWIAs since 2015 on a voluntary basis.

Adoption of CRIA and CRIE can help public and private bodies to fulfil their UNCRC obligations – enabling them to embed a children’s rights-based approach to decision making on law, policy and practice at an early stage.

2. About this note

The [Observatory of Children’s Human Rights Scotland](#) recognises that conducting CRIAs and CRIEs will be new to many leaders and organisations. To aid Scotland’s learning and improvement over time, we have made a commitment to gather insights and ideas derived from the experience of doing CRIAs and CRIEs in different contexts. As we work with others involved in conducting CRIAs and CRIEs, we will encapsulate and present practice pointers that may be helpful to others.

3. Pointers for practice

Getting ready

- **Establish a team to coordinate and drive the work.** CRIAs and CRIEs can be intensive and often need to be responsive to real time developments in law, policy and practice.
- **Remember CRIAs and CRIEs are useful across law, policy and practice developments.** These include areas not immediately focusing on child wellbeing, welfare or protection if there will be impacts on children and young people.
- **Spend time getting familiar with the UNCRC.** Knowledge and understanding of the UNCRC is central to the analysis of CRIAs and CRIEs. Keep in mind that there may be other international human rights treaties or protocols relevant to the analysis.
- **Take an objective standpoint.** Objectivity can be enhanced by having a team working on the CRIA or CRIE, involving a facilitator, or engaging an external reviewer.
- **Timing is critical.** Make sure a CRIA is carried out as early as possible – this will ensure that it can inform the development of the proposed law, policy or practice.
- **Think carefully about the focus of the CRIA or CRIE.** Keep the scope as clear and as tight as possible, be realistic on what can be achieved; this will help focus analysis and the ability to identify how to strengthen children’s rights.
- **Decide on a relevant and realistic timescale** for conducting and completing the CRIA or CRIE.

- **Select or create tools and templates that can help** organise the assessment. (Examples given below)
- **Consider what evidence sources can be drawn on.** How will children and young people’s perspectives and experiences be central to the analysis? Who can help generate insight and provide information? What are the limitations of what is available or can be gathered?
- **Get creative about ways to involve others.** Facilitating discussion may be more feasible and effective than desk-based review. Engaging with the process and thinking through the children’s rights implications is as valuable as the evidence, in helping to produce the best laws, policies and practice.

Engagement and participation

- **Involve children and young people** so that you can tap into their experiences and perspectives. Identify existing networks and groups that can support this engagement, wherever possible. See in particular the resources from ‘[Listen, Engage, Have Fun](#)’.
- **Be inclusive and representative**, and pay attention to diversity, when assessing implications for children’s rights. The same law, policy or practice may impact differently on the rights of individual children or groups of children.
- **Involve other key stakeholders** who are part of developing or implementing the law, policy or practice.
- **Invest in ongoing and meaningful pathways** for children and young people’s participation: then particular involvement over CRIAs or CRIEs can tap into these.
- **Involve children and young people in considering the solutions** as well as identifying the problems.

Insight and evidence

- **Identify sources of evidence that could help inform the analysis.** Where might you find existing data and information? Are there academic, governmental or third sector sources relevant to the CRIA or CRIE? Are there internal organisational data and information available?
- Strive to **access and use the best data and information available.** Be aware that some sources may not be comprehensive or completely up to date; however they may be indicative and as such could still be useful to include.
- **Consider the evidence from a children’s rights perspective.** How well does it help address children’s rights issues? What is missing? Does it consider the diversity of children and young people and particularly is there evidence for those whose rights are most at risk?

Consolidating the assessment

- **Remember the CRIA or CRIE should guide action**, such as changes or refinements to law, policy and practice to ensure they are rights respecting.
- **Pay attention to the whole UNCRC rights framework in the assessment** and ensure you are systematically identifying particularly relevant rights.
- **Identify any thematic areas for consideration.** For example, relating to children with particular characteristics or circumstances, or relating to specific provisions for children such as health, education, or protection.
- **Make explicit the sources of data and information used** to inform the analysis, and the limitations of these.
- **Separate out your summary analysis and your conclusions**, so that the connections are clear between your evidence, your analysis of this evidence and what you conclude on the basis of your analysis.
- **Write clear, actionable recommendations** to help policy makers and decision makers take them on board and apply them more readily.
- **Publish the CRIA, including a [child-friendly version](#).**

Tracking progress into the future

- **Ensure key policy makers and decision makers feel responsible and adopt the completed CRIA and following CRIEs** as points of reference.
- **Keep a focus on the areas of law, policy or practice that the assessment suggests may need closer attention.** Based on the CRIA recommendations, monitor how these evolve and continue to challenge where necessary to ensure they are rights respecting.
- **Consider law, policy and practice developments as statements of intent!** We often cannot anticipate everything that will happen when they are implemented. There will be unanticipated positive and negative effects for children's rights. Continue to capture this learning and observation during implementation.
- **Learn from each CRIA and CRIE process** to improve practice and approaches in carrying out future ones. This is an opportunity to identify if there were any gaps in the assessment and consider how they could have been filled. For example, specific groups of children and young people might have been affected by the proposal but not engaged in the CRIA or CRIE; this could be addressed in future.

4. Sharing learning for action

Many public and private bodies will be involved in conducting CRIs following the incorporation of the UNCRC into Scots law. It is important to share the learning from the experience of doing a CRIA – it will help others to optimise

their processes and contribute to a strengthening of rights respecting approaches across Scotland. Collectively, we have less experience in conducting CRIEs: there is much to learn from CRIA that applies to CRIE, but we still have even more need to develop CRIEs.

Please contact us via [email](#) if you would like to share your experience of conducting a CRIA or CRIE.

Acknowledgements

This learning in action note is compiled from the reflections of participants in CRIAs and CRIEs in Scotland. To date, this has included:

1. All contributors to the *Independent Children's Rights Impact Assessment on the Response to Covid-19 in Scotland* (July 2020)
<https://cypcs.org.uk/coronavirus/independent-impact-assessment/>
2. All contributors to *Involving children in child rights impact assessment (CRIA) and child rights impact evaluation (CRIE)* (October 2022)
<https://www.cypcs.org.uk/resources/listen-engage-have-fun/>

Further Sources

Casey, T. (2022) [Listen, engage, have fun: Guide on involving children in child rights impact assessment \(CRIA\) and child rights impact evaluation \(CRIE\)](#)

European Network of Ombudspersons for Children (2020) [Common Framework of Reference on Child Rights Impact Assessment: A Guide on How to Carry Out CRIA](#)

Payne, L. (2020) [ENOC Synthesis Report: Child Rights Impact Assessment](#)

Scottish Government (2021) [Child Rights and Wellbeing Impact Assessment \(CRWIA\): External guidance](#)

UN Committee on the Rights of the Child (2003) [General Comment No.5 on general measures of implementation of the Convention on the Rights of the Child \(arts. 4, 42 and 44, para. 6\)](#), paras 45-47.

CRIA Templates

[European Network of Ombudspersons for Children](#)

Simplified template in [Listen, engage and have fun](#)

Observatory of Children's Human Rights Scotland

The Observatory of Children's Human Rights Scotland is a collaborative of Scottish organisations working to drive implementation of children's human rights in Scotland, with local impact and global learning.

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