



## **Conducting Children's Rights Impact Assessments: Learning in Action**

### **1. About Child Rights Impact Assessment (CRIA)**

*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. (ENOC, 2020)*

The UN Committee on the Rights of the Child recommends a continuous process of CRIA and CRIE (Child Rights Impact Evaluation) 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 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.

Incorporation on its own cannot make children's rights real – other measures of implementation are needed. Adoption of a CRIA process can help public and private bodies to fulfil their UNCRC obligations – enabling them to embed a child-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 a Child Rights Impact Assessment 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 in different contexts. As we work with others involved in conducting CRIAs, 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 can be intensive and often will need to be responsive to real time developments in law, policy and practice.
- **Remember CRIAs have application across law, policy and practice developments**, even where areas are not immediately focused on child wellbeing, welfare or protection.
- **Knowledge and understanding of the UNCRC is central to analysis.** Spend time getting familiar with the rights and principles relating to application of the UNCRC. Keep in mind that there may be other international human rights treaties or protocols relevant to the analysis.
- **Take an objective standpoint.** Objectivity could be enhanced by having a team working on the CRIA, involving a facilitator, or engaging an external reviewer.
- **Timing is critical.** Make sure the CRIA is carried out as early as possible – this will ensure that it can inform the development of the proposed law, policy or practice.
- **Early decisions on the scope of the CRIA** will help to define how to do it – What is the specific focus of the CRIA? 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.
- Remember **CRIAs are often about informing design and development** rather than assessment of action and implementation.
- **Decide on a relevant and realistic timescale** for conduct and completion of the CRIA.
- **Select or create tools and templates that can help** organise analysis and appraisal.
- **What evidence sources can be drawn upon?** How will children and young people's perspectives and experiences be central to the analysis?

Who can help generate insight and evidence that can help inform analysis? What are the limitations of what is available or can be gathered?

- **Gather a team in place that can bring multiple perspectives** to analysis and expedite the process where needed.
- **Get creative about ways to involve others** in analysis and appraisal of applying the rights framework to the proposal under assessment – In some contexts, briefing and facilitating group discussion(s) may be more feasible than extensive desk based exercises. Remember, 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*

- **Involving infants, children and young people is fundamental** to tapping into their experiences and perspectives. Identify existing networks and groups that can support this engagement, wherever possible.
- **Be inclusive and representative**, pay attention to diversity, when appraising implications for children’s rights.
- **Involve other key stakeholders** who are part of the design or developments under appraisal or who will be involved in their implementation.

### *Insight and evidence*

- **Identify sources of evidence that could help inform the analysis** – Where might you find existing data and information? Are there academic and research sources relevant to the CRIA? Are governmental sources relevant to the CRIA? Are there NGO sources relevant to the CRIA? Are there internal organisational data and information collated relevant to the CRIA?
- Strive to **access and use the best data and information available**. Be aware that sources may not be comprehensive or up to date, however they may be indicative and as such could still be useful to include.

### *Consolidating assessment*

- **Remember the assessment should guide action**, such as changes or refinements to law, policy and practice developments to be rights respecting.
- **Integrate attention to the whole UNCRC rights framework**, while also mapping where there may be considerations for specific rights.

- **Are there any thematic areas for consideration?** For example, relating to children with distinct characteristics or circumstances, relating to specific provisions for children such as health, education, protection etc.
- **Make explicit the sources of data and information used** to inform the analysis, and the limitations of these.
- **Separate out summary analysis and conclusions.**
- **Distil actionable recommendations** to help stakeholders/decision makers more readily take them on board and work to apply them.
- **Publish the CRIA, including a child-friendly version.**

### *Tracking progress into the future*

- **Adopt the completed CRIA** as a continuing point of reference.
- **Keep in focus the areas of law, policy or practice that the assessment suggests may need closer attention** to ensure that they are rights respecting. Based on the CRIA recommendations, monitor how these evolve and continue to challenge where necessary.
- Law, policy and practice developments such as plans are statements of intent! We often cannot anticipate what it means to implement them on the ground – there will be unanticipated positive and negative effects for rights. **Capture this learning and observation during implementation.**
- **Learn from the CRIA process** to improve practice and approach 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 not engaged in the assessment but likely to be affected by the proposal, or evidence that was unavailable.

## **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.

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

## Acknowledgements

This learning in action note is compiled from the reflections of participants in CRIAs 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/>

As this note evolves, it will reference CRIAs conducted as well as people and organisations who provide reflections and insights.

## Further Reading

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

Payne, L. (2020) [European Network of Ombudspersons for Children Synthesis Report](#)

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.

### **Observatory of Children's Human Rights Scotland**

We are a collaborative of Scottish organisations working to drive implementation of children's human rights in Scotland, in line with the UNCRC and broader international human rights treaties. This will help to ensure that children's human dignity is respected, and all children are supported to thrive and reach their full potential. To achieve this, we want to change locally and learn globally.

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