



**Championing Children and Young People in England**

**Office of the Children's Commissioner  
Proposed model for Child Rights Impact  
Assessments (CRIAs)**

**April 2012**

## **Office of the Children's Commissioner**

The Office of the Children's Commissioner is a national organisation led by the Children's Commissioner for England, Dr Maggie Atkinson. The post of Children's Commissioner for England was established by the Children Act 2004. The United Nations Convention on the Rights of the Child (UNCRC) underpins and frames all of our work.

The Children's Commissioner has a duty to promote the views and interests of all children in England, in particular those whose voices are least likely to be heard, to the people who make decisions about their lives. She also has a duty to speak on behalf of all children in the UK on non-devolved issues which include immigration, for the whole of the UK, and youth justice, for England and Wales. One of the Children's Commissioner's key functions is encouraging organisations that provide services for children always to operate from the child's perspective.

Under the Children Act 2004 the Children's Commissioner is required both to publish what she finds from talking and listening to children and young people, and to draw national policymakers' and agencies' attention to the particular circumstances of a child or small group of children which should inform both policy and practice.

The Office of the Children's Commissioner has a statutory duty to highlight where we believe vulnerable children are not being treated appropriately in accordance with duties established under international and domestic legislation.

## The United Nations Convention on the Rights of the Child

The UK Government ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1991.<sup>1</sup> This is the most widely ratified international human rights treaty, setting out what all children and young people need to be happy and healthy. While the Convention is not incorporated into national law, it still has the status of a binding international treaty. By agreeing to the UNCRC the Government has committed itself to promoting and protecting children's rights by all means available to it.

The legislation governing the operation of the Office of the Children's Commissioner requires us to have regard to the Convention in all our activities. Following an independent review of our office in 2010 we are working to promote and protect children's rights in the spirit of the recommendations made in the Dunford report and accepted by the Secretary of State.

While the subject matter of Children's Rights Impact Assessments may engage all Articles of the UNCRC, the following are of particular reference to the production of CRIAs itself:

**Article 2:** Children's rights shall be respected and guaranteed without discrimination of any kind.

**Article 3:** In all actions concerning children, the best interests of the child shall be a primary consideration.

**Article 4:** States Parties shall take all appropriate measures to implement the UNCRC rights.

**Article 12:** Children have the right to be heard in all matters affecting them, and for their views to be taken into account.

All UNCRC rights should be read in the context of the four general principles of the UNCRC: non-discrimination; the best interests of the child being a primary consideration; the right to survival and development to the maximum extent possible; and the right for the child's views to be heard and given respect.

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<sup>1</sup> You can view the full text of the United Nations Convention on the Rights of the Child on the Office of the United Nations High Commissioner for Human Rights website at:

<http://www2.ohchr.org/english/law/crc.htm>. A summary version, produced by UNICEF, is available at:  
[http://www.unicef.org/crc/files/Rights\\_overview.pdf](http://www.unicef.org/crc/files/Rights_overview.pdf)

## 1. Introduction

- 1.1 This document presents proposals for a model for Children's Rights Impact Assessments from the Office of the Children's Commissioner for England (OCC).
- 1.2 Children's Rights Impact Assessments, or CRIAs, are an important part of a State's fulfilment of Article 4 of the United Nations Convention on the Rights of the Child (UNCRC), which provides that:

*States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.*

They also assist in the fulfilment of Article 3 UNCRC, which requires that '[i]n all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration.

- 1.3 CRIAs allow States (including government both central and local, and other public authorities or other bodies performing public functions) to assess, when formulating policy, legislation or administrative practices that may affect children, the impacts upon them and in particular where their rights may be engaged or interfered with. They are thus alerted to potential impacts upon children's rights and are able to address potential breaches and maximise potential beneficial effects before policies, legislation and practices are finalised.
- 1.4 The UN Committee on the Rights of the Child (CRC), which monitors States Parties' performance under the UNCRC, has stated that CRIAs are required in order that the UNCRC be fulfilled:

*Ensuring that the best interests of the child are a primary consideration in all actions concerning children (art. 3 (1)), and that all the provisions of the Convention are respected in legislation and policy development and delivery at all levels of government demands a continuous process of child impact assessment (predicting the impact of any proposed law, policy or budgetary allocation which affects children and the enjoyment of their rights) and child impact evaluation (evaluating the actual impact of implementation). This process needs to be built into government at all levels and as early as possible in the development of policy.*

*Self-monitoring and evaluation is an obligation for Governments. But the Committee also regards as essential the independent monitoring of progress towards implementation by, for example, parliamentary committees, NGOs,*

*academic institutions, professional associations, youth groups and independent human rights institutions ...*

- 1.5 The primary obligation to carry out Children's Rights Impact Assessments is therefore upon States. We hope that our model will provide a useful template for Government to carry out its own CRIAs and will encourage Government to do so. In December 2010 the Children's Minister, Sarah Teather, committed that the Government would give 'due regard' to the UNCRC when making new policy and legislation and, in so doing, will always consider the recommendations of the CRC.<sup>2</sup> Carrying out CRIAs would be a significant step towards demonstrating that this commitment has been fulfilled. This has been recognised by the Scottish government in its Consultation on The Rights of Children and Young People Bill, which would place a legal duty on the Scottish Ministers to have 'due regard' to the UNCRC and its Optional Protocols in the exercise of their functions. The Scottish Government proposes in the consultation that:

*... the level of "regard" appropriate for this duty is to have due regard as this will ensure that, in making a decision, the Scottish Ministers:*

- *identify the relevant rights and duties in the UNCRC and its Optional Protocols;*
- *consider whether alternatives exist which would better promote those rights and duties;*
- *consider whether any aspect of the decision might run counter to those rights and duties; and*
- *make their decision based on a proper assessment of the impacts of all the alternatives, taking account of all the other requirements on them when making decisions.*

- 1.6. Further, under the Rights of Children and Young People (Wales) Measure 2011, which enshrines the 'due regard' duty on Welsh Ministers in Welsh law, the Welsh Government has published a Draft Children's Rights Scheme<sup>3</sup> which includes 'six steps to due regard' to show officials how the duty is to be fulfilled, including a UNCRC assessment tool. The importance of timely assessment of potential impact of measures upon UNCRC rights has therefore been recognised in both devolved jurisdictions.
- 1.7 The OCC cannot carry out CRIAs on behalf of government and cannot replicate the scope of the State obligation to perform CRIAs. Our resources will not allow us

<sup>2</sup> Department for Education, Written Ministerial Statement, *Publication of the Independent Review of the Children's Commissioner*, 6 December 2011, CM 7981.

<sup>3</sup> Approved by the National Assembly for Wales on 27 March 2012.

to assess all proposed legislation, policies and other measures that may affect children, nor do we always have information on proposed policies etc. at their earliest stages (when CRIAs should be carried out). However, we hope that the CRIAs produced by OCC will not only assist government, Parliamentarians and others in scrutinising proposals in relation to children's rights, but will also assist us in operating in the spirit of the Dunford Review recommendations as an independent human rights institution (NHRI) for children.<sup>4</sup>

- 1.8 The CRC has laid out recommended activities for independent national human rights institutions for children in its General Comment No. 2. These include that the NHRI should:

*Promote harmonization of national legislation, regulations and practices with the Convention on the Rights of the Child, its Optional Protocols and other international human rights instruments relevant to children's rights and promote their effective implementation, including through the provision of advice to public and private bodies in construing and applying the Convention;*

...

*In accordance with article 3 of the Convention requiring that the best interests of children should be a primary consideration in all actions concerning them, ensure that the impact of laws and policies on children is carefully considered from development to implementation and beyond;*

- 1.9 The carrying out of CRIAs is part of OCC's functions under these two headings. In the following pages we set out our proposals for OCC CRIAs in the 2012/13 business year.<sup>5</sup> While we are not consulting on the subject matter that we should cover in CRIAs, we are seeking views on the selection process that we employ for carrying out CRIAs, as well as their scope and methodology, and suitable follow-up activities. We would be grateful if views on the proposals in this document could be sent by **Wednesday 9 May 2012** to:

**sally.ireland@childrenscommissioner.gsi.gov.uk** headed 'CRIA consultation',

or by post to:

**Sally Ireland**  
**Principal Policy Adviser (Children's Rights)**  
**Office of the Children's Commissioner**  
**33 Greycoat Street**  
**London SW1P 2QF**

<sup>4</sup> Department for Education, *Review of the Office of the Children's Commissioner (England)*, John Dunford, November 2010, Cm 7981.

<sup>5</sup> See Office of the Children's Commissioner, Business Plan 2012-13

## 2. CRIA selection

### Criteria

- 2.1 We have identified the following potential criteria for selection. All of these will be considered by OCC in determining what we will carry out a CRIA on:
- i. **Seriousness of potential infringement of children's rights (as identified by screening – see below).** Importantly, a serious imminent infringement of rights may be unsuitable for a CRIA – because of the time needed to complete one – and more suitable for other OCC activity.
  - ii. **Number of children likely to be affected (as identified by screening – see below).**
  - iii. **Capacity of OCC (this acts as a ceiling).** Importantly, inability to do a CRIA regarding a proposal does not prohibit other OCC activity in relation to it.
  - iv. **Likely impact of CRIA in effecting change to proposal** (including imminence of the measure).
  - v. **Other desirables: CRIAs on different types of instrument/proposal; CRIAs regarding work of different Government departments/agencies with varying levels of knowledge of children's.**

### Seriousness of the potential infringement of children's rights

- 2.2 This criterion is, of course, ranked very highly, since any serious potential infringement of children's rights would engage the role of OCC in protecting and promoting these rights. We recognise, however, that even in circumstances of a serious potential infringement, other actions by OCC may be more timely or otherwise appropriate and hence we rank the criterion 'likely impact of CRIA in effecting change to proposal' above this one.
- 2.3 All potential infringements of children's rights are serious, not only because of children's inherent rights as humans but also because of their specific rights and particular vulnerabilities due to age, capacity, and limited political participation. We emphasise that our assessment of seriousness in this context is a *relative* one, and would seek to distinguish between the relative seriousness of any potential infringements of children's rights in measures currently proposed by the UK government/other relevant agencies of which we were aware at the time of selection.
- 2.4 This relative seriousness would be assessed by the screening process detailed below and should, we believe, consider both the nature of the right likely to be infringed and the extent of that infringement (for individual children, rather than the

likely number of children affected, which is dealt with by a separate criterion, below).

- 2.5 We would not expect to see any violation of a *jus cogens* norm of international law in relation to children in England (for example, of the prohibition of torture, slavery or juvenile capital punishment); however, this would indicate a particularly serious potential infringement. We would also regard any potential infringement of the rights protected by Articles 6(1) (right to life), 37(a) and (b) (freedom from torture and, cruel, inhuman or degrading treatment or punishment, right to liberty, treatment with humanity while in detention, right to challenge legality of detention), and 38 (protection of children in armed conflict) of the UNCRC as very serious in itself, regardless of the likely extent of the infringement of that right. Again, we would be very unlikely ever to see potential infringements of Articles 6 or 38 in relation to children in our jurisdiction.
- 2.6 In relation to all other children's human rights, the relative seriousness of the infringement would be likely to depend upon the likely extent of the infringement: whether in the case of any individual child the right would be nullified, seriously restricted or not fulfilled in full. Any risk of death or non-negligible injury (including sexual abuse) to a child or of false imprisonment as a result of an infringement for example, of Article 19 (protection from maltreatment), 23 (protection from sexual exploitation), or 24 (right to health) UNCRC would indicate a very high level of seriousness.

#### Number of children likely to be affected

- 2.7 We regard this factor as significant in cases where the potential infringement of children's rights is at a relatively low level of seriousness. It would be identified through screening (see below)

#### Capacity

- 2.8 OCC plans to undertake all CRIAs in-house in 2012-13, while retaining the possibility of engaging external expertise to assist in their preparation, in order to maximise our in-house experience and learning and to make any necessary refinements to the model. In the light of our staffing resources and other business plan commitments,<sup>6</sup> we have determined that we can undertake no more than four CRIAs in 2012/13. These factors also mean that it is desirable for us to undertake CRIAs consecutively rather than concurrently.
- 2.9 In future business years when the OCC CRIA model has been finalised and tested over 2012-13, it may be possible for OCC to commission CRIAs from external partners with in-house oversight. This may allow a larger number of CRIAs to be carried out, subject to the financial resources of OCC and its successor

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<sup>6</sup> See Office of the Children's Commissioner, Business Plan 2012-2013

organisation in future business years.

#### Likely impact of CRIA in effecting change to proposal

2.10 We believe that this criterion naturally falls immediately below capacity because if a CRIA cannot assist in effecting change to a proposal it will be merely informative and rhetorical but will not, in itself, protect children's rights. The likely impact of the CRIA is, of course, difficult to measure in advance and can often be indirect. However, factors to be considered will include:

- the stage that the proposal has reached (for example, a government Bill in its later stages before Parliament can be amended by the Houses but it is difficult to influence the fundamental intentions of a measure at this stage, as opposed to its detailed implementation; an administrative practice that has already been rolled out across agencies or local authorities is difficult to reverse);
- the political impetus behind a measure (a core manifesto commitment of a majority government is more difficult to influence than a measure about which consensus has not been achieved); and, importantly,
- the imminence of a measure (carrying out a full CRIA is a thorough and time-consuming process; if a measure affecting children's rights is announced shortly before implementation other responses may be much more effective).
- the work of other organisations (past, current or planned) regarding the measure eg Equality and Human Rights Commission, non-governmental human rights organisations, children's charities, research centres, etc.

#### Other desirables

2.11 We believe that it would be desirable to carry out CRIsAs on different types of measure (for example, proposed policies in Green and White Papers, Bills before Parliament, the Autumn statement or other budgetary announcements) in order to ensure that our model works equally well in relation to all. However, we recognise for future years that ideally policies should be child rights impact-assessed at the earliest possible stage. Similarly, subject to the other criteria above, we believe that it would be beneficial to engage with areas of Government policy that have not typically been subject to a children's rights-based assessment; transport or environmental policy, for example. We believe that our CRIA on the Welfare Reform Bill<sup>7</sup> offers a positive precedent for this both in terms of its impact on Parliamentary and public debate, and of constructive engagement with the Department for Work and Pensions.

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<sup>7</sup> Office of the Children's Commissioner, *Child Rights Impact Assessment of the Welfare Reform Bill*, January 2012,

### **Views and experience of children and young people will underpin all the criteria**

- 2.12 It is important, as with all work at the OCC, that CRIA's are informed and influenced by the views and experience of children and young people.
- 2.13 Their views and experience will form a part of criteria i and ii above but in addition a starting point in the selection process will always be:

***What we know about the experience and views of children and young people in relation to the subject area, and what does this indicate by way of the impact policies and practices have on their lives.***

- 2.14 This information may come from a variety of sources such as OCC projects, research and reports but also from public and voluntary and community sector organisations, particularly those identified as having specialist knowledge in the subject area.
- 2.15 The collation and analysis of this information will be considered alongside the criteria above in order to inform the selection process.

### **How we will incorporate the views of children and young people**

- 2.16 OCC's mandate under the Children Act 2004 is to 'promote awareness of the views and interests of children in England'. While, in particular since the Dunford Review, we also aim to promote and protect children's rights, the 2004 Act function remains crucial. Article 12 UNCRC provides that children have the right to be heard in all matters affecting them, and for their views to be given due weight; this is one of the four central principles of the Convention. It is therefore crucial, we believe, that children's views are given due weight in relation to the measures regarding which OCC carries out CRIsAs.
- 2.17 Factors governing how we would involve and engage children and young people in this context include the desirability of representativeness in relation to any sample of views, and the need for timely decision-making as to which CRIsAs to carry out in 2012/13.
- 2.18 We therefore propose to engage children and young people both by involvement of the Children's Commissioner's advisory group, Amplify, and by the use of wider survey and focus group material already in existence/soon to be carried out by external partners regarding children and young people's views of their rights – which are most important to them and which are respected.
- 2.19 We emphasise that the relatively low placement of this criterion on our list does not indicate a low regard for its importance; all five of our top criteria above are of considerable importance.

### **Timing**

2.20 We hope to carry out a provisional selection of which CRIAs to undertake in 2012/13 shortly after the Queen's Speech on 9 May. Before that date we will also collate information as to likely forthcoming White and Green Papers and other proposed measures for 2012/13 from Government departments and other agencies. We will then have a fairly full picture of the legislative and policy programme for this year. Policy announcements and publication of proposed measures during 2012/13 may displace our provisional selection of CRIAs following assessment of the new measure(s) according to the criteria above.

### **Screening**

2.21 In order to assess which proposals should be the subject of CRIAs according to the above criteria it is necessary to have a standardised screening process, which should be accurate while fairly rapid. A suggested pro forma is overleaf. In order to assess likely impacts upon children, and numbers and characteristics of children likely to be affected, some secondary research, gathering of statistics and data analysis may be required. The subsequent assessment of rights likely to be engaged and likely impact upon rights will be a legal analysis.

**2.22 OCC Child Rights Impact Assessment screening pro forma:**

**Name of measure:**

**Category of proposed measure:**

**Bill before Parliament / White Paper / Green Paper / other policy proposal or consultation (specify) / administrative measure / budgetary statement / other**

**Date of publication of measure/ stage measure has reached:**

**Originating department/agency:**

**Summarise aspects of measure which may affect children:**

**Summarise likely impacts upon children:**

**Which rights are likely to be engaged under UNCRC and other instruments:**

**Summarise potential impacts on each of those rights:**

**Numbers of children likely to be affected by each impact:**

**Are some groups of children more likely than others to be affected (if so, which):**

**Summarise views and experiences of children and young people on this issue/measure:**

**OCC's view of likely impact of CRIA on measure (taking into account stage measure has reached; urgency of response; political impetus behind measure; work of other organisations):**

**OCC's view of seriousness of potential impact upon children's rights:**

**Should a CRIA be undertaken? (give reasons):**

### 3. CRIA content and methodology

#### How to assess impact

3.1 A comprehensive Child Rights Impact Assessment involves three stages in our view:

- assessment of quantitative impacts
- assessment of qualitative impacts
- legal analysis to determine rights impacts.

The quantitative and qualitative research can be carried out broadly simultaneously, we believe, in order that each can inform the direction of the other. Once the assessment of quantitative and qualitative impacts is carried out, legal analysis can then determine the likely effect of the proposed measure upon children's rights.

#### Quantitative impacts

3.2 Quantitative research in relation to the likely impact of a proposed measure may already be available, both published and unpublished, from a variety of sources including: government impact assessments and equality impact assessments; academic research; research centre material; third sector/NGO material. It is our view that, where possible, OCC should carry out its own quantitative research (either in-house or outsourced) of likely impacts in order to have full information as to the methodology/accuracy/independence of the research and to account for disparities between existing statistics from different sources.

3.3 However, capacity and timeliness may not allow all quantitative research to be done in this way, and we therefore propose that external data, corroborated if possible, from reputable sources may be used if properly attributed. OCC has power under s2(9) Children Act 2004 to request data from Government departments and others performing statutory functions; this may be a useful source of material and we may use this power to assist in carrying out CRIsAs where necessary, for example where informal approaches for information are not successful.

#### Qualitative impacts

3.4 The primary method of assessing qualitative impacts of proposed measures for CRIsAs, should be through understanding and assessing the potential impact of policies and practices with children and young people - so based on research,

projects and activities that have involved and engaged children and young people to seek their views and experiences on the issue/subject or measure. This is in accordance with section 2(4) and 2(6) Children Act 2004, Article 12 UNCRC and General Comment 2 of the CRC.<sup>8</sup> CRIAs should include the voices and views of children.

In order to have a better understanding of the qualitative impact on children and young people we need to ensure we are informed and influenced by the voice and experience of the children and young people we are likely be affected by the measure in question or are already/have already been affected by similar impact(s) to those in question. This will include the most vulnerable children and children who fall into the protected characteristics of the Equality Act 2010. This is in accordance with s2(6) of the 2004 Act and General Comment No 2, both of which refer specifically to particularly vulnerable children and children whose voices are least likely to be heard,

- 3.5 Once a measure has been selected for a CRIA, therefore, further work should be done to identify children with experience of/at risk of the likely impacts of the measure, informed where possible by the quantitative research already begun on the CRIA and what we already know about children and young peoples views in this area. If through this collation and analysis of what is already known it is identified that we need to drill down and find our more about what children and young people think we will plan specific engagement and involvement activities.

Depending on the nature of this work we may commission the activity as research or participation work to external partners but where appropriate and possible we will take it forward with the Children's Commissioner's children and young people advisory group – Amplify and through our own existing children and young people's networks; and if required the development of a new network.

- 3.6 All participation and engagement work will comply with OCC Participation and Safeguarding policies and practice.

### Legal analysis

- 3.8 A primary question relating to the legal analysis for CRIAs, we believe, is which 'children's rights' they should consider. The Children Act 2004, OCC's founding legislation, refers uniquely to the UNCRC, defined as:<sup>9</sup>

*the Convention on the Rights of the Child adopted by the General Assembly of the*

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<sup>8</sup> *The role of independent national human rights institutions in the promotion and protection of the rights of the child*, 15 November 2002, CRC/GC/2002/2.

<sup>9</sup> Children Act 2004, s2(12).

*United Nations on 20th November 1989, subject to any reservations, objections or interpretative declarations by the United Kingdom for the time being in force.*

- 3.9 No reservations, objections or interpretative declarations to the UNCRC affecting the UK mainland are currently in force. It is very likely that forthcoming legislation establishing the new Office of the Children's Commissioner for England (OCCE) will also refer only to the UN Convention on the Rights of the Child: the Government's response to its consultation on establishing a new Office of the Children's Commissioner for England stated:

*There was universal agreement that the Children's Commissioner's role should, in future, be more explicitly focused on the promotion and protection of children's rights – and that the framework for the Children's Commissioner's role should be the United Nations Convention on the Rights of the Child (UNCRC). We therefore intend to legislate on that basis.*

- 3.10 The Government response is silent as to whether the new legislation would include the Optional Protocols to the UNCRC on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, both now ratified by the UK (the former with declarations).
- 3.11 The UNCRC provides vital and wide-ranging protection for the rights of children and is binding on the UK as a matter of international law. However, it cannot be viewed in isolation; the UNCRC is informed by and informs the interpretation of other human rights guarantees. Both the UK courts and the Strasbourg court have had regard to the UNCRC when interpreting the European Convention on Human Rights, for example. Many of the UNCRC rights are replicated, without specific reference to children, in international human rights treaties such as the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. Some regional treaties such as the European Union Charter of Fundamental Rights expressly include specific rights for children. Further, particular rights (for example the prohibition on torture and cruel, inhuman or degrading treatment) are expanded upon in subject-specific conventions such as the UN Convention Against Torture, and 'soft law' rules such as the UN Rules for the Protection of Juveniles Deprived of their Liberty. These instruments and the jurisprudence under them is mutually reinforcing and in our view, while the UNCRC is OCC's primary instrument of reference, Child Rights Impact Assessments should consider the compliance of a proposed measure with all human rights obligations binding upon the UK in relation to children, under both treaty and customary international law. We will consider these obligations in the light of relevant domestic, international and regional jurisprudence and the output of treaty bodies. Relevant soft law standards should also be considered.
- 3.12 Some human rights norms are binding in domestic law, either through specific incorporation in the cases of most of the ECHR rights (under the Human Rights Act

1998) or through partial incorporation in specific legislation (eg s55 of the Borders, Immigration and Citizenship Act 2009 partially incorporates Article 3 UNCRC). CRIAs should also consider, therefore, compliance of a proposed measure with relevant domestic legislation – for example, the Children Act 1989 or the Equality Act 2010 - in so far as it serves to guarantee children's human rights.

- 3.13 We emphasise, however, that UNCRC compliance is our primary focus and that the UNCRC is the Convention in relation to which OCC has a unique role. CRIAs will therefore centre on, and be structured around, the UNCRC rights, while considering and being informed by other domestic and international human rights obligations of the UK.
- 3.14 In 2012-13, we propose that much of the legal analysis for CRIAs can be carried out in-house, with external legal opinions being sought to supplement this analysis where necessary. We believe that this will maximise learning and allow us to refine the model appropriately.

## 4. CRIA follow-up

- 4.1 In order to ensure that OCC Child Rights Impact Assessments have the maximum possible impact upon the development of proposed measures, and to ensure that we effectively carry out our monitoring obligations under CRC General Comment 2, we propose to carry out both formal and informal follow-up work in relation to OCC CRIs. Follow-up work should be targeted and achievable in order that it does not result in a cumulative workload exceeding OCC capacity.
- 4.2 We do not propose to share our CRIA research/findings with the Government department or other agency proposing/sponsoring the relevant measure before the CRIA is complete, although we may make information requests to them. However, we will send an embargoed copy of the CRIA to them once complete before publication in order to allow them to prepare their response.
- 4.3 Following publication, we will seek a meeting with the relevant officials in order to discuss our findings in relation to the proposed measure. Proposed follow-up work in relation to specific types of measure is detailed below:

### 4.4 CRIA on a Green or White Paper

- Meetings with Ministers and/or departmental officials to discuss our concerns;
- Monitor government responses/changes at White Paper and/or Bill stage that reflect our concerns. Reiterate outstanding concerns to proposing department; if changes are not made brief Parliamentarians (including Joint Committee on Human Rights)/public regarding our concerns;
- Follow options for CRIA on a Bill, below, if the proposal becomes law.

### 4.5 CRIA on a Bill (adapt as necessary re a CRIA on a Statutory Instrument)

- Meetings with Ministers and/or departmental officials to discuss our concerns;
- Monitor departmental responses/Ministerial assurances in Parliament/government amendments to Bill that reflect our concerns. Where changes are not made brief Parliamentarians (including Joint Committee on Human Rights)/public regarding our concerns;
- Once Bill becomes law, assess amendments made during Parliamentary process and identify/prioritise issues for the implementation stage;
- Meetings with Ministers and/or officials and/or executive agencies re implementation;
- If (draft) regulations/SIs published relating to matters of concern, communicate any necessary concerns arising to department/Parliament/public.
- Continue to monitor effect on children's rights, subject to capacity, as Bill is implemented. Consider formal review(s) of impact a suitable period after

commencement (eg 12-24 months)

**4.6 CRIA on a budget/financial statement**

- Meetings with Ministers and/or officials re implementation
- If any legislation arises from budget/financial statement, reiterate any necessary concerns arising to sponsoring department/Parliament/public
- Continue to monitor impact on children and their rights, subject to capacity, as budget is implemented. Consider formal review(s) of impact a suitable period after implementation (eg 12-24 months).

**4.7** We are therefore proposing that formal reviews of impact should be undertaken following CRIAs, subject to our considering that they are likely to be a useful exercise of our mandate following the Dunford Review to promote and protect children's rights, and in particular the following functions recommended for national human rights institutions for children under CRC General Comment 2:<sup>10</sup>

- (e) *Promote harmonization of national legislation, regulations and practices with the Convention on the Rights of the Child, its Optional Protocols and other international human rights instruments relevant to children's rights and promote their effective implementation, including through the provision of advice to public and private bodies in construing and applying the Convention;*
- (f) *Ensure that national economic policy makers take children's rights into account in setting and evaluating national economic and development plans;*
- (g) *Review and report on the Government's implementation and monitoring of the state of children's rights, seeking to ensure that statistics are appropriately disaggregated and other information collected on a regular basis in order to determine what must be done to realise children's rights.*

**Office of the Children's Commissioner  
April 2012**

**[www.childrenscommissioner.gov.uk](http://www.childrenscommissioner.gov.uk)**

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<sup>10</sup> N4 above, para 19.