

This is an Accepted Manuscript of an article published by Taylor & Francis in The International Journal of Human Rights Online on 14th October 2020. Available online: <https://www.tandfonline.com/doi/full/10.1080/13642987.2020.1819798> (https://doi.org/10.1080/13642987.2020.1819798)

NB – some changes were made to improve the submission after it was accepted for publication.

***Ex ante* Children's Rights Impact Assessment of Economic Policy**

Abstract

This article focuses on *ex ante* Child Rights Impact Assessment (CRIA) as a sub-set of Human Rights Impact Assessment (HRIA). CRIA is recommended by the Committee on the Rights of the Child to predict the likely impact of proposals for legislation or policy on children's rights guaranteed by the UN Convention on the Rights of the Child. While *ex post* evaluation of policy outcomes is also recommended, the Committee emphasises the importance of prospective assessment to help ensure that government policy respects children's rights, including budgetary policy and allocations. This article will demonstrate why CRIA is essential to predict the likely impact of proposals for economic policy on the human rights of children. It discusses core elements of CRIA and examines the strengths and weaknesses of CRIA in practice, drawing on experience in seven States where the procedure has been introduced at some level of government: Belgium, Bosnia-Herzegovina, Canada, Ireland, Sweden, New Zealand, and the UK. This examination provides insights into methodological approaches as well as challenges likely to affect CRIA of economic programmes, as well as highlighting the need for further research to develop specific methods to analyse budgetary policy. The core elements of CRIA and HRIA

procedure are comparable, and so the review contributes to a better understanding of HRIA of economic policy generally.

Introduction

The Human Rights Council (HRC) *Guiding Principles on Human Rights Impact Assessment of Economic Reforms* (Guiding Principles) emphasise the importance of systematic Human Rights Impact Assessment (HRIA) to help ensure that economic policy advances human rights, and in particular to assess how economic programmes protect the human rights of the most vulnerable.¹ The Guiding principles refer to both *ex ante* HRIA to assess the ‘foreseeable impacts of proposed policy’ and *ex post* HRIA to assess the ‘actual impacts of policy change and implementation’.² This article focuses on *ex ante* Children’s Rights Impact Assessment (CRIA) as a sub-set of HRIA. Taking the UN Convention on the Rights of the Child (CRC) as its starting point CRIA is a procedure to predict the likely impact of policy proposals on the human rights of children aged under 18 years.³ The UN Committee on the Rights of the Child (the Committee) has recommended that States parties to the CRC carry out predictive ‘impact assessment’ and retrospective ‘impact evaluation’ to help ensure that legislation, policy and delivery of government programmes respects children’s rights.⁴ The Committee and other child-rights focussed organisations have sought to emphasise the importance of *ex ante* CRIA to inform the development of policy likely to have a direct or indirect effect on children in order to avoid or mitigate any adverse impact on children’s rights.⁵ This article will first introduce CRIA as a procedure to provide government at all levels with advance information to support policy development for the better realisation of children’s rights. It will then address a number of questions concerning CRIA of economic policy. First, why should States carry out CRIA on economic policy and how does the Committee promote CRIA of economic policy? Second, what are the core procedural steps for effective CRIA and how are these applied to CRIA of economic policy? Third, how is

CRIA given effect in practice and what are the challenges of achieving meaningful CRIA of economic policy?

While ratification of the CRC is almost universal,⁶ adoption of CRIA as a policy-tool by government is far from widespread. There are very few States identified in the literature as having adopted CRIA in relation to government policy, whether at national, sub-national level or local level. This article therefore examines the experience of CRIA in seven States which are consistently identified as having introduced CRIA at some level to inform policy decision-making: Belgium, Bosnia-Herzegovina, Canada, Ireland, Sweden, New Zealand, and the UK. While only the CRIA in Bosnia-Herzegovina is directly on economic policy, the examination nevertheless provides a number of insights into methodological approaches to CRIA, including good practice and challenges for CRIA implementation. As the purpose and methodological approaches to CRIA and HRIA are comparable, the article and the insights it provides are a contribution to the wider literature on HRIA of economic policy and reforms.

Child Rights Impact Assessment

CRIA is a child focussed HRIA which pays attention to the rights guaranteed by the CRC as an aspect of the policy development process. While methods vary, CRIA may be described as an in-depth analysis of a proposal for legislation, policy, strategy, programme or budgetary allocation to examine its potential impact on children, to provide an evidential base for policy decision-making, and to develop recommendations for change or adjustment to mitigate or remove any predicted negative impact or to give better effect to children's rights.⁷ It is also an opportunity to mainstream consideration of children's rights into policy processes to assist governments (and others) to distinguish children's interests from those of adults.⁸ As CRIA is intended to embed the CRC in policy development it should be applied to all policy which is likely to directly or indirectly impact on children by government at all levels, and should be

commenced at an early stage in policy development to allow time for recommendations to be acted upon.⁹ Proper integration into policy processes will therefore require commitment by government (at all levels) to develop a culture where CRIA is seen as a key aspect of policy decision-making. Government support is also vital to ensure CRIA is properly resourced and that any recommendations which arise from the assessment are given effect.¹⁰

States parties to the CRC are under no express duty to undertake impact assessment, whether *ex ante* or *ex post*. The Guiding Principles suggest that the obligation on States to realise human rights implies a duty to conduct HRIA (Principle 3). This is strongly fore-grounded by the work of the Committee which has described ‘self-monitoring and evaluation’ as an obligation imposed by the CRC, making it abundantly clear that ensuring children’s rights are respected in legislation and policy ‘demands’ a continuous process of CRIA.¹¹

Concerning economic policy, and in particular budgetary allocation, the Committee urges States to undertake CRIA on public budgeting as an aspect of meeting the obligation under Article 4 of the CRC to give effect to the rights guaranteed to children.¹²

CRIA of economic policy

This section addresses the question: Why should States carry out CRIA on economic policy and how does the Committee promote CRIA of economic policy? Children have suffered disproportionately from austerity driven reforms to State budgeting and allocation of resources, and the consequential disinvestment by many States in policy areas such health and education.¹³ As a population children are heavily reliant on public services and are therefore likely to suffer adverse impacts when policy fails to protect the most vulnerable groups.¹⁴ Despite this children are often invisible in policy development, and their ability to influence decisions concerning their economic and social rights is limited.¹⁵ This is

significant as children as a population group are amongst those most likely to experience hardship and poverty as a result of a reduction in public spending generally, or in discrete policy areas affecting their rights.¹⁶

The Committee is sensitive to the impact of economic policy and reforms on children, and has expressed concern at the negative effects of structural adjustment programmes on children and their families, and has called for rigorous monitoring and impact assessment of the effects of economic reforms in order to protect children's economic, social and cultural rights, including through the application of CRIA.¹⁷ Consistently, and over an extended period the Committee has emphasised that economic policies are not child-rights neutral and has urged governments to examine options for reform consistent with the implementation of the CRC.¹⁸ It has also emphasised the importance of public budgeting to support the realisation of children's rights and has reminded States of the obligation to 'mobilize, allocate and spend resources' in a way which respects, protects and fulfils those rights.¹⁹ The Committee has also sought to emphasise to States their responsibility to ensure that decisions on resource allocation are taken with the best interests of the child as a primary consideration which should be prioritised at all stages of budgetary decision-making.²⁰ To protect children from any negative impacts of economic policy or reforms, States will need to examine ways to minimize adverse outcomes and to prioritise the needs of the most vulnerable groups of children, especially where reforms will lead to spending cuts.²¹ Where regressive economic measures are contemplated which will have an impact on resource allocation the interests of children should be the last to be affected, especially children in vulnerable situations, and there should not be any compromise of minimum obligations applying to children's rights guaranteed by the CRC even at times of economic crisis.²²

In 2007, following a day of general discussion on the responsibilities of States to provide resources for children's rights, the Committee recommended that States governments develop 'strong capacity for budget analysis' including CRIA.²³ While there is good reason to assert that the Committee has failed to do enough to link specific budgetary decisions to particular rights,²⁴ it has sought to offer general guidance on how States should approach public budgeting. In a General Comment on the topic in 2016 the Committee focussed on resource allocation and its impact on children's rights, urging States to adopt rights-based budget analysis and CRIA to examine how (dis)investment in different policy sectors might affect children, recommending that:

States parties should conduct child rights impact assessments in order to ascertain the effect of legislation, policies and programmes on all children at the national and subnational levels, especially children in vulnerable situations who may have special needs and therefore require a disproportionate share of spending in order to have their rights realized. Child rights impact assessments should be part of each stage of the budget process and should complement other monitoring and evaluation efforts.²⁵

The potential of CRIA to draw attention to children's rights in policy development, and to protect children from the negative impact of reforms is widely acknowledged. A recent report for the Council of Europe (CoE) on protecting children from poverty noted that CRIA is 'regarded as vital to the development of a child rights-compliant approach to policy and budget-related decision-making'.²⁶ Earlier research for the CoE Committee of the Regions on the role of regional and local authorities in safeguarding children from the impacts of austerity also identified CRIA as a key tool to support a child rights approach.²⁷ And a report

from the UN High Commissioner for Human Rights to the Human Rights Council in 2014 noted:

‘Children’s rights, and those of future generations, must be a primary consideration in the planning and execution of all fiscal policies and budget decisions. ... Child rights impact assessments and evaluations must be conducted so that the likely impact of decisions on children’s rights is understood and how far the best interests of the child has been taken into account during decision-making.’²⁸

Despite this, it is rare for children’s interests to be addressed in economic policy or in processes to assess the impact of such policies.²⁹ The most commonly used tools for assessing the social consequences of economic reforms, for example social impact analysis or budget analysis, rarely pay attention to impacts on children.³⁰ Few government departments are aware of what resources are allocated to or what impact government spending has on their lives.³¹ The Committee has therefore called on States to include information on whether their government carries out regular analysis to assess the impact of budgetary allocations on children when periodically reporting on progress toward implementation of the CRC.³²

In many States implementation of children’s rights is often the responsibility of subnational tiers of government.³³ Where resource allocation is carried out by devolved or decentralised government the Committee’s General Comment on public budgeting requires that the realisation of children’s rights should be prioritised in both national and subnational budgets.³⁴ In the context of fiscal decentralisation the Committee has called on national governments to carry out CRIA on policies at sub-national level and to report on how funding allocations by internal levels of government are monitored in order to assess if such

allocations are compliant with the State's obligations.³⁵ This is consistent with the general approach to decentralised governance adopted by UN mechanisms which maintains that national governments are primarily responsible for full compliance with human rights obligations.³⁶

Methodological considerations

This section focuses on the question: What are the core procedural steps for effective CRIA and how are these applied to CRIA of economic policy? While CRIA is suggested as a key policy tool for use by governments to help ensure they meet their children's rights obligations, the Committee has not provided a detailed methodological or procedural guide on the conduct of CRIA. While there is increasing interest in HRIA there is no universally agreed HRIA methodology, although a universal feature is the adoption of an explicit human rights normative framework as the standard against which any policy proposal is assessed.³⁷ The Committee has suggested that CRIA might involve a range of methods, and the Guiding Principles state that HRIA should employ a variety of qualitative and quantitative methods.³⁸ More particular guidance on HRIA has emerged from UN mechanisms³⁹ and along with the academic and practice literature this confirms a number of essential elements in any human rights focussed impact assessment exercise.

Screening

In the context of economic reforms, the Committee and others such as UNICEF have emphasised that CRIA should be applied to macroeconomic policies as well as to a range of government measures affecting children, including proposals for legislation or policy and budgetary allocations.⁴⁰ The Committee has also underlined that legislation, policies or

programmes cannot be implemented without sufficient resources and should therefore be accompanied by costs estimates.⁴¹ Such a broad scope for CRIA means there is a risk of overburdening of government resources, making a comprehensive assessment of all policies impracticable with the possibility that this will lead to a superficial ‘tick-box’ exercise.⁴² In the context of economic policy, screening can help reduce the impact assessment burden by determining which economic policies, or sectoral policies with budgetary implications, are most likely to have an impact on children and should therefore be subject to CRIA so that these are prioritised for assessment.

Scoping and evidence gathering

Evidence gathering is key to effective CRIA. Without relevant data any assessment is likely to give undue weight to the preconceptions of those undertaking the procedure.⁴³ Effective assessment of economic policies will require child specific comprehensive and disaggregated data on the resources available to different groups of children.⁴⁴ States will need to make use of existing quantitative and qualitative data sources. Where economic policies are subject to CRIA data should include macroeconomic data if relevant, but also microeconomic data that sheds light on the likely impact of policy proposals on local economies and communities, as well as household level data.⁴⁵ States should also seek to identify any data gaps and introduce new data gathering techniques where necessary to secure the evidence for rigorous CRIA taking into account the different environments in which children experience their rights (home, school, community etc) and particular factors affecting different groups of children.⁴⁶ Scoping or planning the impact assessment is an opportunity to identify populations of children likely to be affected by economic policy and the areas where evidence will be required in order to inform the analysis.⁴⁷

Involving children

The Guiding Principles emphasise the importance of securing the ‘meaningful participation’ of those likely to be affected by economic policy in any HRIA.⁴⁸ The participation of children is one of the most challenging aspects of the CRIA process.⁴⁹ The Committee has made it clear that CRIA should be informed by stakeholders including children, civil society organizations, experts, and academic institutions, and that children should be involved in decisions about economic policy.⁵⁰ The Committee has also emphasised that States have a responsibility to ensure children’s participation in budgetary decisions that affect them and the need to give ‘serious consideration’ to the views of children as an aspect of public budgeting.⁵¹ As a policy tool CRIA is an opportunity to introduce a child’s perspective to policy analysis through consultative and participative process as part of the procedure, making it more likely human rights issues that affect children in different situations will emerge (see below, CRIA in Bosnia-Herzegovina).⁵²

Substantive analysis

As CRIA is based on the CRC any analysis should be carried out by persons with sufficient knowledge of children’s rights. Given the breadth of issues likely to be dealt with in government legislation and policy there will be many instances where CRIA will be the responsibility of officials who are not experts in human rights, and who lack relevant knowledge and understanding of children’s rights.⁵³ Effective analysis, including CRIA of budgets and budgetary allocations to support implementation of particular legislation and policy will require States to raise awareness and understanding of children’s rights, and to develop capacity (amongst officials involved in developing budgetary policy) to undertake the assessment.⁵⁴ Training or guidance on children’s rights may be available to officials undertaking CRIA and may help meet any deficit in basic knowledge or awareness of rights,

but if this is not sufficiently detailed there is a risk that CRIA will be superficial, meaning it will fail to identify relevant impacts or fully analyse mitigating measures or alternatives.⁵⁵

Where CRIA is applied to economic policy, training will need to ensure officials have sufficient knowledge of economic and social rights in particular. Capacity building, will help ensure duty-bearers are in the best position to discharge their human rights obligations.⁵⁶

Reaching conclusions and publishing outcomes

In the context of public budgeting the Committee has stated that CRIA should result in recommendations for amendments, alternatives and improvements to policy which should be publicly available.⁵⁷ It has also emphasised that States need to be accountable for meeting their budgetary obligations to realise the rights of children, including by disseminating information in the public domain.⁵⁸ Publication of CRIA in full (analysis and recommendations) promotes transparency and supports accountability by leaving an ‘audit trail’ to enable outcomes to be scrutinised or challenged.⁵⁹ It will reveal how major spending decisions are likely to affect children and will demonstrate the extent to which the realisation of children’s rights is supported by the allocation of resources.⁶⁰ Publication also contributes to informed public debate on policy alternatives and may help stimulate campaigns and policy advocacy.⁶¹ However, publication can also introduce a tension if officials undertaking CRIA are reluctant to reach strong conclusions where these contradict preferred policy options, especially if CRIA outcomes undermine a policy position advanced by Ministers or government policy.⁶²

Having established the core elements of CRIA procedure the next section moves from methodological considerations to examine the experience in seven States where CRIA has been introduced at some level to inform policy decision-making.

CRIA in practice

The discussion below, and in the following section, focuses on the remaining questions raised in the introduction: How is CRIA given effect in practice, what are the challenges of achieving meaningful CRIA, and what might be the impact of CRIA on economic policy?

While a UNICEF report in 2007 suggested that CRIA is amongst a range of mechanisms introduced as a result of widescale adoption of the CRC,⁶³ the literature on implementation of the CRC provides only a few examples of States where the procedure has been adopted by national or sub-national government, with even fewer detailed studies. Belgium, Bosnia-Herzegovina, Canada, Ireland, Sweden, New Zealand, and the UK are all consistently mentioned in the literature as examples of States where CRIA features at some level of government.⁶⁴ This section therefore examines the experience of CRIA implementation in these States drawing on published studies and commentaries, and Concluding Observations by the Committee following periodic review of the State concerned.

Belgium

The Flemish Community (Flanders) in Belgium has significant autonomy over policy on children and young people.⁶⁵ In 1997 the Flanders Government introduced an *ex ante* 'child impact report' which was extended to a 'child and youth impact report' in 2008 (JoKER). JoKER is applied by officials to all draft decrees of the Flanders Government with direct impact on children and young people under the age of 25 years.⁶⁶ A strength of JoKER is its underpinning by legislation which makes its application mandatory. However, in 2012 an evaluation of JoKER found that it had been applied to less than 20% of draft decrees between 2010-11.⁶⁷ A possible reason for this low implementation rate is that JoKER is only required for government draft decrees which directly impact on children. Other draft decrees and

regulations, budgetary decrees and policy which might affect children are not included in the assessment. This has been described as a ‘major weakness’ of the procedure.⁶⁸ The possibility of extending the scope of JoKER to budgetary decrees was considered during the 2012 evaluation and was supported by civil society stakeholders. However, government officials expressed concern about capacity to undertake further impact assessment.⁶⁹ Partly in response to capacity issues, in 2005 JoKER was integrated into a Flemish Government Regulatory Impact Assessment (RIA). While this led to children’s rights being more fully mainstreamed into policy development, it also resulted in a tendency to further restrict the scope of JoKER to decrees included in RIA.⁷⁰ The 2012 evaluation highlighted a number of other weaknesses in the implementation of JoKER which included a complete lack of participation by children and young people, implementation too late in the law-making process to have any effect on draft decrees, a tendency to avoid analysis of negative impacts or alternatives to preferred government policy, and lack of expertise in children’s rights amongst officials who were unable to develop their knowledge due to a lack of resources.⁷¹

When the Belgium Government reported to the Committee in 2009 there was no indication that CRIA would be applied to federal government decision-making.⁷² In response, in Concluding Observations in 2010 the Committee expressed concern at the State’s failure to adopt CRIA, in particular to assess budgets and public expenditure.⁷³ However, rather than refer directly to CRIA in its recommendations the Committee instead called on the Belgium government to adopt a ‘tracking system for the allocation of resources’ to be ‘used for impact assessments’ of investment by sector.⁷⁴ When the State was next examined by the Committee in 2019 it recommended the introduction of a State-wide JoKER, but passed up the opportunity to expressly recommend the application of CRIA to State budgeting.⁷⁵

Bosnia-Herzegovina

In 2006-07, UNICEF and Save the Children UK developed a CRIA to be applied to proposals for economic reforms in Bosnia-Herzegovina. When this was implemented it was restricted to the assessment of a single policy, namely a proposal to increase the price of electricity in the country. In a report on this initiative in 2008, Krieger and Ribar concluded that CRIA should focus on 'key reforms' likely to have the greatest impact on children as the procedure is not well suited to the analysis of 'broad strategies' (such as strategies for national development or poverty reduction).⁷⁶ The Bosnia-Herzegovina CRIA took account of available quantitative data but also introduced a range of additional qualitative data gathering techniques, including consultation with children.⁷⁷ This provided good quality information to inform a detailed analysis which, the 2008 report concluded, helped identify a number of possible impacts in areas such as education and health care that might otherwise have been overlooked (e.g. the impact of increased electricity prices on schools and hospitals).⁷⁸

Looking to the future, the 2008 report raises a concern at the lack of institutional commitment and capacity in Bosnia-Herzegovina for ongoing CRIA of economic policies.⁷⁹ This seems justified as when Bosnia-Herzegovina was next examined by the Committee in 2011 its report was silent on the continued application of CRIA to future economic policies.⁸⁰ While the Committee urged the State to evaluate the distribution of resources in its Concluding Observations in 2012, it stopped short of expressly recommending CRIA.⁸¹ In 2018, when the country last reported to the Committee the government gave no indication of how (if at all) the 2012 recommendation had been taken forward.⁸² The Committee's Concluding Observations in 2019 repeated the recommendation that there should be an evaluation of resource allocation, but once again failed to specify CRIA.⁸³

Canada

In 2009, UNICEF Canada recommended CRIA of all proposals for legislation, policies, budgets and programmes at federal and provincial levels.⁸⁴ Since then there have been a number of developments at provincial/local level. Notably, in 2013, the New Brunswick government introduced CRIA for all decisions having any impact on child well-being. This CRIA was developed by the New Brunswick Child and Youth Advocate which also published guidance setting out a number of methodological good practices.⁸⁵ These were: providing training for ministers in all government departments; implementing the procedure as early as possible in the decision-making process; using child specific data; involving children and young people; and, devising policy alternatives.⁸⁶

The Committee's Concluding Observations in 2012 recommended that the State introduce mechanisms to evaluate the distribution of resources allocated to CRC implementation.⁸⁷ A UNICEF Canada report in 2014 identified the potential to move CRIA beyond the provinces to the national level, but also identified a number of challenges which to CRIA at a federal level, including: the possibility that adding CRIA to existing impact assessments would lead to assessment fatigue; limited resources; the lack of expertise on the part of those carrying out CRIA; and, the lack of structures to consult with children.⁸⁸ This may have influenced the country's next submission to the Committee in 2019, which made no suggestion that CRIA would be adopted at State level, or for economic policy.⁸⁹ The Committee is yet to publish its Concluding Observations on Canada's most recent report.

Ireland

In 2005, the Irish government reported to the Committee that child impact statements would be central to implementation of the CRC in Ireland.⁹⁰ In 2006, the Children's Rights Alliance

in Ireland, concerned at the negative impact on children of Ireland's immigration policy developed a CRIA to be applied to deportation decisions involving children or their parents/carers.⁹¹ A report to accompany the CRIA identified political commitment as key to its success, and recommended placing an obligation on the Children's Minister to support mainstreaming through the application of CRIA to all legislation, policy and administrative schemes.⁹² The report also identified the need for CRIA to take account of the different environments where children experience their rights and any impact on particularly vulnerable children as 'basic principles' of CRIA.⁹³ In 2007, Corrigan observed that the Alliance's work had led to an increase in impact assessment on policy relating either directly or indirectly to the Irish Government's Children's Strategy.⁹⁴ However, a study for UNICEF-UK in 2012 concluded that cutbacks in services affecting children resulting from the country's national debt and loan burden were having a serious impact on children's rights.⁹⁵ The study noted that CRIA had not been applied to decisions to reduce expenditure on public services and concluded that little consideration had been given to the long-term impact on children.⁹⁶

There is no reference to CRIA in Ireland's report to the Committee in 2013 but by the time the Children's Rights Alliance submitted its parallel report in 2015 the government had committed to carry out a social impact assessment (SIA) of major tax and welfare initiatives.⁹⁷ The Alliance took advantage of this commitment to call for disaggregation of the national budget to show expenditure on children.⁹⁸ At the same time the Irish Ombudsman for Children called for an expansion of SIA to include CRIA of budget decisions, while the Irish Human Rights and Equality Commission (IHREC) called for children to be made visible in the State's budgeting practices through a continuous CRIA process.⁹⁹ This strong call from Ombudsman and IHREC seems to have been influential as the Committee's Concluding

Observations in 2016 recommended the Irish government carry out CRIA in the framework of integrated SIA to ensure that fiscal and budgetary decisions are compliant with its CRC obligations.¹⁰⁰ Evidence is yet to emerge, either from research, or in the course of State party reporting to the Committee, on whether the SIA is effective to assess child rights impacts of tax and welfare policy.

New Zealand

In 2002, the New Zealand government endorsed an Agenda for Children which included a proposal for child impact reporting which was widely supported by a coalition of NGOs and the New Zealand Law Commission, as well as in the political domain.¹⁰¹ In 2006 however, Hanna and others, in an article on CRIA in the country, concluded that policy processes failed to take full account of the impact on children.¹⁰² Renewed interest led to CRIA being piloted by local authorities in Auckland City (on inner city development), and Manukau City (on waste management planning). A report by Mason and Hanna in 2009 on the city-based pilots identified an opportunity to integrate the city-based CRIA with other local authority impact assessments by broadening SIA to include children.¹⁰³ However, the report urged caution, recognising the risk that CRIA might be subsumed, leading to children becoming invisible in the impact assessment process.¹⁰⁴ The Manukau City CRIA did not proceed beyond the scoping stage. Mason and Hanna concluded that this was due to a loss of focus brought about by competing demands on resources and a failure to mandate the procedure as part of the authority's work programme.¹⁰⁵ The pilot in Auckland City was deemed more successful as having made children perspectives more visible in the project and raising awareness of children's issues.¹⁰⁶ Mason and Hanna attributed this to a range of factors which included: good quality information; adequate resourcing; early inception of the CRIA

procedure; careful consideration of how to input the views of children; and, political commitment.¹⁰⁷

In 2011, the Committee recommended New Zealand introduce a process to evaluate the impact of budgeting on children's rights, without expressly referring to CRIA.¹⁰⁸ When it next reported to the Committee in 2016 the country's Ministry of Social Development stated that CRIA options were being considered.¹⁰⁹ The New Zealand Human Rights Commissioner however informed the Committee that the government had failed to meet the 2011 recommendation.¹¹⁰ In response the Committee recommended that the New Zealand Government finalise its CRIA procedure and apply it to the allocation of public resources and budgeting, and has since raised it as an issue to be addressed when the State next reports in 2021.¹¹¹

Sweden

In 1999, the Swedish Parliament enacted legislation endorsing a national strategy for CRC implementation which included a requirement for CRIA of all government decisions affecting children.¹¹² A study of CRIA in Sweden by Sylwander in 2001 suggested that the CRC had been a driver for legal reform, but that this had not always led to recognition of children's rights.¹¹³ Sylwander found that CRIA was being undermined by the failure to engage with children, and a lack of self-critical analysis with a tendency to ascribe only positive impacts to policy proposals.¹¹⁴ A later report in 2006 by the Swedish Ombudsman for Children argued the importance of incorporating the views of children as the foundation for impact assessment.¹¹⁵ Sylwander's report set out a number of factors likely to contribute to effective CRIA. These were: commitment of government to implement the CRC; a proper understanding of the purpose and meaning of children's rights; the provision of information

and training to those responsible for giving effect to the CRC; information on the problems and challenges facing children; and, knowledge of the wider policy and administrative environment that affects children.¹¹⁶ Sylwander notes that CRIA should be applied to ‘all decisions related to children’ and repeats the Committee’s guidance that CRIA should be applied to budgets at both national and local level.¹¹⁷

In 2002 Sweden reported to Committee on its adoption of a model CRIA put forward by the Ombudsman for Children and the potential to apply it to financial and budgetary decisions.¹¹⁸ Although in 2006 the Ombudsman had confirmed that budget proposals should be amongst the policies subject to CRIA,¹¹⁹ Sweden’s next report to the Committee in 2008 is silent on its application to budgets and only mentions use by a number of municipalities as authorities closest to the delivery of services to children.¹²⁰ The Committee’s Concluding Observations recommended the application of CRIA to government policy in a number of discrete areas, but these did not include economic policy or budgeting.¹²¹ In 2015 however the Committee noted Sweden’s failure to apply CRIA to State budgeting and recommended its application to future budgets.¹²²

United Kingdom

An analysis carried out by Payne in 2019 found that between 2010 and 2017 five UK government Bills were assessed using CRIA (on average, 15-20 government Bills are enacted per year), all of which Payne concluded were ‘narrations’ rather than ‘examinations’, with minimal analysis from a child rights perspective or reference to children’s views.¹²³ The devolved authorities in Northern Ireland, Scotland and Wales have significant responsibility for policy areas affecting children. In Northern Ireland there is an option to apply CRIA as part of a statutory Equality Impact Assessment, but this is rarely used.¹²⁴ In Scotland, the

Scottish Parliament has enacted legislation requiring the Scottish Ministers to keep under consideration how devolved legislation and policy might give further effect to the CRC.¹²⁵ In 2015, the Scottish Government introduced a non-mandatory Child Rights and Wellbeing Impact Assessment (CRWIA) which is applied to a range of government measures, including Bills, draft regulations, guidance and strategic documents.¹²⁶ Implementation of CRWIA is supported by a template and guidance, basic training for officials, and a policy lead to support those undertaking the assessment.¹²⁷ Responses to a Scottish Government consultation on future incorporation of the CRC in Scotland show that the CRWIA is perceived as having introduced a 'preventative, proactive approach' to children's rights.¹²⁸ Responses to the consultation also showed support for CRWIA to be strengthened by making it mandatory for policy and legislation.¹²⁹

In 2011, the National Assembly for Wales (since 2019, the Welsh Parliament) passed legislation requiring the Welsh Ministers to have due regard to the CRC and its 1st and 2nd Optional Protocols when exercising any of their functions.¹³⁰ Ministers have published a children's scheme which includes a staged CRIA procedure utilising a template and guidance accompanied by training for officials and access to advice from the Welsh Government Children's Branch.¹³¹ Welsh Government CRIA has a broad scope, covering policy, legislation, regulations, strategies, projects and programmes. A large number of CRIA have been carried out: about 260 between 2012 and 2018.¹³² An evaluation of the Welsh Government CRIA in 2015 concluded that it had embedded the core objectives of HRIA into government decision-making.¹³³ However, the evaluation also found that implementation was often inconsistent and a departure from good practice, including failure to consult with children, implementation late in the policy process, and limited knowledge of the CRC.¹³⁴ Significantly, despite the inclusion of a specific question on resources to support policy

implementation in the CRIA template used by the Welsh Government, the evaluation found that CRIA was not being applied to assess resource allocation as this was seen by officials as a matter relating to *ex post* implementation and therefore distinct from policy development.¹³⁵ A study of legal integration of the CRC in Wales in 2018 confirmed that CRIA had raised the profile of children's rights in policy development but also concluded that implementation remained patchy and inconsistent.¹³⁶ It noted that CRIA had not been applied to the Welsh Government draft budget 2017-18, which had been assessed using a Strategic Integrated Impact Assessment (SIIA).¹³⁷ SIIA was introduced by the Welsh Government in order to reduce impact assessment complexity. While the SIIA template retains the core elements of CRIA concerns have been raised that the interests of children will receive less attention.¹³⁸ These concerns seem justified as when SIIA was carried out on the Welsh Government's draft budget 2020-21 the CRIA element was not applied.¹³⁹ This failure to apply CRIA to the Welsh Government budget was raised as a concern by the Welsh Parliament, Children, Young People and Education Committee in a report in August 2020.¹⁴⁰ The Committee recommended the Welsh Government carry out discrete CRIA of its draft budget, rather than as part of SIIA.¹⁴¹

Only one of the above examples of CRIA practice concerns economic policy (Bosnia-Herzegovina), suggesting a gap which needs to be addressed by research. While more evaluative studies are needed, the examination CRIA in seven States confirms a number of good practices that need to be prioritised where CRIA is applied to economic policy. These are: the use of child specific data for analysis, including evidence gathered through consultation with children; early inception of CRIA to allow time for changes to policy to be made; the importance of training and guidance for officials to increase capacity and support substantive analysis (as well as model CRIA); and, the need for CRIA to identify both

positive and negative impacts in order to support the development of policy alternatives. The examination of CRIA in practice also reveals a number of challenges that need to be addressed if CRIA is to make an effective contribution to HRIA of economic policy affecting children, and in particular budgets and resource allocation. These are discussed in the next section.

Challenges for CRIA of economic policy

This section reflects on question: What are the challenges for CRIA in practice based on the experience of the seven States examined? The experience of CRIA in practice suggests that an immediate challenge is to persuade government (at any level) to undertake CRIA on economic policy, budgets or resource allocation. This is consistent with other research on children's rights more broadly which confirms the challenge of integrating children's rights into policy decision-making.¹⁴² With the exception of Bosnia-Herzegovina, none of the CRIAs examined were in application to budgets or resource allocation, or indeed economic policy more broadly. Reasons for this deficit might include: limitations on the scope of CRIA, capacity issues, or integration with other impact assessments. However, it may also be suggested that relevant authorities lack the will to apply CRIA to budgets or economic policy. This is evident in all the examples of CRIA examined above as none of the national governments concerned have implemented the procedure in relation to State budgeting. However, it may also be suggested that the Committee has failed to provide sufficient direction to individual States on the need to prioritise CRIA of budgets and resource allocation. Despite expressly referencing and prioritising CRIA of economic policy in several General Comments, in the majority of Concluding Observations examined for the purposes of this article the Committee either failed to recommend the application of CRIA to resource allocation decisions, or failed to expressly refer to CRIA as the policy tool most appropriate

to analysis of budgetary decisions. If CRIA is to be widely adopted to assess budgetary decisions the Committee needs to be clear in its recommendations to individual States that this is what is anticipated. In this respect, as the experience of Ireland demonstrates, a strong call from commissioners and civil society can influence the Committee to expressly reference CRIA when making recommendations on State budgeting and resource allocation. The examples of Flanders and Wales suggest that even where there is political commitment, and statutory underpinning for CRIA, this may not be enough to ensure its application to economic policy. This may be because, as in Flanders, budgets are not included in the scope of mandatory CRIA (JoKER), or because the allocation of resources is seen as an *ex post* issue effectively excluding budgetary issues from consideration as part of policy development, as in Wales.

The importance of statutory embedding to ensure CRIA is implemented was recently highlighted in Wales during the recent Covid-19 pandemic. In response to the public health emergency the Welsh Government introduced legislation which had a dramatic impact on children in Wales, including the closure of nurseries and schools, restrictions on the use of public space, restrictions on contact with family and friends, and withdrawal of public services in many areas important for children's well-being.¹⁴³ These emergency measures should have been subject to CRIA,¹⁴⁴ however, the Welsh Government failed to complete a CRIA on any measure introduced. Child rights stakeholders have identified significant negative impacts from the emergency measures, and while the Welsh Government has taken steps to mitigate some of these, stakeholders have pointed at the lack of CRIA as leading to a failure to identify the most serious negative impacts in advance, as well as leading to a delay in taking remedial action.¹⁴⁵

Ensuring that governments undertake CRIA is the first challenge that needs to be addressed to ensure attention to children's rights in the development of any policy, including economic policy. If this can be achieved, the next priority is to ensure CRIA of economic policy is properly carried out in a manner which reflects the methodological considerations discussed earlier in this article. An aspect of this is the importance of CRIA undertaken by those with good knowledge of children's rights properly informed by evidence of how different groups of children experience their rights in different contexts. Limited knowledge of children's rights was identified as a factor undermining the quality of CRIA in Flanders and Wales, as well as New Brunswick. Both Scotland and Wales provide training through an online resource, while Wales offers officials access to a centralised source of expertise (something recommended following the Flanders evaluation). The introduction of adequate resources to support training for officials to undertake assessment of the impact of proposals for economic reforms, budgets or resource allocation is key to effective CRIA in this area. Training as an aspect of capacity building might also help overcome the problem of resistance to introducing CRIA on economic policy which was noted as a persistent problem in the discussion at the end of the last section.

The problem of capacity may be eased if governments undertaking CRIA introduce effective screening measures to determine which proposals for economic policy should be subject to CRIA. But as the Flemish experience demonstrates, if this is too restrictive it can become a weakness and result in some policies with the potential to impact on children being excluded from assessment. Screening should therefore avoid formalities which exclude certain policies from assessment (as was the case for budgets in Flanders). Screening tools will need to be developed that are fully sensitive to the likely impact on children in a range of environments, and should expressly include budgetary policy, or resource allocation to support policy

implementation. A proper screening procedure will help deal with the tension that exists between ensuring sufficient resources to undertake meaningful CRIA and ensuring all relevant policies are subject to assessment. Integrated impact assessment may help relieve this tension by reducing the assessment burden on officials, while having the advantage of mainstreaming CRIA across a range of policy sectors.¹⁴⁶ However, the experience of Flanders and Wales suggests a cautionary approach as integration may reduce the number of policies subject to child-focussed analysis (Flanders), or the focus on children's rights (Wales). Where CRIA is integrated with other assessments which do not extend to budgetary considerations this will have the effect of removing assessment of resources from the scope of the assessment (Flanders and Wales). Despite this, the reality of policy development is it is likely to involve several impact assessments which will take place against a backdrop of limited capacity. Integrated assessment may be unavoidable to ensure adequate resources are available to undertake CRIA on the full range of legislation and policies likely to have an impact on children. The issue of limited capacity, which was found to be problematic in several of the examples discussed above, is likely to be more acute in the case of CRIA of budgets as this will require specialist knowledge which may not be available to officials carrying out the procedure (Flanders, Canada and Bosnia-Herzegovina).

Where CRIA is introduced to policy development (integrated or otherwise), this should include procedures to identify the likely impact of the proposal on children or groups of children, including through the involvement of children. The examination of practice suggests that securing the participation of children is likely to be one of the most challenging aspects of CRIA. The CRIA in Bosnia-Herzegovina confirmed the benefits of making special effort to engage with children through qualitative evidence gathering techniques, but this CRIA was the exception amongst those examined. Flanders and Wales demonstrate how

consultation can be overlooked even where CRIA is embedded and formalised within policy decision-making (something similar may be said of New Brunswick and Sweden).

Sophisticated methodologies have been developed to engage children in policy development, and these should be used to provide a basis for engaging children in CRIA of economic policy and budgets.¹⁴⁷ Ensuring consultation and participation is meaningful however will often require special methods.¹⁴⁸ Children will need to be provided with age-appropriate information, including budget information such as pre-budget statements in accessible format, and suitable mechanisms may need to be introduced to create ‘enabling environments’ for children to participate.¹⁴⁹ Introducing innovative methods to support consultation and participation will often require funding to be provided by the State and may take time to implement, which may introduce tension with other priorities such as the need for speedy CRIA outcomes, or minimising the cost or burden on officials.¹⁵⁰

The examination of practice confirms that introducing CRIA at an early stage in the policy process in order to allow time for changes to be implemented and providing ‘space’ for amendments or alternatives to be put forward are success factors for effective CRIA. The studies carried out in Flanders and Wales found that introducing CRIA late in the policy process undermined its effectiveness to influence policy output. In contrast, in the Auckland City pilot early inception was seen as contributing to its success. Where CRIA is introduced late in the policy process the more likely it is that policy choices will become entrenched. Related issues identified in Bosnia-Herzegovina, Flanders, Wales and Sweden was the failure to properly examine proposals for potential negative impacts and the closing off of policy alternatives. This undermines the fundamental purpose of CRIA. If the procedure is to be effective to influence economic policy, any legislation or guidance introducing CRIA should require early inception as well as full publication of outcomes to ensure accountability where

government fails to act on changes recommended to remove or mitigate any predicted adverse impacts on children's rights.

Conclusion

This article has focussed on key procedural stages and challenges to be addressed in the application of CRIA to economic policy and budgetary decision-making. It is clear that while CRIA may be suggested as an appropriate procedure for prospective assessment of economic policy to gauge the impact on children's rights, its potential should not be overstated.¹⁵¹

First, because of the need for caution in drawing lessons from a body of methodological literature and evaluative studies which pays limited attention to any particularities that might arise in the application of CRIA of economic policy. There is certainly a need for more research focused on CRIA in this area, and in particular on how (or if) CRIA is influential on economic policy, and how (or if) this leads to better outcomes for children. This is needed to support claims by the Committee and others (including in the Guiding Principles) that *ex ante* impact assessment helps ensure that human rights are properly respected. Second, because, in practice, there is much work to be done to persuade States, or indeed government at any levels to apply CRIA to economic policy, budgets and resource allocation. Even if more widespread adoption of CRIA can be achieved, governments will need to be supported to apply suitable methods to ensure that the procedure is both effective and meaningful. This should begin with the Committee which should support governments to undertake CRIA on economic policy by issuing clear guidance on what this involves.¹⁵²

The issues discussed above are relevant to HRIA of economic policy and reforms likely to affect children, as the most appropriate *ex ante* procedure to be applied in this scenario will be CRIA. As core elements and aspects of procedure are comparable it is likely that the

challenges discussed above in relation to implementation of CRIA will arise when HRIA is applied to assess the impact of economic policy on vulnerable groups besides children. This suggests that government and others will need to find ways to address issues of limited capacity and limited expertise, how to engage rights-holders, and how to ensure proper consideration of policy alternatives if HRIA is to make a meaningful contribution to assessment of economic policy and reforms.

¹ Human Rights Council, *Guiding Principles on Human Rights Impact Assessments of Economic Reforms*, (2019), *Summary*, Principle 17 and paras.18.4 and 18.5.

² *Ibid.*, Principle 18.

³ Article 1, CRC, defines a child as ‘every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.’

⁴ UN Committee on the Rights of the Child, General Comment No.5, *General Measures of Implementation of the Convention on the Rights of the Child*, (2003), para.45. *Ex post* impact assessment is often regarded as exclusively prospective and has been described as ‘surveillance’ or ‘monitoring’. J. Kemm, ‘Perspectives on health impact assessment’, *Bulletin of the World Health Organization* 81/6 (2003), 387. In particular in policy fields where impact assessment is well established. G. MacNaughton, ‘Human Rights Impact Assessment: A Method for Healthy Policymaking’, *Health and Human Rights Journal*, 17/1. S. Jay and others, ‘Environmental impact assessment: Retrospect and prospect’ (2007), *Environmental Impact Assessment Review* 27(4): 287-300. See also International Association for Impact Assessment, *What is Impact Assessment*, <https://www.iaia.org/uploads/pdf/What_is_IA_web.pdf> accessed 17.04.2020.

⁵ UN Committee, General Comment No.5, para.34. UNICEF Canada, *Child Rights Impact Assessment, The Fundamentals* (UNICEF Canada, Toronto: 2014). Eurochild, *Applying the EU Charter of Fundamental Rights to children’s rights in the EU*, Brussels (2015), 17.

⁶ With the exception of the United States of America.

⁷ L. Payne, *Child Rights Impact Assessment (CRIA): A review of comparative practice across the UK*, (UNICEF-UK, London: 2017). New Brunswick Child and Youth Advocate, *Child Rights Impact Assessment: A Primer for New Brunswick* (Fredericton, New Brunswick: 2016). UNICEF Canada, *Child Rights Impact Assessment, The Fundamentals* (UNICEF Canada, Toronto: 2014). L. Payne, 'A Children's Government in England and Child Impact Assessment', 21 *Children and Society* 470 (2007). K. L. Paton and G. Munro, *Child's Rights Impact Assessments: The SCCYP Model*, (SCCYP, Edinburgh: 2006). C. Corrigan, 'Child impact statements: protecting children's interest in policy and provision?', *Journal of Children's Services*, Vol.2(4), 30-42 (2007).

⁸ L. Lundy and others, *The UN Convention on the Rights of the Child, A Study of Legal implementation in 12 countries* (UNICEF-UK, London: 2012), 24. U. Kilkelly, 'Operationalising children's rights: lessons from research', *Journal of Children's Services*, Vol.1, Issue 4 (2006), 41.

⁹ UN committee, General Comment No.5, para.45. L. Payne, *Child Impact Statements 1998/99: The Next Stage in Child-Proofing UK Parliamentary Bills* (London, National Children's Bureau, 2000), 11. Corrigan, 'Child impact statements', 38

¹⁰ N. Mason and K. Hanna, *Undertaking Child Impact Assessments in Aotearoa New Zealand Local Authorities: Evidence, Practice, Ideas*, (IPP, AUT University, Auckland: 2009), 4.

¹¹ UN Committee, General Comment No.5, paras.45 and 46. UN Committee on the Rights of the Child, General Comment No. 14, *On the right of the child to have his or her best interests taken as a primary consideration*, (2013), para.99.

¹² UN Committee, General Comment No.5, para. 45. UN Committee on the Rights of the Child, General Comment No. 19, *On public budgeting for the realization of children's rights*, (2016), paras.18 and 27.

¹³ Cantillon and others, *Children of Austerity*.

¹⁴ Mason and Hanna, *Undertaking Child Impact Assessments*, 7. Centre for Economic and Social Rights, *Assessing Austerity, Monitoring the Human Rights Impacts of Fiscal Consolidation* (2018). B. Cantillon and others, *Children of Austerity, Impact of the Great Recession on Child Poverty in Rich Countries*, (Oxford, Oxford University Press: 2017).

<https://www.cesr.org/sites/default/files/Austerity-Report-Online2018.FINAL_.pdf>

accessed 17.04.2020.

¹⁵ G. Lansdown, *Promoting Children's Participation in Democratic Decision Making*, (Innocenti Research Centre, Florence: 2001), 4. B. Byrne and L. Lundy, 'Reconciling Children's Policy and Children's Rights: Barriers to Effective Government Delivery', *Children and Society* 29, no. 4, 266–76 (2015). UN Committee, General Comment No.16, *State obligations regarding the impact of the business sector on children's rights*, (2013), para.4(b). A. Nolan, 'Economic and social rights, budgets and the Convention on the Rights of the Child International Journal of Children's Rights' (2013), 21(2), 248-277, 275.

¹⁶ Centre for Economic and Social Rights, *Assessing Austerity*,17:

<https://www.cesr.org/sites/default/files/Austerity-Report-Online2018.FINAL_.pdf>

accessed 17.04.2020.

¹⁷ UN Committee, General Comment No. 5, para. 52. UN Committee on the Rights of the Child, Day of General Discussion, *On resources for the rights of the child, responsibility of States*, 46th Session (2007), paras.29-30.

¹⁸ Ibid. and UN Committee on the Rights of the Child, *Report on the twenty-second session, September/October 1999*, (1999), para.291(m).

¹⁹ UN Committee, General Comment No. 19, para.27.

²⁰ UN Committee, General Comment No.19, para.45. See also, for example, UN Committee on the Rights of the Child, Day of General Discussion, *On resources for the rights of the child*, para.16.

²¹ R. Hodgkin and P. Newell, *Implementation Handbook for the CRC* (UNICEF, 2007), 63

²² UN Committee, General Comment No.19, para.31.

²³ UN Committee, *On resources for the rights of the child*, paras.29-30.

²⁴ Nolan, 'Economic and Social Rights', 276.

²⁵ UN Committee, General Comment No. 19, para.47. see also: and, General Comment No.5, para.45; and, General Comment No.14, para.99

²⁶ A. Nolan, *Protecting the Child from Poverty: The Role of Rights in the Council of Europe*, (Strasbourg, Council of Europe: 2019).

²⁷ S. Hoffman, *Championing children's rights in times of austerity: Local and regional authorities' responsibilities* (Strasbourg, Council of Europe, Congress of Local and Regional Authorities: 2015).

²⁸ Human Rights Council, *Toward better investment in the rights of the child: Report of the United Nations High Commissioner for Human Rights*, A/HRC/28/33 (2014), para16.

²⁹ Hodgkin and Newell, *Implementation Handbook*, 6.

³⁰ Y.P. Krieger and E. Ribar, *Child Rights Impact Assessment of Economic Policies: A Case Study from Bosnia and Herzegovina*, (2008), 16.

<<https://www.childimpact.unicef-irc.org/en/psia-cria/b-h-cria>> accessed 17.04.2020.

³¹ Hodgkin and Newell, *Implementation Handbook*, 61.

³² UN Committee, *Report on 72nd-77th Session*, A/73/41, (2018), para.35. UN Committee, General Comment No.19.

³³ S. Hoffman, 'The UN convention on the rights of the child, decentralisation and legislative integration: a case study from Wales', *International Journal of Human Rights*, Vol.23(3), (2019).

³⁴ UN Committee, General Comment No.19, paras.12 and 13.

³⁵ UN Committee, *Report on 72nd-77th Session*, para.35.

³⁶ UN Committee, General Comment No.5, paras.40 and 41. See also, Human Rights Committee, General Comment No.31, *The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, para.4.

³⁷ S. Walker, *The future of human rights impact assessments of trade agreements* (Utrecht: Intersentia, 2009), 30-34

³⁸ UN Committee, General Comment No.19, para.47. HRC, *Guiding Principles*, para.17.4.

³⁹ O. De Schutter, *Report of the Special Rapporteur on the Right to Food: Guiding Principles on Human Rights Impact Assessments of Trade and Investment Agreements*, (2011), Part VI. J. Ruggie, *UN Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, Human Rights Impact Assessment – Resolving Key Methodological Questions*, (2007).

⁴⁰ UN Committee, General Comment No.19, paras.71-72. UN Committee, *Report on the twenty-second session*, para. 291 (m); and, General Comment No.5, para.45. Hodgkin and Newell, *Implementation Handbook*.

⁴¹ UN Committee, General Comment No.19, paras.11, 73 and 77.

⁴² Corrigan, 'Child impact statements', 33.

⁴³ Harrison, 'Human Rights Measurement', 174.

⁴⁴ UN Committee, General Comment No.5, paras.48-50: and, General Comment No.19, paras.67 and 68.

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- ⁴⁵ F. Bourguignon and L.A. Pereira da Silva (eds.), *The impact of economic policies on poverty and income distribution: Evaluation Techniques and Tools* (The World Bank/Oxford University Press, 2003) <<https://hvtc.edu.vn/Portals/0/files/6357419387123037110-8213-5491-4.pdf>> accessed 13.08.2020. In particular, S. Kinnon, *Generating Relevant Household-Level Data: Multitopic Household Surveys*, Chapter 7.
- ⁴⁶ UN Committee, General Comment No.19, para.67. K. Hanna, I. Hassall, and E. Davies, ‘Child impact reporting’, *Social Policy Journal of New Zealand*, Vol. 29, 32-42 (2006), 35.
- ⁴⁷ Harrison, ‘Human Rights Measurement’, 172-73.
- ⁴⁸ HRC, *Guiding Principles*, para. 7.3. J. Harrison, and A. Goller, ‘Trade and Human Rights: What Does ‘Impact Assessment’ Have to Offer?’, *Human Rights Law Review* 8(4), 587–615 (2008), 599.
- ⁴⁹ A. Crowley ‘Is Anyone Listening?: the Impact of Children’s Participation in Public Policy’, *International Journal of Children’s Rights* 23, no. 3, 602–21 (2015).
- ⁵⁰ UN Committee, General Comment No.19, for example, paras.31 and 47.
- ⁵¹ UN Committee, General Comment No.19, for paras.52, 53 and 68.
- ⁵² R. Croke and A. Crowley, ‘Human Rights and Child Poverty in the UK: Time for Change’, in J. Williams and A. Invernizzi (eds.), *The Human Rights of Children: From Visions to implementation* (Farnham, Ashgate: 2011).
- ⁵³ Harrison and Stephenson, *Human Rights Impact Assessment*, 18-19.
- ⁵⁴ UN Committee, General Comment No.19, para.17.
- ⁵⁵ Harrison and Stephenson, *Human Rights Impact Assessment*, 18-19.
- ⁵⁶ Walker, *The future of human rights impact assessments*, 36-37. UN Development Group, *The human rights based approach to development cooperation: towards a common understanding among UN agencies* (New York: UNDP, 2003). As well enhancing the

capacity of children as rights-holders, and those who represent them, to take advantage of their rights.

⁵⁷ UN Committee, General Comment No.19, para.47.

⁵⁸ UN Committee, General Comment No.19, for example, paras.21 and 83.

⁵⁹ Harrison and Stephenson, *Human Rights Impact Assessment*, 55.

⁶⁰ UN Committee, *Day of Discussion*, para.32. OHCHR, *Human Rights and Poverty Reduction: A Conceptual Framework* (New York: United Nations, 2004), 16.

⁶¹ De Schutter, *Report of the Special Rapporteur*, para.41.

⁶² Payne, *Child Rights Impact Assessment*, 22.

⁶³ UNICEF, *Law Reform and the Implementation of the Convention on the Rights of the Child*, (Innocenti Research Centre, Florence, 2007), 124.

⁶⁴ While Finland and Denmark are also often mentioned as having introduced CRIA at some level, a literature search failed to find any study or commentaries on the experience of CRIA in these States.

⁶⁵ Belgium is a federal State with three regions: The Flemish Community, The French Community and the German-language Community.

⁶⁶ E. Desmett, H. Op de Beeck and W. Vandenhole, 'Walking a Tightrope, Evaluating the Child and Youth Impact Report in Flanders', *International Journal of Children's Rights*, 22 (2014), 79-81, fn 7 and 8.

⁶⁷ Desmett, de Beeck and Vandenhole, 'Walking a Tightrope', 96.

⁶⁸ E. Desmett and H. Op de Beeck, 'Strategic Decisions in Setting Up Child Rights Impact Assessments', *Revue Générale de Droit*, Vol. 44, No. 1, (2014), 150.

⁶⁹ Desmett, de Beeck and Vandenhole, 'Walking a Tightrope'.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Belgium, *State Party Report*, CRC/C/BEL/3-4 (2009), paras.29-31 and 42.

⁷³ Committee on the Rights of the Child, *Concluding Observations*, Belgium, (2010), para.19.

⁷⁴ Ibid, para.20.

⁷⁵ Committee on the Rights of the Child, *Concluding Observations*, Belgium, (2019), paras.7 and 10.

⁷⁶ Krieger and Ribar, *Child Rights Impact Assessment*, 30-31.

⁷⁷ Ibid.

⁷⁸ Ibid, 2, 27-28 and 46,

⁷⁹ Ibid, 40-41.

⁸⁰ Bosnia and Herzegovina, *State Party Report*, (2011), para.27.

⁸¹ Committee on the Rights of the Child, *Concluding Observations*, Bosnia and Herzegovina, (2012), para.16.

⁸² Bosnia and Herzegovina, *State Party Report*, (2018).

⁸³ Committee on the Rights of the Child, *Concluding Observations*, Bosnia and Herzegovina, (2019), paras.8-11.

⁸⁴ Noted in, Lundy et al, *Legal Integration*, 75.

⁸⁵ New Brunswick Child and Youth Advocate (NBCYA), *Child Rights Impact Assessment: A Primer for New Brunswick* (Fredericton, New Brunswick: Office of the Child and Youth Advocate of New Brunswick, 2016), 3.

⁸⁶ Ibid, 7-10.

⁸⁷ Committee on the Rights of the Child, *Concluding Observations*, Canada, (2012), paras.16-17

⁸⁸ UNICEF Canada, *Child Rights Impact Assessment, The Fundamentals*, (UNICEF Canada, Toronto: 2014), 7-8.

⁸⁹ Canada, *State Party Report*, (due 2018), para. 15. At the time of writing the Committee had not published its latest *Concluding Observations* on Canada.

⁹⁰ Ireland, *State Party Report*, (2005), para.201

⁹¹ Corrigan, 'Child impact statements'.

⁹² Children's Rights Alliance, *Uniting Voices for Children, Are We There Yet?*, (2015).

⁹³ *Ibid*, 40-41

⁹⁴ Corrigan, 'Child impact statements', 30.

⁹⁵ Lundy and others, *Legal Integration*, 56

⁹⁶ Lundy and others, *Legal Integration*, 56

⁹⁷ Ireland, *State Party Report*, (2013).

⁹⁸ Children's Rights Alliance, *Uniting Voices for Children*, paras.33-34.

⁹⁹ Ombudsman for Children, *Report of the Ombudsman for Children to the UN Committee on the Rights of the Child* (2015), para.2.5.2. Irish Human Rights and Equality Commission, *Report to the UN Committee on the Rights of the Child* (2015), 14.

¹⁰⁰ Committee on the Rights of the Child, *Concluding Observations*, Ireland, (2016), para.16(e).

¹⁰¹ Hanna et al, 'Child Impact Reporting',33.

¹⁰² *Ibid*.

¹⁰³ Mason and Hanna, K, *Undertaking Child Impact Assessments*, 7-8.

¹⁰⁴ *Ibid*.

¹⁰⁵ *Ibid*, 24.

¹⁰⁶ *Ibid*, 21.

¹⁰⁷ *Ibid*, 21-30.

¹⁰⁸ Committee on the Rights of the Child, *Concluding Observations*, New Zealand, (2011).

¹⁰⁹ New Zealand, *State Party Report*, (2016), para.61.

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- ¹¹⁰ Human Rights Commission, *Submission of the New Zealand Human Rights Commission to the Committee on the Rights of the Child's Pre sessional meeting* (2015), 14.
- ¹¹¹ Committee on the Rights of the Child, *Concluding Observations*, New Zealand, (2011), paras.7 and 9; and, *List of issues prior to submission of the 6th periodic report of New Zealand*, 21st July 2020, 4(e).
- ¹¹² Noted by Lundy et al, *Legal Integration*, 97. See also: L. Sylwander, *Child Impact Assessments: Swedish experience of Child Impact Analyses as a tool for implementing the UN Convention on the Rights of the Child* (Ministry of Health and Social Affairs and Ministry of Foreign Affairs, Stockholm: 2001), 9.
- ¹¹³ Ibid, Sylwander, *Child Impact Assessments*, 9.
- ¹¹⁴ Ibid, 5-16.
- ¹¹⁵ Ombudsman for Children, *Child Impact Analysis*, (Ombudsman for Children, Stockholm: 2006), 4.
- ¹¹⁶ Sylwander, *Child Impact Assessments*, 16-18.
- ¹¹⁷ Ibid, 20-21 and 26.
- ¹¹⁸ Sweden, *State Party Report*, (2002), paras. 25, 29, 53 and 122.
- ¹¹⁹ Ombudsman for Children, *Child Impact Analysis*, 6.
- ¹²⁰ Sweden, *State Party Report*, (2008), para.18. See also: Sweden, *State Party Report*, 2012, para.73.
- ¹²¹ Committee on the Rights of the Child, *Concluding Observations*, Sweden, (2009), paras. 24 and 30.
- ¹²² Committee on the Rights of the Child, *Concluding Observations*, Sweden, (2015), paras.9 and 10.
- ¹²³ Payne, *Child Rights Impact Assessment*, England, 411-12, 411

¹²⁴ Payne, *Child Rights Impact Assessment*, Northern Ireland, 412-13, 412, citing Byrne and Lundy, *Barriers to Effective Government Delivery*.

¹²⁵ Section 1(1) of the Children and Young People (Scotland) Act 2014.

¹²⁶ Scottish Government website: <<https://www.gov.scot/policies/human-rights/childrens-rights/>> accessed 17.04.202.

¹²⁷ Ibid.

¹²⁸ Scottish Government Consultation, UNCRC, Analysis Report, 14-15: <<https://www.gov.scot/publications/uncrc-consultation-analysis-report/>> accessed 17.04.2020.

¹²⁹ Ibid., 48 and 95.

¹³⁰ Rights of Children and Young Persons (Wales) Measure 2011, Section 1.

¹³¹ Ibid, Section 4. Welsh Government, *Children's Rights Scheme* (2014): <<https://www.assembly.wales/Laid%20Documents/GEN-LD9732%20-%20Children's%20Rights%20Scheme%202014-22042014-255569/gen-ld9732-e-English.pdf>> accessed 17.04.2020.

¹³² S. Hoffman and S. O'Neill, *The impact of Legal Integration of the UN Convention on the Rights of the Child in Wales*, (Equality and Human Rights Commission, Cardiff: 2018), 24.

¹³³ S. Hoffman and C. Morse, *Evaluation of the Welsh Government's Child Rights Impact Assessment Procedure under the Children's Rights Scheme Pursuant to the Rights of Children and Young Persons (Wales) Measure 2011* (Swansea: Wales Observatory on Human Rights of Children and Young People, 2015), 4.

¹³⁴ Ibid., 4-5, and 18.

¹³⁵ Ibid.

¹³⁶ Hoffman and O'Neill, *The impact of Legal Integration*.

¹³⁷ Ibid.

¹³⁸ C. Grace, *Reducing Complexity and Adding Value: A Strategic Approach to Impact Assessment in the Welsh Government* (Public Policy Institute for Wales, Cardiff: 2016).

Payne, *Child Rights Impact Assessment*, Wales, 414-15, 415.

¹³⁹ Welsh Government Draft Budget, 2020-21, SIIS Annex C:

<<https://gov.wales/sites/default/files/publications/2019-12/2020-2021-draft-budget-narrative.pdf>> access 17.04.2020.

¹⁴⁰ Welsh Parliament, Children, Young People and Education Committee, *Children's Rights in Wales* (Welsh Parliament, 2020),

<<file:///Users/simonthoffman/Downloads/Children's%20Rights%20in%20Wales%20FINAL-e.pdf>> accessed 14.08.2020, 114.

¹⁴¹ Ibid, recommendation 7.

¹⁴² Byrne and Lundy, 'Barriers to Effective Government Delivery', 10.

¹⁴³ Information on legislation in response to Covid-19 in Wales is available here:

<<https://gov.wales/coronavirus-law>> accessed 14.08.2020.

¹⁴⁴ See notes 131 and 132.

¹⁴⁵ Evidence submitted to the Welsh Parliament Children, Young People and Education Committee inquiry into the impact of Covid-19 in Wales, <<https://gov.wales/coronavirus-law>> accessed 14.08.2020. In particular: Children's Commissioner for Wales, CYPE COV-45; and, Observatory on Human Rights of Children CYPE COV-106.

¹⁴⁶ Harrison and Stephenson, *Human Rights Impact Assessment*, 76. P. Hunt and G.

MacNaughton, *Impact assessments, poverty and human rights: A case study using the right to the highest attainable standard of health*, Health and Human Rights Working Paper Series No. 6 (Geneva: World Health Organization and UNESCO, 2006), 31.

¹⁴⁷ Byrne and Lundy, 'Children's Rights and Policy-Making'.

¹⁴⁸ HRC, *Guiding Principles*: paras. 11.6, 19.1 and 10.3.

¹⁴⁹ UN Committee, General Comment No.19, para.16, and for example paras.8(k) and 67(c).

See also: B. Byrne and L. Lundy, 'Children's Rights and Policy-Making: a 6 P framework', *International journal of Children's Rights*, Vol.23, Issue 3 (2019).

¹⁵⁰ UN Committee, General Comment No.19, para.53. Hanna et al, *Child impact reporting*, 37.

¹⁵¹ Echoing Harrison, 'Human Rights Measurement', on HRIA, 183.

¹⁵² The European Network of Ombudsman for Children has commissioned research on a suitable CRIA model <<https://enoc.eu/?p=3158>> accessed 17.04.2020. A recent report urged the Council of Europe's Ad Hoc Committee for the Rights of the Child to advance its activities toward development of a child impact assessment. Nolan, *Protecting the Child*, 13. Either of these initiatives may provide a suitable guidance for government and others.

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