Child Rights Impact Assessment

Discussion Paper

Prepared to support participant dialogue in Bringing Children in from the Margins: Symposium on Child Rights Impact Assessment, *14-15 May, Ottawa, Canada.*
www.unicef.ca/childimpactsymposium

Introduction

Next year, 2014, will be 25 years since Canada ratified the Convention on the Rights of the Child. Implementation in Canada remains a challenge. Children are a significant part of the population, but there are few systematic mechanisms to ensure a consistent focus on children in public policy formation across the country. Policies often affect children differently than adults because of their age, status, and vulnerability to the actions of others. Child Rights Impact Assessments (CRIAs) are a tool for a more systematic focus on children and more effective implementation of the Convention.

Is the use of CRIA a good option for Canada? It is an emerging practice in other countries that warrants more consideration for use at all levels of governance in Canada.

What is CRIA?

Impact assessments are used in a variety of policy domains in Canada, such as environmental protection, health, and privacy. They provide a systematic analysis of potential or realized outcomes of a public policy, a program or project proposal, and other types of decisions.

A Child Rights Impact Assessment is a tool for assessing the impact of a policy, law, program, or particular decision for children and their rights. The impacts can be direct and indirect, short-term and long-term, and positive or negative. The focus is to understand how the matter under assessment will contribute to or undermine fulfillment of children's rights and well-being.

The mandate, scope, methodology, and use of CRIAs in international practice differ widely. CRIAs can be used by many actors in many fields of work. They are of particular interest for government decision-making, because governments have the primary responsibility for protecting and fulfilling children's rights. As an emerging practice, there are no commonly accepted methodologies for CRIA, but there are many similarities and lessons to be learned and applied in the design and use of this tool within Canada.

Questions for discussion:

- How might the use of CRIA improve implementation of children's rights in the context of Canada's federal system of governance?

- As we learn about different approaches to CRIA, what model or models might be feasible and effective at federal, provincial, and municipal levels of government?
- Are there areas outside of government that might consider the use of CRIA to improve services or treatment of children?

What are Potential Benefits of CRIA?

A survey of literature and experience identifies many benefits, including the following:

- Make children visible in policy and decision-making processes that affect children.
- Understand impacts for children before decisions are made.
- Maximize positive benefits and avoid/reduce/mitigate negative impacts for children, including identification of unintended consequences of proposals.
- Bring research evidence and analysis to bear on policy decisions that affect children.
- Identify early and address factors that have life-long impact for children.
- Minimize discrimination and inequitable treatment through early identification of differential impacts for children in different circumstances.
- Consider obligations under the Convention early in the policy formation process, rather than waiting until violations are identified in monitoring reports.
- Determine "best interests of the child" through comprehensive analysis.
- Create space for substantive dialogue and consideration of conflicting rights claims.

Questions for discussion:

- Which potential benefits are most important to keep in mind for your situation?
- How can you ensure that use of CRIA in Canada will provide desired benefits?

How are CRIA Done?

CRIA processes differ from country to country, but they also share certain characteristics. The formal process often uses a defined model or template and a user guide. Some approaches are fairly simple; others are more detailed.

Most follow a sequential stage process, similar to other impact assessment processes. Steps in the process include screening the proposal under review to determine scope for CRIA; clarifying the issue to be addressed and the objectives of the proposal; identifying different options to address the issue; gathering relevant data; consulting with stakeholders, including young people; and making recommendations to optimize benefits and minimize negative impacts.

Other common characteristics include:

- Use the *Convention on the Rights of the Child* as a framework for analysis.
- Include both quantitative and qualitative analysis.
- Consult children and give their views serious consideration.
- Avoid using a "tick the box" or checklist approach. While convenient, checklists have been found inadequate and potentially damaging through missed impacts.

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Questions for discussion:

- How could a CRIA fit into your decision-making process?
- What components of the process are essential in your context?
- How can children be consulted in a meaningful way with available resources?
- How can the interests of marginalized groups of children be included?
- How can CRIA be used to assess policies where children are not considered as stakeholders but may be affected?

What concerns have been identified in the experience of others?

Concerns relating to CRIA include:

- Fear of complicating the policy process/decision-making and creating delay.
- Lack of knowledge about children's rights.
- Insufficient human resources and concern about adding to workload of officials.
- Limited support, advice or training for those responsible for conducting CRIA.
- Difficulty in establishing definitive criteria for the fulfilment of children's rights.
- Children's issues cross different government jurisdictions.
- Challenges of conducting consultation with limited time and resources.
- It is too early to evaluate international experience.
- Growing critique of effectiveness of impact assessment processes in general.

Questions for discussion:

- Which concerns are likely to arise in your situation?
- How can they be addressed in the design of a CRIA process?

What can we learn from emerging experience?

CRIA is practiced in Flanders (Belgium), Finland, Sweden, Scotland, Northern Ireland, Australia, England, and other countries. In some cases, governments perform them; in other cases Children's Commissioners or other children's rights advocacy bodies practice CRIA. A review of international experience suggests that the following factors are important for success:

- Process embedded in legislation with a high level of commitment to it.
- Clarity on the kind of decisions that will be subject to CRIA.
- Practical, user-friendly templates and toolkits to guide the process.
- Inclusion of alternative solutions to problems in the process.
- Effective consultation processes with children and stakeholders.
- Transparent, public reporting.

Questions for discussion:

- As you learn more about international experience, what features will be important for use of CRIA in Canada?