

# Child Rights Impact Assessment (CRIA)

CRIA in England

Lisa Payne, UNICEF UK

# **CRIA in England/UK – the NGO experience**

# Child Impact Assessment project -

Partnership between National Children's Bureau and the Children's Legal Centre between 2004 and 2007

Funded by the Nuffield Foundation for three years and working under the aegis of the UK Parliament's All Party Parliamentary Group for Children (APPGC)

Ultimate aim to transfer the work to the Office of the Children's Commissioner for England (OCCE) from Oct 2007 (the OCCE was set up under the Children Act 2004)

Training sessions set up with the OCCE to facilitate this

# Framework for the Assessments

- Human Rights Act 1998 – incorporated the European Convention on Human Rights (ECHR) into UK domestic law
- UN Convention on the Rights of the Child – ratified by the UK in 1991 but not incorporated into UK domestic law
- Equalities legislation – six equality streams (age, gender, disability, ethnicity, sexuality, faith and culture)
- Children Act 2004 – with outcomes for children covering five areas of well-being (being healthy, staying safe, enjoying and achieving, making a positive contribution, economic well-being)

# What did we 'child impact'?

1. Initial scan of all government legislation
2. Clause by clause analysis of legislative proposals of Bills selected because:
  - Child rights implications
  - Potential conflict with existing legislation, policy or practice
  - Potential significant and unexplored indirect impact on children and young people

# Project aims

- Test how the CRIA process could be undertaken
- Improve the identification and understanding of children's issues in Parliament and Government
- Influence policy and legislative developments affecting children
- Increase knowledge and awareness of international human rights standards relating to children
- Contribute to the work of the new OCCE and the next periodic report to the UN Committee on the Rights of the Child
- Identify issues which inhibit shared policy development across Government departments.

# Outputs

- Child impact statement (policy briefing) for parliamentarians of all parties, Bill Teams and ministers to inform debate
  - Wider circulation list including Westminster's Joint Committee on Human Rights (JCHR), NGOs, human rights bodies, professional associations
- Legal scrutinies to clarify potential conflicts with existing law including human rights obligations
- Stakeholder seminars to discuss effect of the proposals on children

# Outcomes

- Produced a written record of outstanding child rights issues
- Raised political awareness of child rights issues in terms of legislation
- Provided a platform for lobbying led by other NGOs and/or professional associations
- Influenced JCHR recommendations and parliamentary debates
- Provided a basis on which to amend primary legislation, secondary legislation and guidance



# Tricky issues

- How to influence change before policy decisions have been made (eg before the Bill has been published)
- Ensuring transparency in decision-making - CRIA as a public and consultative process
- Scheduling in CRIA – the policy development and parliamentary timetable
- Evidence-based assessment or voluntary sector lobbying
- Children's voices – how and when to facilitate the direct input of children and young people
- The language of rights and the need for UNCRC training

# **CRIA in England/UK – official models of CRIA**

# OCCE model of CRIA

Office of the Children's Commissioner for England (OCCE) has developed a 2-stage process for CRIA:

- Stage 1 – screening pro forma
- Stage 2 – CRIA

To date, OCCE has published CRIAs on the Welfare Reform Bill, and Children and Families Bill, and has commissioned a CRIA on the Budget and associated financial statements

# OCCE criteria for deciding when to do a CRIA

- Seriousness of potential infringement of children's rights
- Number of children likely to be affected
- Capacity of OCCE
- Likely impact of CRIA in affecting change
  - Stage proposal has reached
  - Political impetus behind the measure
  - Imminence of the measure
  - Avoiding duplication of effort
  - 'Other desirables' – not just the usual suspects

# UK Government

Cabinet Office guide to making legislation (April 2013):

- The Government has made a commitment to give due consideration to the articles of the UN Convention on the Rights of the Child (UNCRC) when making new policy and legislation. In doing so, the Government has stated that it will always consider the UN Committee on the Rights of the Child's recommendations but recognise that, like other state signatories, the Government and the UN committee may at times disagree on what compliance with certain articles entails. It would be helpful to Parliament and the Joint Committee on Human Rights (JCHR) if explanatory notes included a summary of the anticipated effects of legislation on children and on the compatibility of draft legislation with the UNCRC.

# **CRIA – a practice run**

# Group exercise

1. Changes to behaviour policies in schools
2. Introduction of local curfews for under-18s
3. Introduction of financial penalties for environmental offences
4. Statutory childcare provision for all 3 and 4-year-olds
5. Sectioning patients of any age with serious mental health problems