

Seven high-level points about carrying out CRIA and CRIE

1. Continuous and systematic

CRIA and CRIE are cornerstones for implementing children's rights, and for influencing legislation, policy, budgets and administrative decisions.

The UN Committee on the Rights of the Child states that a continuous process of impact assessment and impact evaluation is required to ensure that the UNCRC is fully implemented and that the best interests of the child are fully met.¹ You will find more detail on the UNCRC in ['Key term – quick reference'](#) in the introductory section to this guide.

Using a CRIA process is a way of systematically exploring how a new law, policy or practice might affect individual children or groups of children **before** a decision has been made or an action has been taken:

- What will the potential impact be on them and their rights?
- What must change if the potential impact is likely to be negative?
- What could change to make better progress in implementing children's rights?

CRIE, on the other hand, provides an opportunity to consider the intended or unintended impacts on children's rights **after** a decision has been made or an action has been taken, and to propose any further changes.

2. Mainstreaming children's rights

CRIA and CRIE support the mainstreaming of a children's human rights based approach especially – and importantly – when they are carried out within an ongoing process of listening to children and engaging with them on the things that matter to them.

CRIA and CRIE:

- are most valuable as processes of engagement, reflection and monitoring (rather than as one-off exercises)
- assist in identifying both problems and solutions
- assist in identifying gaps in information and data
- help to focus attention on groups of children whose rights are most at risk.

A CRIA can be used to identify the possible impact of any decision on the rights of children, but should be carried out taking a proportionate approach. It's unlikely every decision or change will go through a large-scale CRIA process, but equally it is important that a CRIA is carried out, and carried out well, for decisions that will impact children.

¹ UN Committee on the Rights of the Child General Comment No.5. (2003) General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42, and 44, para. 6), CRC/GC/2003/527 November 2003.

3. Timing

Timing is critical to the success of CRIA and CRIE. This should be planned at the earliest stages of the policy-making process, before decisions are made, so that it is possible for the findings and any alternative proposals or amendments to be considered and acted upon.

You should consider what information you already have about children's experiences and views on the issue, which groups of children you have heard from and which you haven't, and what you still need to know. Children should be involved in this early planning.

4. Involving children

- Children must be part of the impact assessment process.
- The evidence base for CRIA must include the views and experiences of the children who will be affected by the proposal or measure.
- This may already be available in published research, inspection reports, survey data and case law, as well as in information from service providers and organisations that work with children.
- Existing evidence and information can be enhanced and supplemented by the direct input of children.
- Children can be involved at all stages of CRIA and CRIE process.

5. Supportive leadership

Involving children in CRIA and CRIE requires time, commitment, capacity and allocation of resources. Putting children's human rights based approaches into practice takes effort. Senior support is necessary, along with champions across all teams with sufficient influence to make things happen – this is a responsibility of all services, not just children's services.

Training and capacity building is an important part of UNCRC implementation and should underpin all work for and with children. Anyone carrying out a CRIA and CRIE needs an understanding of children's rights as well as their obligations as duty bearers under the UNCRC. They will also require training on the CRIA process and how to use CRIA tools.

6. Responsibility

The State has responsibility for conducting CRIA and CRIE. By ratifying the UNCRC, governments consent to be bound by the rights and obligations it sets out. Therefore, it is the responsibility of duty bearers – government at all levels, public bodies, and institutions – to consider how their proposals and functions will affect, or have affected, children.

7. The UNCRC and Scots law

The UNCRC is being incorporated into domestic law in Scotland. This means the rights in the UNCRC will be binding in law and directly enforceable. This will provide a strong foundation for progressing children's rights and will help us ensure children in Scotland have their human rights respected, protected and fulfilled.

You may feel you or your team are unfamiliar with CRIA, CRIE or children's rights. If so, you are not alone. In Scotland, we are at an early stage of learning about CRIA and CRIE and how to use them in a systematic way.

However, despite the technical language, CRIA and CRIE are simply trying to explore these questions:

- What is a new law, policy or practice aiming to do?
- Which children will it affect?
- Which areas of rights does it impact on?
- What will that impact be?
- If it looks like there will be a negative impact, what changes could be made so that children's rights are upheld?
- If it looks like the impact will be neutral, what opportunities are there to make improvements so that tangible progress can be made on children's rights?