



European Network of Ombudspersons for Children

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Position Statement on “Child Rights Impact Assessment (CRIA)”

Adopted by the ENOC 24th General Assembly, 18th November 2020

‘There is no such thing as a child-neutral policy. Whether intended or not, every policy positively or negatively affects the lives of children.’ⁱ

We, members of the European Network of Ombudspersons for Children (ENOC), call upon our governments, the Council of Europe and European Union Institutions to use Child Rights Impact Assessment (CRIA) and Child Rights Impact Evaluation (CRIE) processes to help embed children’s rights in law, policy, budgetary allocation, and other administrative decisions; and promote and support its use among all public bodies.ⁱⁱ

Our recommendations are intended to ensure governments comply with the United Nations Convention on the Rights of the Child (UNCRC) and other international human rights treaties as they affect children and young people.ⁱⁱⁱ They are also intended to help realise the Council of Europe’s commitment to support member States *‘in introducing and enhancing the quality and effect of child impact assessments’^{iv}* – whilst supporting the European Parliament and European Commission Coordinators in the promotion and protection of children’s rights in all EU policies and legislation.

Having considered States’ obligations to implement all the rights in the UNCRC, and the requirement under Article 4 for governments *‘... to undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention...’^v*

Having considered that all levels of government and all those delivering public services must ensure that in accordance with Article 3 of the UNCRC *the best interests of the child* are a primary consideration in all actions concerning children.

Understanding that the assessment of the best interests of the child must include *respect for children’s right to express their views freely and due weight given to those views* – in all matters affecting them, in accordance with Article 12 of the UNCRC.^{vi}

Taking account of the need to consider the impact on children’s rights of all types of decisions that affect the child population, groups of children who share characteristics and individual children.

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.

1. What is Child Rights Impact Assessment (CRIA) and Evaluation (CRIE)?

Both CRIA and CRIE are recognised by the UN Committee on the Rights of the Child as General Measures of Implementation for the UNCRC, in accordance with the provisions of Article 4. These **child rights focused impact processes** support the systematic assessment and communication of the impact of a proposal or measure on the rights of children and young people. They are a mechanism through which to consider how children's rights are affected by the decisions and actions of governments, institutions, and others in the areas of law, policy, and practice. They result in a written account of the evidence gathered and considered through the process.

There are two types of child rights focused impact processes.

- **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.*
- **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.*

As recommended by the UN Committee on the Rights of the Child, together CRIA and CRIE provide a continuous process of assessment and evaluation of the impact of laws, policies, budgets, programmes, and services on children's rights.^{vii}

Procedural standards for the introduction and use of CRIA and CRIE

The UN Committee on the Rights of the Child has outlined how child rights impact processes should be used to promote the visible integration of children's rights in decision-making and ensure good governance for children. Important requirements are:

1. UNCRC and its Optional Protocols should be used as the framework for assessment and evaluation.
2. Carried 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. CRIA should be carried out as early as possible and CRIE after an agreed time following implementation.
6. Evidence based, 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.



European Network of Ombudspersons for Children

2. Why is there a need for CRIA and CRIE?

The UN Committee on the Rights of the Child, UNICEF, Children's Rights Ombudspersons/ Commissioners and children's rights advocates across the globe have argued for systematic child impact processes to be established because:

- Children have rights and needs that are separate and different to adults and these must be given due consideration.
- Children's wellbeing is as vital to a nation as a healthy society and economy yet is rarely given the same priority.
- Children are largely excluded from public decision-making processes, with no voting rights and limited advocacy power except through adults.
- Government responsibility for children tends to be fragmented across departments and agencies.
- Children are rarely consulted and their overall visibility in government processes is low.
- 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.
- Children have poorer access to complaints mechanisms, remedy, and redress.^{viii}

3. Children's participation and role in CRIA

***'Sometimes participation is as simple as just asking children what they think. It doesn't always have to be very complicated.'*^{ix}**

The European Network of Young Advisors (ENYA) Forum 2020 discussed children's rights in decision-making. The young advisors emphasized the importance of having a rights-based approach to decision-making and reminding States about their duty to respect, protect and fulfil children and young people's rights according to the UNCRC.

The Young Advisors made the following recommendations to promote CRIA:

- States should make CRIAs mandatory and raise awareness of it.
- CRIAs must be based on a broad range of articles, up-to-date and relevant statistics, and child-friendly information provided.
- Children and young people must be involved in CRIAs and CRIEs.
- Children and young people must be educated about children's rights including CRIA.
- Adults must be educated about the UNCRC and CRIA.
- Adults need to respect children's opinions and be open-minded.
- Children's Commissioners and Ombudspersons should play a role in CRIAs.
- Need to be consequences if a CRIA is missing, not used or incomplete.

Their final recommendation provided a list of topics where CRIAs should be conducted. This list included decisions about budgets and the effect of Covid-19 on children's rights.

The Young Advisors made the following recommendations about participation:

- Need to improve access to participation for all children and young people.
- Participation should be on children and young people's terms.
- Provide information and education for young people.
- Educate and make adults aware of children's right to meaningful participation.
- Create digital platforms for participation.
- More youth-led participation.
- Voting rights for young people should be assessed in the different countries.

ENOC urges States; national, regional, European and international authorities; and all other relevant authorities to adopt the following recommendations:

1. Require CRIAs and CRIEs to be conducted on law, policy, budgetary, and other administrative decisions to embed a child rights perspective.

- a) Support CRIA and CRIE through a legal mandate to ensure those who make law, decide on policy, allocate budgets and deliver practice, conduct CRIAs whenever decisions that affect children are made, both for public and private sectors.
- b) Develop and undertake CRIA and CRIE processes that follow the impact assessment and evaluation procedural standards set out by the UN Committee on the Rights of the Child. This applies not only for decisions that have a direct impact on children, but also for those which are not directly aimed at children but affect them.
- c) Specify when, where and how CRIA and CRIE fit within the development cycle of laws, policies, budgets and administrative measures.
- d) CRIA should be carried out as early as possible in the development of law, policy, budgets, and other administrative measures. CRIE should be carried out after an agreed period following implementation of the decision or measure.

2. Ensure that the rights of individual children and groups of children to be heard and participate in the process are fulfilled when CRIA and CRIE are undertaken.

- a) Child or children's participation must be effective and meaningful in accordance with the requirements set out in General Comment No.12 of the UN Committee on the Rights of the Child.^x
- b) Provide all children with education about their rights, age-appropriate accessible and inclusive information, guidance and support to enable them to participate in CRIA and CRIE processes.



European Network of Ombudspersons for Children

- c) Adults need to be open-minded and ask children for and about their views at the start of the CRIA and CRIE process, ensuring they treat children's views with respect. Children should be kept informed and involved as part of the ongoing process.
- d) Diverse groups of children, including those who are vulnerable or marginalised, should be involved in CRIAs. Those children whose rights will be most affected by a proposal must be assisted to ensure they are able to participate in the CRIA process.
- e) Provide safe spaces where children can exercise their right to be heard.
- f) Recording children's views, setting out how these have informed the decision-making process, and providing feedback to children on how their views have been considered should all be part of CRIA and CRIE processes.
- g) Children's Commissioners and Ombudspersons can play a key role in CRIAs, voicing the views of children and advocating on their behalf, especially for those children who cannot advocate for themselves.

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.

- a) Support CRIA and CRIE with a set of tools, e.g. key questions, templates and/or guidelines, to ensure consistency in, and comprehensive application of the process.
- b) A broad perspective must be taken about what children's rights articles and provisions are relevant in a CRIA or CRIE, not just the obvious ones.
- c) Ensure that CRIA and CRIE processes are adequately resourced in terms of staff time; the costs of commissioning additional research; and/or the costs of carrying out public or targeted consultations that can inform the assessment and/or evaluation.
- d) Support CRIA and CRIE with a programme of mandatory, ongoing training and capacity building for decision makers at all levels. Training should educate and provide information on children's rights and the UNCRC, as well as the impact assessment and evaluation processes.
- e) Collect, and make accessible sufficient and reliable data on children and young people which covers all rights under the UNCRC to support CRIA and CRIE processes.



European Network of Ombudspersons for Children

4. Ensure CRIA and CRIE processes are transparent, support better accountability for decisions made and indicate the extent to which children have influenced those decisions.

- a) CRIA and CRIE processes should be made available as early as possible to external scrutiny through publication and stakeholder involvement.
- b) As part of external scrutiny, authorities must account for decisions made, explain why recommendations are not accepted or implemented, and indicate how children's views have been considered and given due weight.
- c) Where a law, policy, budgetary or administrative decision impacts on children's rights and is made without reference to a CRIA, that decision should be open to challenge.
- d) Set up quality assurance systems to improve impact assessment and evaluation practice, e.g. through enabling access to internal and external expertise on children's rights; identifying and making available exemplar CRIAs or CRIEs; and sharing best practice.
- e) Work with ENOC members to develop good practice CRIA and CRIE processes to encourage post-implementation scrutiny.

5. Develop and expand knowledge and understanding on CRIA and CRIE processes.

- a) European institutions and governments should support a programme of interdisciplinary research, nationally and internationally, to aid understanding and inform the development of child rights impact assessment processes.
- b) The UN Committee on the Rights of the Child should hold a day of general discussion on child rights impact assessment processes and provide further guidelines and recommendations on CRIA and CRIE through the development of a general comment.

ENOC will work with the Council of Europe, EU Institutions, international and other relevant authorities to promote and monitor implementation of these recommendations by 1) advocating for their adoption, 2) sharing our collective knowledge, learning and understanding of CRIA and CRIE processes, and 3) where necessary, challenging poor implementation.

ⁱ UNICEF and European Commission (2014) [Child Rights Toolkit Module 5: Child Impact Assessments](#), para.1.1. New York: UNICEF.

ⁱⁱ ENOC is a membership body made up of 43 independent children's rights institutions in 34 countries within the Council of Europe, whose main objective is to safeguard and promote children and young people's fundamental rights.

ⁱⁱⁱ ENOC's recommendations have drawn on international child rights standards, the views of ENOC members, the ENOC Synthesis Report on CRIA and the views of ENYA (European Network of Young Advisors).

^{iv} Council of Europe (2016) [Strategy for the Rights of the Child: 2016-2021](#), para.28.

^v Article 4 of the UN Convention on the Rights of the Child.

^{vi} 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 43.

^{vii} UN Committee on the Rights of the Child (2003) General Comment No.5 General measures of implementation of the Convention on the Rights of the Child (arts.4, 42 and 44. para.6). Para 45.

^{viii} Corrigan, C (2006) [The development and implementation of Child Impact Statements in Ireland](#), Dublin: Office of the Minister for Children; Hanna, K, Hassall, I and Davis, E (2006) [Child impact reporting](#), in Social Policy Journal of New Zealand, no.29, pp.32-42; Hanna, K and Mason, N (2011) [Putting children at the centre of policy development](#), p.10, Washington, DC: First Focus on Children; Paton, L and Munro, G (2006) [Children's Rights Impact Assessment: the SCCYP Model](#), Edinburgh: Children and Young People's Commissioner for Scotland (CYPCS); UNICEF Canada (2014) [Child Rights Impact Assessments: the fundamentals. Evidence submitted by Unicef Canada to the Standing Committee on Human Rights, 3 Feb 2014](#), Toronto: Unicef Canada.

^{ix} ENYA Young Advisor, ENYA Forum, 4 October 2020.

^x UN Committee on the Rights of the Child (2009) General Comment No.12 The Right of the Child to be Heard, Para 133-134.



ENOC is co-funded by the European Union's Rights, Equality and Citizenship Programme (REC 2014-2020). The content of this publication represents only the views of ENOC and is its sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.