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Building Children's Futures

Child Rights Impact Assessment Training Toolkit



Introduction

This toolkit is a guide on how to use Child Rights Impact Assessments for decision makers.

It has been developed as part of the Building Children's Futures: Using Children's Rights to Recover from the Global Pandemic project. This project is funded by the EU Commission. It is being led by the Children's Rights Alliance in partnership with the Department of Children Equality Disability Integration and Youth, Tusla, Ireland's Child and Family Agency and Children and Young People's Services Committees (CYPSC), Eurochild, UNESCO Child and Family Research Centre University of Galway, and Foróige. Using Ireland as a case study, the project's overall aim is to explore how a child rights-based approach, utilising Child Rights Impact Assessments (CRIAs), can be embedded in decision-making in times of emergency. This toolkit builds upon the other outputs of this project which include:

- [Building Children's Futures: Using Children's Rights to Recover from the Global Pandemic- The Children's Report](#)
- Child Rights Impact Assessment Training Video
- Child Rights Impact Assessment Research Report

This toolkit will provide an overview of the UN Convention on the Rights of the Child and where Child Rights Impact assessments sit within this framework. It will also give an in-depth overview and understanding of what Child Rights Impact Assessments are and how they can be used by decision makers using international examples of best practice. Within the toolkit is a Child Rights Impact Assessment Tool that can then be used by decision makers to carry out assessments in their everyday work.

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1. The UN Convention on the Rights of the Child

What is the UN Convention on the Rights of the Child?

The United Nations Convention on the Rights of the Child (UNCRC) was adopted by the United Nations General Assembly in 1989,¹ and Ireland committed to promote, respect and protect Children's Rights when it ratified the UNCRC in 1992.

The UNCRC covers all aspects of a child's life including health, housing, social security, education, leisure and play, child protection and welfare, criminal justice, international protection as well as access to information and participation in decision-making. Special emphasis is given to four articles, known as the 'General Principles', which are fundamental to the implementation of all of the other rights contained within the UNCRC.

What are the General Principles of the UNCRC?

ARTICLE 2 - All rights guaranteed by the Convention must be available to all children **without discrimination** of any kind

ARTICLE 3 - The **best interests of the child** must be a primary consideration in all actions concerning children

ARTICLE 6 - Every child has the **right to life, survival and development**

ARTICLE 12 - The **child's view** must be considered and taken into account in all matters affecting him or her

How is the UNCRC Implemented in Irish Law?

Ireland operates a dualist legal system. This means that an Act of the Oireachtas has to be passed in order for an international treaty to form part of our domestic law. This is why the UNCRC is not automatically part of our domestic law. Instead, what we have seen is the principles and rights in the UNCRC reflected in different areas of our domestic law. For example, the Children and Family Relationships Act provides a comprehensive definition of the best interests of the child and introduces a comprehensive test which Judges must consider when making decisions regarding guardianship, custody and access.²

¹ United Nations, Convention on the Rights of the Child, 1989 < [Convention on the Rights of the Child | OHCHR](#) > accessed 31 May 2024.

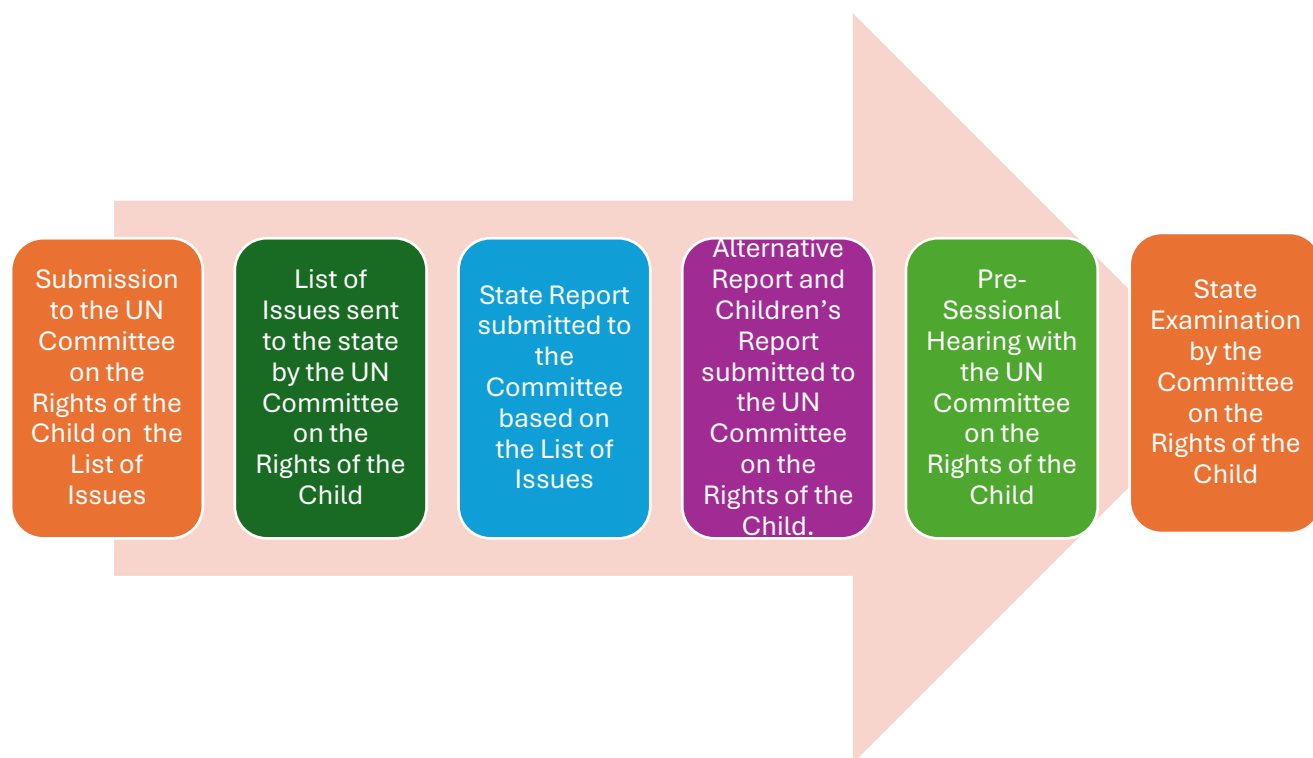
² Children and Family Relationships Act 2015 s 63.

The UNCRC is the foundation on which Child Rights Impact Assessments (CRIAs) are developed.³ Article 4 of the UNCRC sets out that ‘implementation is the process whereby States parties take action to ensure the realisation of all rights in the Convention for all children in their jurisdiction.’⁴

When Ireland ratified the UNCRC in 1992, the State agreed to be reviewed every five years by the UN Committee on the Rights of the Child on its progress in implementing the rights in the Convention.

As part of the review process, the State, non-governmental organisations and children and young people submit reports to the UN Committee on the Rights of the Child. The Committee then engage in a constructive dialogue with the State after which, the Committee issues a list of ‘Concluding Observations’. Concluding Observations are recommendations made by the Committee to the Government. They are not legally binding, but they are an important advocacy tool.

State Review Process under the UN Convention on the Rights of the Child



³ Payne L., *ENOC Synthesis Report* (ENOC 2020) 11.

⁴ 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 is listed as one of the ‘administrative and other’ measures of implementation under Article 4.

Ireland was last examined by the Committee in 2023. In its Concluding Observations the Committee recommended that:

“the State party fully incorporate the Convention into national legislation, conduct a comprehensive review of all its legislation to align it with the Convention and address any inconsistencies, and develop systematic child-rights impact assessment procedures for national and subnational legislation and policies relevant to children.”

UNCRC, Concluding Observations (2023) UN Doc CRC/C/IRL/CO/5-6, paras. 6

Children’s Rights and the European Union (EU)

The protection and promotion of the rights of the child is a core objective of the European Union’s work.⁵ It is enshrined in the Charter of Fundamental Rights of the European Union⁶ which guarantees the protection of children’s rights in implementing European Union law. It cuts across all policy areas and forms part of the core priorities of the European Commission and is an EU policy framework to ensure the protection of rights of all children and secure access to basic services for vulnerable children.⁷

⁵ Article 3(3) of the Treaty on European Union (TEU) establishes the objective for the EU to promote the protection of the rights of the child. Article 3(5) TEU sets forth that in its relations with the wider world, the Union shall contribute to (...) the protection of human rights, in particular the rights of the child.

⁶ [EU Charter of Fundamental Rights](#), 2012/C 326/02.

2. Child Rights Impact Assessments

What is a CRIA?

A child rights impact assessment (CRIA) is a framework that helps decision makers understand how children's rights, needs, and best interests, as laid out in the United Nations Convention on the Rights of the Child (UNCRC), and other international human rights treaties, may be affected by a proposed law, policy or decision.⁸

What are the aims of a CRIA?

- To help government and non-governmental organisations, civil servants, and decision makers in assessing whether policy/legislative proposals improve or negatively impact on the rights and wellbeing of children and young people.
- To strengthen and deepen the understanding and importance of Children's Rights, and the UNCRC.
- To encourage hearing directly from children and young people when making decisions that affect them.
- To help encourage better data collection and reporting.

Why are CRIAs important?

CRIAs offer a proactive approach to upholding children's rights, by considering children's rights as part of the decision-making process.⁹ This helps support early identification of potential issues and allows for preventative changes to be made to a law, policy, service, programme etc. in development, to ensure and uphold children's rights.¹⁰ It can also strengthen the understanding of children's rights in decision making, and can reduce the risk of breaching children's rights, instead creating a proactive and protective mindset.¹¹

According to the UN Committee on the Rights of the Child, having a CRIA process in place improves decision making for children and young people.¹² CRIAs mainstream international children's rights principles and standards into national and local planning, service design and delivery.¹³ CRIAs identify which rights could be impacted by a decision, whether the impact will be positive, negative or neutral, what evidence or data are available, and what changes are needed to mitigate the negative impacts and maximise the positive impacts. CRIAs provide a child rights-based approach for strengthening decision making, which can in turn reduce the likelihood of rights violations and can limit the need for revision further down the line.¹⁴

⁸ Payne L., *ENOC Synthesis Report* (ENOC 2020) 11.

⁹ *ibid*

¹⁰ *ibid*

¹¹ *ibid*

¹² Payne L., *ENOC Synthesis Report* (ENOC 2020) 8.

¹³ *ibid*

¹⁴ Together, Scottish Alliance for Children's Rights, *State of Children's Rights In Scotland* (Together 2022) 167.

When should a CRIA be used?

A CRIA should be conducted to inform any decision being made that could affect children and young people. This could include:

- assessment of existing legislation
- development of new legislation
- service design
- service delivery implementation
- development of new policy
- changes to existing policy
- budgetary proposals

3. International best practice in using Child Rights Impact Assessments

Scotland

The Scottish Government has undertaken CRIAs on a voluntary basis since 2015,¹⁵ with its own model and accompanying guidance.¹⁶ The process is referred to as a Child Rights and Wellbeing Impact Assessment (CRWIA), so as to focus on and include wellbeing in the decision making analysis.¹⁷ Since early 2024, it is now mandatory for the Scottish Government to carry out CRWIA when introducing new legislation or making certain strategic decisions.¹⁸ Scotland has incorporated the UNCRC into its laws at a national domestic level.¹⁹

The Scottish Government published many CRWIAs with regard to the Covid-19 Pandemic emergency measures.²⁰ The decisions that did involve CRWIAs highlighted and drew attention to children and young people's human rights across Government — and helped ensure that policy was developed and implemented with these rights as their foundation.²¹ For example, a CRWIA was published in January 2022 which examined the impact of Covid-19 restrictions on children and young people, which amongst other things, considered the right of younger children, under 12, to play and socialise freely with their peers (UNCRC Article 31).²² The issue was actively considered, along with their lower risk for becoming seriously unwell from COVID-19 and their perceived lower risk of transmission. It was decided that it was essential that this age group continue to have the least stringent measures applied and were free to meet up with their friends, with no physical distancing outdoors or indoors in public spaces, subject to other public health hygiene measures being followed. It was decided that enabling young children to play and be physically active, would bring benefits to their overall health, sleep regulation and connectedness to their communities. The CRWIA was instrumental in the decision-making process.²³

Belgium

CRIA were introduced in 1997 and have evolved since then.²⁴ A legal obligation exists to carry out a CRIA when a decision or development will impact on children or when the Minister for Children wishes to carry one out.²⁵ CRIA are evaluated by civil servants in Belgium with knowledge of children's rights, alongside national academic experts. Manuals have been developed as a reference and support tool to help guide the individual carrying out the CRIA.²⁶ In house training programmes have been developed and are available for the relevant Civil Servants carrying out CRIA. All CRIAs are published and part of the

¹⁵ CRIA have been used to support implementation of Part one of the Children and Young People (Scotland) Act 2014 which requires all Scottish ministers to give better or further effect to the requirements of the UNCRC; take account of the relevant views of children of which they are aware; promote public awareness and understanding of the rights of children; and report every three years to the Scottish Parliament on what they have done to fulfil these duties.

¹⁶ Scottish Government, *Children's Rights and Wellbeing Impact Assessment Guidance* (2021) < <https://bit.ly/3L34fGR> > accessed 31 May 2024.

¹⁷ Together, Scottish Alliance for Children's Rights, *State of Children's Rights In Scotland* (Together 2022) 167.

¹⁸ United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024.

¹⁹ *ibid.*

²⁰ Government of Scotland, *The Impact of Covid-19 restrictions on children and young people, CRWIA Stage 3* (January 2022).

²¹ Observatory of Children's Human Rights Scotland, Children and Young People's Commissioner Scotland, *Independent Children's Rights Impact Assessment on the Response to Covid-19 in Scotland* (2020) 48, < [mh-cria-2020.pdf \(ed.ac.uk\)](https://www.ed.ac.uk/mh-cria-2020.pdf) > accessed 31 May 2024.

²² Government of Scotland, *The Impact of Covid-19 restrictions on children and young people, CRWIA Stage 3* (January 2022) 25.

²³ *ibid.* 25.

²⁴ Hoffman, S. (2020). Ex ante children's rights impact assessment of economic policy. *The International Journal of Human Rights*, 24(9), 1333–1352.

²⁵ Information received by the Children's Rights Alliance in interview conducted with the Office of the Children's Rights Commissioner, Flanders, 24 November 2023.

²⁶ *ibid.*

assessment is also attached to the relevant piece of legislation or policy with the aim of broadening understanding of children’s rights among the wider public.²⁷

Wales

The CRIA process in Wales is the agreed mechanism officials use to support Ministers to ensure they give balanced consideration to children’s rights in their decision making. CRIAs are used to inform ministerial advice and must be completed prior to a ministerial decision being made.²⁸ A manual for Welsh Government officials is available for support, as well as a specific mailbox to make requests.²⁹ Once a decision has been reached, the CRIA is published on the Government website, and includes links to young people versions.³⁰

In Wales, there was a proposal to establish a Bill to develop a coordinated and funded approach to provide a residential outdoor education experience for every child in maintained schools,³¹ regardless of their socio-economic background, disabilities, additional learning needs (ALN), cultural background or geographic location. This would move a residential outdoor education experience from an enrichment activity to an entitlement component of the Curriculum for Wales, removing it from the sphere of uncertainty in local authority and school finance, and ensuring equity for the children and young people of Wales.³² As part of this process a consultation with children and young people took place, as did a number of specific impact assessments, including a CRIA.³³ This CRIA considered the effect of the Residential Outdoor Education (Wales) Bill on children in Wales and their rights under the United Nations Convention on the Rights of the Child (UNCRC). It was informed by both the Children's Commissioner for Wales' Right Way CRIA Framework and the Welsh Government’s CRIA template: Guidance for Staff.³⁴ In preparing the Bill, children’s rights were considered in terms of what the Bill was seeking to achieve, how it would impact children, and the articles of the UNCRC in the way it would be delivered. The Senedd will debate the general principles of the Bill and vote on whether it should proceed to the next stage in April 2024.³⁵ The Bill was rejected on the 17 April 2024.

There has also been a judicial review around the removal of the provision of free school holiday meals, which was established during the Covid-19 Pandemic.³⁶ The removal of the provision without first carrying out a CRIA was challenged.³⁷

²⁷ *ibid.*

²⁸ Government of Wales, Children’s Rights Impact Assessment 2022 <www.gov.wales/sites/default/files/consultations/2022-07/childrens-rights-impact-assessment.pdf> accessed 4 June 2024.

²⁹ Available on the www.gov.wales website: CRIA@gov.wales.

³⁰ Government of Wales, ‘Integrated Impact Assessment Template - English’ 10 < [Integrated Impact Assessment Template - English \(gov.wales\)](#) > accessed 31 May 2024. An example of a back bench private members’ bill that used the CRIA recently to good effect – you’ll find it within the Explanatory Memorandum to the Bill. see page 95 onwards: [pri-ld16167-em-e.pdf \(senedd.wales\)](#).

³¹ Maintained school is as defined in section 79 of the Curriculum and Assessment (Wales) Act 2021: a community, foundation or voluntary school maintained by a local authority in Wales; or a community special school maintained by a local authority in Wales, other than a community special school established in a hospital.

³² Welsh Parliament, Senedd Business, Residential Outdoor Education (Wales) Bill.

³³ See Member Bill, Residential Outdoor Education (Wales) Bill: Explanatory Memorandum, 24 November 2023.

³⁴ Children’s Commissioner for Wales, *The Right Way: CRIA questions for public bodies in Wales. Welsh Government, Children's rights impact assessments: guidance for Welsh Government staff*

³⁵ Senedd Cymru Welsh Parliament, *Should children get the right to free residential outdoor education?* (15 April 2024).

³⁶ David Deans, ‘Holiday School Meals: Parents in Wales take fight to court’ (BBC) < <https://www.bbc.co.uk/news/uk-wales-politics-68000699> > accessed 31 May 2024.

³⁷ *ibid.*

4. How to conduct a Child Rights Impact Assessments

This section provides an overview of how to conduct a Child Rights Impact Assessment (CRIA). In Section 5 you will find a template for you to use when carrying out a CRIA.

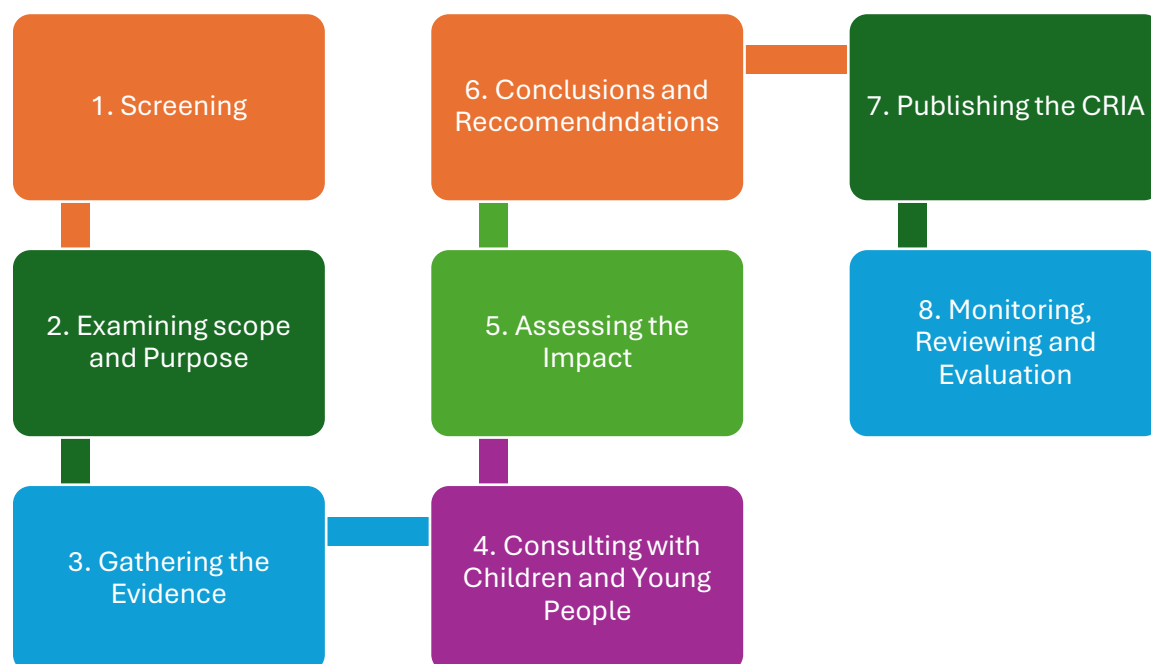
Who can conduct a CRIA?

CRIAs can be conducted by national and/or local government, as well as statutory bodies and any organisations working with children and young people or making decision about them. They can be used to examine the potential impacts on children and young people of laws, policies, programmes and services before they are developed and as they are developed, and can suggest ways to avoid, minimise or mitigate any potential impact prior to the action being taken or set in place.

A CRIA should be viewed as a complementary tool, and a support to decision making processes, and other children's rights infrastructure.³⁸

What are the steps for carrying out a Child Rights Impact Assessment?

There are common steps taken in impact assessments, and these tend to include the following 8 steps:³⁹



³⁸ Kathy Vadergrift, Coalition for the Rights of Children, 'Presentation at the University of Ottawa, Faculty of Law, Common Law Section, Child Rights Impact Assessment: A tool for implementing children's rights' (14 November 2012).

³⁹ James Harrison and Mary-Ann Stephenson, *Human Rights Impact Assessment: Review and Practice Guidance for Future Assessments* (June 2010).

How do you conduct a screening?

The initial step in conducting a CRIA is the completion of a screening sheet. The screening sheet will help you to decide if a full CRIA is needed by requiring you to explore if the measure being considered has any implication for children and young people.

It requires you to consider what, if any, children's rights could be impacted by what is being proposed. To do this you must look to the Constitution, UN Convention on the Rights of the Child and European rights of children and young people to consider if they interact in any way, positively or negatively, with what is being proposed.

The next step is to describe what the positive and negative impacts are and if there is a disproportionate impact on particular groups of children and young people.

When completing the Screening Sheet, a note should be made of:

- The positive impacts on children and young people of the proposal.
- Mitigations for any negative effects or unintended consequences.

A screening sheet should be used as early as possible in the development and planning stages of new policy, legislation or services. It should also be used when changes are being considered to existing policies and services.

In some instances, following the completion of a screening sheet it will be evident that there is no impact on children and young people's rights. In these instances, a full CRIA is not required.

When it is evident from the screening sheet that there will be an impact on children or on certain groups of children, a full CRIA will be required. In this instance, the Screening Sheet material can be transferred into, and expanded upon, within the full Child Rights Impact Assessment.

How do you carry out a full CRIA?

The full CRIA assessment is designed to consider how a policy, proposal or legislation will affect all children and young people and what may need to be done to mitigate any negative impacts or unintended consequences. There is scope in the full Child Rights Impact Assessment to unpack the broader context of any proposal whilst considering children's rights under the UNCRC.

Examining Scope and Purpose

The first step of a full CRIA is to consider the scope and purpose of the proposal. To do this you need to consider and document what the aim of the proposal is generally, and specifically any aims that are related to children and young people. Following this you will need to consider and document which articles of the UN Convention on the Rights of the Child are relevant. For example, if the proposal is in relation to education, it may be that Article 12 on hearing the voice of the child and Article 28 on education will be the relevant articles. Alongside this, consideration should also be given to any national law that may be relevant such as in this example Article 42 of the Irish Constitution.

Gathering the Evidence

Once scope and purpose have been examined, the next step is gathering the evidence. The CRIA requires any evidence that was considered to inform the assessment to be documented. Evidence that could be considered includes both quantitative and qualitative evidence. For example, if the measure being considered relates to child poverty evidence that is considered could include child poverty statistics and projections and research reports.

Consulting Children and Young People

The next step, which is a crucial step in the process, is consulting with children and young people. This can be done in two ways. Firstly, it can be done directly by convening a group of children and young people and asking them for their views on what is being proposed. The second way in which children and young people can be consulted is by considering the findings from consultations previously carried out with children and young people. This can be useful in some instances for example where children and young people have been consulted on the issue previously or where it is not possible to conduct a direct consultation due to time constraints. Irrespective of which method is chosen to hear the voices of children and young people, the process and findings should be recorded in the CRIA.

Assessing the Impact

When all the steps above are completed, it is then time to assess the impact of what is being proposed. In assessing the impact, it is important to consider if different groups of children are more likely to be impacted by what is being proposed. Sometimes a proposal will have no effect on most children but may have a disproportionate effect on certain groups, such as children with a disability.

If a negative impact is identified, consideration then needs to be given on what can mitigate or reduce the impact. Where a positive impact is identified, consideration should be given to how to fully optimise the positive effects of the measure.

Conclusions and Recommendations

Once the impacts have been considered, the next step is to document the findings of the assessment. As part of this, consideration should be given to whether or not the proposal is a reasonable way to achieve the objective and whether or not there are any steps recommended to mitigate any negative effects and strengthen any positive effects. It is important for the final step of monitoring, reviewing and evaluating that any recommendations are documented in this section.

Publishing the CRIA

Once you have completed a CRIA the next step is to consider whether the CRIA should be published and if so, whether a child friendly version should be published also. Public accountability and access to the CRIA through publication can increase the likelihood of creating a higher standard of output so it should be given careful consideration.

Monitoring, Reviewing and Evaluation

The final step in the process is to review and monitor the implementation of the CRIA. This is an opportunity to consider if the recommendations made as part of the process have been acted upon and if any further review is necessary.

5. Child Rights Impact Assessment Tool

Child Rights Impact Assessment Template

Screening Sheet

1. Name the measure, policy proposal or legislation to be screened:

2. What Children's Rights does the measure impact? (List the Legislation / UN Convention on the Rights of the Child articles etc that are relevant):

3. Describe the negative or positive impacts on children's rights.

4. Who will be impacted? Are particular groups of children more affected than others?

5. What is the likely impact of the measure?

6. Is a full child rights impact assessment required? Explain

Yes

No

Explanation:

If a full child rights impact assessment is required, then continue to step 2. If not then consider if this screening sheet should be published.

Full CRIA

Step 1: Scope and Purpose

1. What is the measure or policy proposal or legislation to be assessed? Summarise its overall aim and any aims that are specific to children.

2. Which UNCRC articles are relevant to this measure? Are any other Human Rights Instruments or national laws relevant?

Step 2: Gather the Evidence

1. What quantitative and qualitative evidence have been used to inform the assessment?

Step 3: Consulting Children and Young People

1. Has any evidence from third party consultations with children and young people or research been used to inform the decision?

Yes

No

If yes, please describe.

2. Have children and young people been consulted directly in developing this assessment?

Yes

No

If yes, who was consulted, how and what were the findings?

If no, why not?

Step 4: Assessing the Impact

1. What impact does or will the proposed measure have on children and young people's rights?

2. Will there be different impacts on different groups of children?

Yes

No

If yes, what are they?

3. If a negative impact is identified, are there options that can mitigate the impact, and what options might exist to modify the impact, or optimize the positive?

Step 5: Conclusions and Recommendations

1. What are the key findings and conclusions on the impact of the measure on children and young people and their rights?

2. Is the proposal a reasonable way to achieve the objective?

Yes

No

Please describe:

- 3. Are there any recommendations for strengthening the measure to better respect and protect children and young people's rights?**

Step 6: Publish the CRIA

- 1. Should this full CRIA be published?**

Yes

No

If no, why not?

- 2. Should a Child Friendly Version of the CRIA be produced and published?**

Yes

No

If no, why not?

Step 7: Monitor, Review and Evaluate

- 3. Have any of the recommendations made been acted on?**

Yes

No

If yes, please describe:

4. Is any further action required to evaluate the outcomes or outputs?

Yes

No

If yes, please describe:

5. Is any further action or follow up required?

Yes

No

If yes, please describe: