
A CHILDREN'S RIGHTS APPROACH

*Recommendations to the Scottish Government on Refining
Children's Rights and Wellbeing Impact Assessments in Scotland*

Authored by:

Maren Backbier, Solène Didio-Girard, Sofie Elise Quist, Erin Fisher, Jacqueline Janel, Sophia Lane, Jana Riemslagh, Eva Munoz, Georgia Strachan.

MAY 2019 LLM Human Rights Clinic, Edinburgh University Law School

A CHILDREN'S RIGHTS APPROACH

Recommendations to the Scottish Government on Refining Children's Rights and Wellbeing Impact Assessments in Scotland

Key Points

This report presents the results of an analysis on the Children's Rights and Wellbeing Impact Assessments (CRWIA) in Scotland. Scotland is one of only a handful of countries to have an extensive CRWIA process. Comparing the Scottish CRWIA method to international examples and academic research, we have found five key areas of consideration to ensure the successful assessment of children's rights:

- Timing and consistency;
- Accurate identification of (groups of) children;
- Using the rights outlined in the United Nations Convention on the Rights of the Child (UNCRC) as a starting point;
- Critical engagement with children and stakeholders;
- Establish a review mechanism.

This report outlines major strengths and weaknesses in the Scottish CRWIA process and proposes several recommendations to truly make Scotland the best place in the world for children to grow up.

Introduction

Respecting and supporting children in Scotland requires the government to prevent harm and actively protect their rights, as set out in the UNCRC.¹ CRWIAs act as a guide for policymakers to assess their laws, strategies and policies as they relate to their obligation to respect the rights of children. This process enables governments to minimise the negative and maximise the positive impacts on children before a policy or law is implemented.

¹ United Nations Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (UNCRC).

Scotland sits at the forefront of Child Rights Impact Assessments (CRIA) with its implementation of CRWIAs, serving as an example to countries worldwide. The legal basis for this process is found in the UNCRC and was domestically incorporated through the Children and Young People (Scotland) Act 2014.² However, the CRWIA process ought to continuously evolve so the Government can regularly assess, develop and improve it to ensure that all children can grow up happy, healthy and safe.³

In an effort to support the Government in this process, we have reviewed the CRWIA process in Scotland, comparing it with conclusions from academic research, UNICEF and best practices found in the United Kingdom and around the world. The research team for this study was composed of an international and multi-lingual group. In our research of CRIAs, we were limited by the dearth of international examples, as well as language barriers and public availability. Nevertheless, we have studied the CRWIAs that have been published by the Scottish Government, as well as samples of those published within Europe and throughout the world. Through this research, we have compiled a set of recommendations that will help the Scottish Government ensure the rights of all children in Scotland, which are presented in this report.⁴

Scottish CRWIA's included in this research:

Carers (Scotland) Act 2016 CRWIA
Child Poverty (Scotland) Bill 2017 CRWIA
Enhanced oversight of biometric data consultation CRWIA
Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls CRWIA
Fuel Poverty (Target, Definition and Strategy) (Scotland) Bill and Fuel Poverty Strategy 2017 CRWIA
Functions of Health Boards (Scotland) Amendment Order 2017 CRWIA
Human Tissue (Authorisation) Bill 2018 CRWIA
Landlord Registration: Guidance for Local Authorities 2017 CRWIA (provided by Provisions in the Private Rented Housing (Scotland) Act 2011)
Management of Offenders (Rehabilitation of Offenders) (Scotland) Bill 2018 CRWIA

² The Children and Young People (Scotland) Act 2014.

³ Children's Parliament 'All Children Should be Healthy, Happy and Safe, a Children's Parliament consultation with children with disabilities about their rights' (2016) <<https://www.childrensparliament.org.uk/wp-content/uploads/Children-with-Disabilities-Report-for-CYPCS-Final-2016.pdf>> accessed 6 April 2019.

⁴ Recommendations are also listed in Annex 1.

South of Scotland Enterprise Bill 2019 CRWIA
Stop and Search Code of Practice (Appointed Day) (Scotland) Regulations 2017 CRWIA
Strategic Policy Priorities CRWIA (provided by the Police and Fire Reform (Scotland) Act 2012)
The Early Years Assistance (Best Start Grants) (Scotland) Regulations 2018 CRWIA
Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill 2018 CRWIA

General Principles

The recommendations presented in this report are informed by the four general principles of the UNCRC. These principles, summarised below, serve as the legal basis and justification for many of our recommendations. The Scottish Government is committed to incorporating the principles of the UNCRC. However, it is important to remember that these four principles are only four of the 54 Articles in the UNCRC, which encompass the totality of civil, political, economic, social and cultural rights that all children are entitled to.⁵ Therefore, it is important to note that in any decision-making and assessment process, all rights of children should be taken into consideration and not just the general principles.

GENERAL PRINCIPLES OF THE UNCRC

Non-Discrimination (article 2)

The UNCRC applies to all children, whatever their race, religion or abilities; whatever they think or say, whatever their background.⁶ This article also includes a positive duty for the government to promote the equality of children.⁷

Best Interests of the Child (article 3)

Governments should have the best interests of children as a primary consideration when making decisions that may affect them and during the implementation of legislation and policy.⁸

Life, Survival and Development (article 6)

Children have an inherent right to life. Governments have a positive duty to ensure that

Views of the Child (article 12)

⁵ UNICEF 'How we protect children's rights' <<https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>> accessed 6 April 2019.

⁶ UN Committee on the Rights of the Child 'Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland' (3 June 2016) UN doc: CRC/C/GBR/CO/5. (CRC Concluding Observations 2016), para 20.

⁷ UNCRC Article 2(1) (n 1); Samantha Besson, 'The Principle of Non-Discrimination in the Convention on the Rights of the Child' (2005) 13; *The International Journal of Children's Rights* 433, 437.

⁸ CRC, 'General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para 1) UN Doc CRC/C/GC/14 (General Comment No. 14), para 35; CRC, 'General Comment No. 5 (2003) General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6)' UN Doc CRC/GC/2003/545 (General Comment No. 5).

children survive and develop healthily into adulthood.⁹ This includes a child's physical, mental, spiritual, moral, psychological and social development.¹⁰

Children and young people have the right to express their views and be heard.¹¹ This includes having their opinions taken into consideration during decision-making.¹² Wherever possible, the child must be given the opportunity to be directly heard.¹³

Recommendations

1. *Timing and evaluation*

Timing is a crucial factor for the effectiveness of CRWIAs. According to the Committee on the Rights of the Child, the timing of CRIAs in relation to the policy cycle must reflect the need for two types of analysis to be carried out: *ex ante* CRIAs and *ex post* Children's Rights Impact Evaluations (CRIE).¹⁴

1.1 *Undertake a continuous cycle of ex ante CWRIAs and ex post evaluations*

Ex ante CRIAs should be undertaken as early as possible in the formation of legislation, policy guidelines or decisions.¹⁵ Proper timing enables the assessment's systematic examination of impacts to genuinely inform the process and outcome, and makes it possible to mitigate any identified negative impacts. As the former Child Ombudsman for Sweden reflects, *ex ante* CRIAs are an opportunity to '[have] second thoughts first'.¹⁶ In Belgium, this is implemented as a legal duty to submit a youth and children's effect report alongside a bill when it is presented to parliament.¹⁷ Lessons

⁹ *Ibid*, para 12.

¹⁰ Manfred Nowak 'Article 6: The Right to Life, Survival and Development' in André Alen et al (eds) A Commentary on the United Nations Convention on the Rights of the Child (Martinus Nijhoff Publishers: 2005), para 15.

¹¹ UNCRC (n 1) Article 1.

¹² UNCRC 'General Comment No. 12 (2009) on the right of the child to be heard' (20 July 2009) UN Doc CRC/C/GC/12, (General Comment No. 12), para 12.

¹³ *Ibid*, para 35.

¹⁴ General Comment No. 5 (n 8) para 45.

¹⁵ Lisa Payne, 'Child Rights Impact Assessment as a policy improvement tool' (2019) 1 The International Journal of Human Rights 11.

¹⁶ Louise 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 for Health and Social Affairs, Sweden and Swedish ministry for Foreign Affairs, Sweden Stockholm: 2001), 20.

¹⁷ Renewal of the Youth and Children Rights Policy Bill (Belgium) (Decreet houdende een vernieuwd jeugd en kinderrechtenbeleid)

from Wales also show that CRIAs introduced too late in the policy-making or legislative process can appear as ‘afterthoughts’, with little real effect.¹⁸ Where a CRWIA is conducted late in the process, it is of little value as a critical assessment and risks becoming a mere appraisal of positive impacts.¹⁹

Ex ante CRIAs

These recommendations on *ex ante* CRWIAs are reflected in the Scottish Government’s current guidance on CRWIAs, which stipulate that the CRWIA should be introduced ‘as early as possible’.²⁰ Our review of Scottish CRWIAs also showed that this recommendation is largely followed. Most CRWIAs on legislative proposals are published as the bill is introduced to Parliament,²¹ and CRWIAs on policies and guidelines are usually published alongside the policy itself.²²

Ex post Child Right Impact Evaluations (CRIE)

The *ex post* CRIE serves as a follow-up measure to the initial *ex ante* CRIA and should evaluate and monitor three separate elements:²³

- a. The actual impact of the policy, proposal or decision on children;
- b. The impact of the *ex ante* CRIA on the policy, proposal or decision made; and
- c. The impact of the CRIA process on officials’ awareness of children’s rights.

The first element relates to the actual impacts of the policy or legislation on children. It provides an opportunity to revisit the findings in the *ex ante* CRIA, and reform or

http://www.sociaalcultureel.be/jeugd/regelgeving_VJKB/20180101bis_decreet-vernieuwdJKRB_gecoördineerd.pdf?fbclid=IwAR3hK_SvQ_elc9sk-3jcAxyqtAfkAdCxKqsvBr9JjklGxwoCubnfeb95Ck

> accessed 10 April 2019, article 4.

¹⁸ Lisa Payne ‘Child Rights Impact Assessment (CRIA): A review of comparative practice across the UK’ (UNICEF UK: June 2017) <https://www.unicef.org.uk/wp-content/uploads/2017/09/Unicef-UK-CRIA-comparative-review_FOR-PUBLICATION.pdf> accessed 10 April 2019, 17.

¹⁹ Lisa Payne (2019) (n 15) 9; Louise Sylwander (2001), 21-22.

²⁰ Scottish Government CRWIA guidance (February 2019), 5.

²¹ See for example: Scottish Government CRWIA: Human Tissue (Authorisation) Bill (2018); Scottish Government CRWIA: Management of Offenders (Scotland) Bill (2018) and Scottish Government CRWIA: Fuel Poverty Bill and Strategy (2018).

²² See for example: Scottish Government CRWIA: Landlord Registration Guidance for Local Authorities (2017) and Scottish Government CRWIA: Fuel Poverty Bill and Strategy (2018).

²³ Payne (2017), (n 15) 23-24.

refine the legislation/policy where the outcome was different than anticipated.²⁴ As with the *ex ante* CRIA, it is important that children participate at this stage.²⁵

The second element relates to the effectiveness of the CRIA process in influencing the final policy or decision outcome. The evaluation should therefore address whether the recommendations raised in the CRIA have been taken up, and what impact they have made. This enables officials to engage in a learning process and continuously improve the effectiveness of CRIAs.²⁶ This kind of evaluation would also allow the Scottish Government to lead the way with evidence on the effectiveness of CRIAs in implementing children's rights.²⁷ Finally, the third element relates to the separate goal of CRIAs to strengthen awareness of children's rights and the UNCRC among policy-makers and government officials.²⁸

Undertaken in a timely manner, *ex ante* CRIAs and *ex post* CRIEs constitute a continuous process of assessing the impact of policies and legislation on children's rights.²⁹ We therefore recommend that:

***Ex ante* CRWIAs are conducted as early as possible in the development of legislation and policies, and that follow-up mechanisms are put in place in the form of *ex post* impact evaluations.**

1.2 Ensure Transparency at Publication of CRWIAs

To enable effective evaluation as per the above recommendation and to foster accountability, it is important that the timeframe of CRWIAs is transparent. Indeed, several existing Scottish CRWIAs can be used as examples of best practice which should be emulated in the future. The CRWIAs for the Management of Offenders

²⁴ Payne (2019), (n 18) 9; Sylwander (2001), 32-33.

²⁵ Sylwander (2001), (n 16) 32-33. On children's participation see section 4.1 below.

²⁶ *Ibid*, 32-33.

²⁷ Payne (2019), (n18) 2.

²⁸ Payne (2017), (n 15) 23-24.

²⁹ See for example the approach adopted by New Brunswick, Canada. Office of the Child and Youth Advocate (2016) Child Rights Impact Assessments: A Primer for New Brunswick, <http://cwrp.ca/sites/default/files/publications/en/nb_cria_primer_0.pdfhttp://www.cyanb.ca/images/PDFs/CRIA_Primer_New_Brunswick.pdf,> accessed 10 April 2019, 8.

(Scotland) Bill³⁰ and the South of Scotland Enterprise Bill,³¹ for example, were both released when the policy was at the first stage of the legislative process. It is therefore possible to evaluate to what extent the CRWIA informed the final bill. Similarly, the CRWIA for the Best Start Grant (Regulation)³² includes the specification that the CRWIA was undertaken alongside the drafting of the regulation. This will have allowed the impact assessment to explore potential impacts of the grant prior to its implementation, and thus inform the final content of the policy.

Notwithstanding these examples, the publication date of Scottish CRWIAs is currently not necessarily indicative of the timeframe in which it was completed.³³ Therefore, we recommend that:

Upon publication, CRWIAs should use dated sign-offs to ensure transparency regarding the initial consideration and any subsequent ongoing considerations.

1.3 Final Remarks

Our assessment of Scottish CRWIAs demonstrates that the Government recognises the importance of undertaking the CRWIA at an early stage in the policy or legislative process. However, the current framework would benefit from including follow-up mechanisms in the form of *ex post* impact evaluations, in order to ensure the quality, consistency and effectiveness of CRWIAs. To achieve this, it is important that the details of when each CRWIA has been undertaken are transparent.

³⁰ Scottish Government CRWIA: Management of offenders (Scotland) Bill (rehabilitation of offenders) (2018) <<https://www.gov.scot/publications/management-offenders-scotland-bill-childrens-rights-wellbeing-impact-assessment-rehabilitation/>> accessed 6 April 2019.

³¹ Scottish Government CRWIA: South of Scotland Enterprise Bill (2019) <<https://www.gov.scot/publications/south-scotland-enterprise-bill-child-rights-wellbeing-impact-assessment/>> accessed 6 April 2019.

³² Scottish Government CRWIA: Best Start Grant (2018) <<https://www.gov.scot/publications/childrens-rights-wellbeing-impact-assessment-crwia-early-years-assistance-best/>> accessed 7 April 2019

³³ This could be for reasons of political strategy, see Lisa Payne (2019), (n 15) 12. Or due to an ongoing effort to assess the impact.

2. Mapping Children's Diversity

Although children are as diverse as adults, there is a tendency to consider all children as one group, or to ignore the intersectionality of their age and other characteristics, such as gender, socioeconomic and cultural background, physical and mental abilities, sexual orientation, and religion, as well as the background and characteristics of the child's parents, family or guardians.³⁴

This is problematic, as discrimination as well as distinct vulnerabilities prevent children from enjoying their rights.³⁵ Overlooking the diverse needs of different children and groups of children, a policy would be unable to allow all affected children to be heard in accordance with Article 12 UNCRC or consider appropriately the best interests of the child in accordance with Article 3 UNCRC.³⁶

Carrying out a thorough mapping exercise to highlight children's diverse needs and barriers at the initial stage of the CRWIA is therefore crucial. Whilst all such children or groups of children will not be impacted by every Bill or policy, it is important to have knowledge of children's diversity and be aware that some groups of children and young people are often overlooked.³⁷

Furthermore, it should be ensured that children's diversity is reflected at the participation and engagement stage. We therefore propose that throughout the CRWIA process, the Government should document which children or groups of children were involved, why they were selected, as well as the outcome of their participation.

2.1 A Mapping Exercise at the First Stage

The principle of non-discrimination contains a positive and negative state obligation to promote children's equality in their jurisdiction.³⁸ In order to ensure *de facto* equality of children, policymakers must pay attention to indirect discrimination, where equal treatment regardless of different backgrounds and intersectionalities could lead to

³⁴ UNCRC (n 1) Article 2(2) prevents discrimination of all children on the basis of the 'status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.'

³⁵ Kutsar and Warming *Children and Non-discrimination, interdisciplinary textbook* (University Press of Estonia: 2014), 15-16; Samantha Besson (2005), 438-440.

³⁶ General Comment No. 14, (n 8) paras 75-76.

³⁷ Linus Bengtsson, *Handbok för barnkonsekvansanalyser i Svenska Kyrka* (Svenska Kyrkan: 2012) 14-16.

³⁸ Besson (2005), (n 7) 437.

inequality.³⁹ Where this is neglected, a policy risks further embedding existing discrimination and marginalisation through exclusion.⁴⁰ Applying Article 2 UNCRC in CRWIAs therefore requires an initial identification of the different children and groups of children that experience discrimination.⁴¹

Whilst the Scottish CRWIA model asks whether ‘some children or young people are more likely to be affected than others’, most CRWIAs we examined did not pay attention to how children’s diversity might affect the impact of the policy on them, either negatively or positively. The CRWIAs require a more targeted focus on children who might experience barriers to access the benefits of the policy, as well as intersectional barriers. The latter occurs especially where the task of considering equality issues are left to Equality Impact Assessments (EQIA), which do not take a child’s perspective into account.⁴²

This lack of an effective mapping exercise is illustrated in several Scottish CRWIAs. For example, the CRWIA on the Functions of Health Boards (Scotland) Amendment Order 2017 concludes that only female children of childbearing age will be directly impacted by the policy on access to abortion services in the UK for Irish nationals.⁴³ It stated that a full CRWIA is unnecessary as only a small number of children will be affected, and as the impact of the policy on ‘people with protected characteristics’ is already considered in the EQIA.⁴⁴ Similarly, the Child Poverty (Scotland) Bill CRWIA acknowledges that different groups of children are particularly impacted by poverty,

³⁹ Kutsar and Warming (2014), (n 35) 15-16.

⁴⁰ Camilla Ida Ravnbøl ‘Intersectional Discrimination against Children: Discrimination against Romani children and anti-discrimination measures to address child trafficking’ Working Paper No. IDP 2009-11 (UNICEF Innocenti Research Centre, Florence: 2009); Nura Taefi ‘The Synthesis of Age and Gender: Intersectionality, International Human Rights Law and the Marginalisation of the Girl-Child’ (2009) 17 International Journal of Children’s Rights 3, 372.

⁴¹ Save the Children Sweden ‘A Guide to Non-Discrimination’ (2014), <https://resourcecentre.savethechildren.net/node/8532/pdf/making20it20equal_web.pdf> accessed 4 March 2019.

⁴² See for example the Equality Impact Assessment for the Vulnerable Witnesses Bill. <<https://www.gov.scot/publications/vulnerable-witnesses-criminal-evidence-scotland-bill-equality-impact-assessment/>> accessed 6 April 2019.

⁴³ Scottish Government CRWIA: The Functions of Health Boards (Scotland) Amendment Order (2017) <<https://www.gov.scot/binaries/content/documents/govscot/publications/publication/2017/10/child-rights-wellbeing-impact-assessment-crwia-functions-health-boards-scotland/documents/00525318-pdf/00525318-pdf/govscot%3Adocument>> accessed 6 April 2019.

⁴⁴ *Ibid*, 1-2.

and that benefits must be distributed ‘in a way that advances equality.’⁴⁵ Yet, Article 2 UNCRC is not listed within the CRWIA as a right that will be impacted by the Bill, and there is no evidence that children identified as particularly impacted by poverty were invited to participate during the data-collection and involvement stage. This lack of focus may be due to the delegation of issues of equality to the EQIA at the screening stage. In both examples, the intersectionality of age and protected characteristics is overlooked, due to the delegation of research into the needs of diverse groups to the EQIA.⁴⁶ Consequently, an opportunity to further identify children who may be affected by the proposal is lost. A lack of focus on the diversity of children is also demonstrated in the Equally Safe Strategy CRWIA. At the screening stage, the CRWIA identifies only three groups of children as particularly impacted by gender-based violence (GBV), which appears exclusionary.⁴⁷ One example of an excluded group is lesbian, gay, bisexual and transgender (LGBT) children who have been found to report higher rates of harassment and violence, and who are often victims of violence at home and in school.⁴⁸

In particular, the CRIA guidance published in Swedish-speaking jurisdictions recognises the importance of an initial mapping of diversities. For example, Save the Children Åland’s CRIA Guidance emphasises the importance of diligent analysis of consequences for children’s equality. Recognising that diversity among children can lead to discrimination, the guidance stresses that one of the aims of the CRIAs is to integrate these different perspectives in order to ensure children’s equality in

⁴⁵ Scottish Government CRWIA: Child Poverty (Scotland) Bill (2017), 3

<<https://www.gov.scot/publications/childrens-rights-wellbeing-impact-assessment-child-poverty-scotland-bill/>> accessed 6 April 2019.

⁴⁶ In their 2016 Concluding Observations on the United Kingdom, the Committee on the Rights of the Child emphasised their concern over the prevalent ‘intolerance of childhood’ in the UK and recommended that the UK takes measures to prevent discrimination on the basis of age. CRC Concluding Observations (n 6) paras 20-24. See also: Ravnboel (2009) (n 41).

⁴⁷ Scottish Government CRWIA: Equally Safe Strategy (2019) <https://www.gov.scot/publications/draft-equally-safe-child-rights-well-being-impact-assessment/>>, 2.

⁴⁸ Tumaini R. Coker, Bryan Austin and Mark A. Schuster ‘The Health and Health Care of Lesbian, Gay and Bisexual Adolescents’ (2010) Annual Review Public Health 31, 466.

<https://www.annualreviews.org/doi/full/10.1146/annurev.publhealth.012809.103636?url_ver=Z39.88-2003&rfr_id=ori%3Arid%3Aacrossref.org&rfr_dat=cr_pub%3Dpubmed> accessed 6 April 2019; Jaime Grant, Lisa Mottet and Justin Tanis ‘Injustice at every turn: A report of the national transgender discrimination survey’ (National Center for Transgender Equality: 2011)

<https://transequality.org/sites/default/files/docs/resources/NTDS_Report.pdf> accessed 6 April 2019.

accordance with Article 2 UNCRRC.⁴⁹ It is therefore required at the outset of the CRIA to identify the different backgrounds and characteristics of the children affected.⁵⁰

Considering the above examples, we recommend that:

At the initial stage of the CRWIA, the Scottish Government should conduct a thorough mapping of children or groups of children who are particularly impacted by the proposal, including due to vulnerabilities and discrimination.

The mapping exercise should be guided by the questions suggested in figure 1 below in order to give a nuanced and inclusive idea of which children or groups of children will be impacted by the proposal in question, whether directly or indirectly, positively or negatively (see annex 2 for more details).

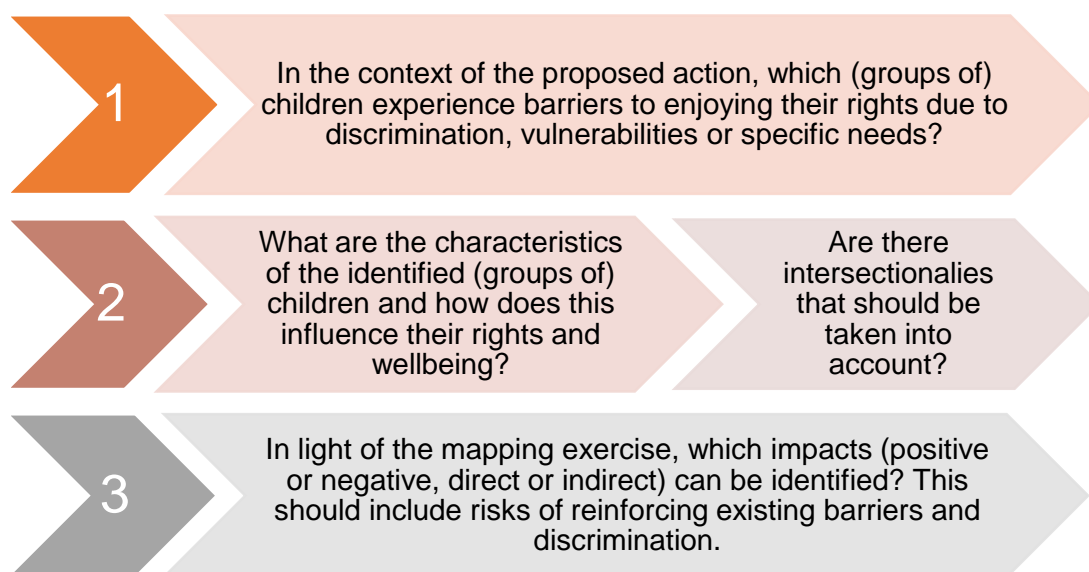


Figure 1

2.2 Reflect Diversity of Children in Participation

The mapping exercise should lead onto participation of the identified children and groups of children, in order to allow their views to feed into the impact analysis in accordance with the child's right to be heard and the principle of the best interests of

⁴⁹ Rädna Barnen Åland 'Vägledning: Bedömning av konsekvenser för barn och ungdomar' (2016) <www.raddabarnen.ax/application/files/3614/5857/0411/Bedomning_av_konsekvenser_for_barn_och_ungdomar.pdf> accessed 2 March 2019.

⁵⁰ *Ibid*, 5-6.

the child. This connection between participation and discrimination is recognised by the Child Rights Committee (CRC), who emphasise how marginalised or discriminated groups face particular barriers to participation.⁵¹ Further, the CRC opines that states should take the necessary steps to ensure the equality of vulnerable and marginalised children by enabling them to be heard and participate in matters affecting them.⁵²

In our assessment of Scottish CRWIAs we identified a tendency to overlook children's diversity, resulting in a failure to promote equality and ensure the child's right to participation. The CWRIA on the Equally Safe Strategy, for example, does not cite any data on or participation of different minority groups. It is not until stage 4 that it is recognised that children who experience discrimination – namely '[G]ypsy [sic]/ Traveller children and young people and those living in rural areas' – may be particularly affected by the policy.⁵³ As these groups are only considered at a late stage, they do not appear to have been addressed at the data collection stage, nor has their participation been sought, thus implying that the strategy was developed despite them rather than for them. We therefore recommend that:

It should be ensured that children's diversity is reflected at the participation and engagement stage by including all such children or groups of children identified.

2.3 Document the Participation Process

To ensure transparency and accountability in relation to the recommended mapping exercise outlined above, it is important that the participation of children in CRWIAs is well-documented. It is currently difficult to assess which children or groups of children have been engaged due to a lack of disaggregated data and justification for involvement. The inclusion of such data would serve to demonstrate the relevance of child engagement with the issue in question and ensure accountability through transparency.

There is no gender-disaggregated data on the participation of children provided in the Equally Safe Strategy CRWIA. This is particularly notable, as the issue in question

⁵¹ General Comment No. 12, (n 12) para 75.

⁵² *Ibid*, para 75.

⁵³ Equally Safe Strategy CRWIA, (n 47) 12.

concerns GBV.⁵⁴ There is also no indication of the ages of children engaged, rendering impossible the requirement under Article 12(1) UNCRC for ‘the views of the child being given due weight in accordance with the age and maturity of the child’.⁵⁵ Moreover, the lack of data on children and groups of children who were engaged makes it difficult to identify whether groups who are later identified as impacted by the policy were invited to participate. This leads us to recommend that:

Throughout the CRWIA process, the Government should document which children or groups of children were involved, why they were selected and the outcome of their participation.

2.4 Final Remarks

Our evaluation of the Scottish CRWIAs demonstrates a lack of focus on children’s diverse needs and barriers from an early stage, which was reflected at the data collection and engagement stage. This ultimately resulted in exclusion of certain children or groups of children from the impact assessment. We recommend conducting a thorough mapping of children or groups of children who experience specific barriers to access services in society. This exercise should allow the views and needs of such children or groups of children to be reflected throughout the CRWIA in accordance with the four general principles of the UNCRC.

⁵⁴ General Comment No. 12 (n 12) para 77.

⁵⁵ UNCRC (n 1) article 12(1).

3. Inclusion of the UNCRC

When conducting a CRWIA, it is important keep in mind that what is being assessed is the impact of a certain policy on children's rights and wellbeing. This impact can be positive in some areas and negative in others, and it is important to highlight both kinds of impact in order for a clear assessment of the policy to be made. It is, therefore, crucial that the CRWIA fully engages with the rights enshrined in the UNCRC, to facilitate a purposeful and holistic approach to the process.

To ensure the inclusion of the UNCRC through CRWIAs, we propose that when doing a CRWIA the Government takes a holistic approach by considering all four general principles and how they interact with the rights in the Convention. Additionally, we believe it is vital to include a rights checklist which acts as a visual tool for assessors requiring that, for each right engaged, an explanation is provided to ensure comprehensive inclusion of the UNCRC.

3.1 Taking a Holistic Approach to the UNCRC

As outlined in the introduction of this report, there are four general principles in the UNCRC. These four principles are interlinked and interdependent not only on each other, but also on the remaining rights in the Convention.⁵⁶ To illustrate, best interest⁵⁷ and the right to life, survival and development⁵⁸ are each overarching principles that are only fulfilled through their interaction with other UNCRC rights, such as the right to education,⁵⁹ nutrition,⁶⁰ and a peaceful home life.⁶¹

As these rights rely heavily upon their interaction, a holistic approach is required, in which 'the child's physical, mental, spiritual, moral, psychological and social development,'⁶² are all considered as important factors.⁶³ A policy review therefore cannot determine whether the principle of development or the principle of best interest has been fulfilled without also considering a multitude of other rights.

⁵⁶ UNICEF (n 5)

⁵⁷ UNCRC (n 1) Article 3.

⁵⁸ *Ibid* Article 6.

⁵⁹ *Ibid* Article 28.

⁶⁰ *Ibid* Articles 24(c), (e), and 27(3).

⁶¹ *Ibid* Article 16.

⁶² General Comment No. 5 (n 8) para 12.

⁶³ Elaine E. Sutherland 'The Child's Right to Life, Survival and Development: Evolution and Progress' (2015) 26 Stellenbosch Law Review 272, 284.

DISTINGUISHING SHORT-, MEDIUM- AND LONGER-TERM EFFECTS ON CHILDREN OF DECLINING HOUSEHOLD INCOMES			
AREA	SHORT-TERM EFFECTS	MEDIUM-TERM EFFECTS	LONGER-TERM EFFECTS
Education	<ul style="list-style-type: none"> ▪ Falling attendance ▪ Worse performance 	<ul style="list-style-type: none"> ▪ Declining enrolment ▪ Increase in dropouts ▪ Declining quality ▪ Loss of literacy after early drop-out 	<ul style="list-style-type: none"> ▪ Lower lifetime earnings for individuals with compromised education ▪ Subsequent generations do not attend school ▪ Fertility rates do not fall

Figure 2: EU-UNICEF Child Rights Toolkit Advice.

UNICEF encourages member states to use CRIAs to distinguish between short-, medium-, and longer-term effects on children (See Fig. 2).⁶⁴ Considering the impact on children in the long term is important because policies can affect children both today and in future generations. For example, a change in housing or transportation measures can have long-term effects on the social climate and demographic make-up of an area, which is important to a conducive climate for leisure, play time and social learning.⁶⁵ This long-term impact is often not examined and should therefore be incorporated in the format to ensure both immediate and long-term impacts have been considered.

An adequate CRWIA should show evidence of consideration of every right in the UNCRC and its potential immediate and future impact. By engaging holistically with each right in the Convention, and ascertaining its relevance against the policy in question, policymakers are able to identify any gaps in their proposal. Even if an impact assessment in relation to general rights, such as an EQIA, has been done, it is still paramount that the CRWIA uses every aspect of the UNCRC and highlights where there are shortcomings. Thus, we recommend that:

When undertaking a CRWIA, the Government should take a holistic approach by considering all four general principles and how they interact with the other rights in the Convention, as well as considering the future impact of the policy.

⁶⁴ UNICEF and EU, 'Module 5: Child Impact Assessment' in *Child Rights Toolkit: Integrating Child Rights in Development Cooperation 5-6*, <<https://www.unicef.org/eu/crtoolkit/toolkit-module5.html>>, accessed 16 March 2019.

⁶⁵ Anne Power 'Social inequality, disadvantaged neighbourhoods and transport deprivation: an assessment of the historical influence of housing policies' (2012) 21 *Journal of Transport Geography* 39, 44.

3.2 Meaningful Engagement with All Rights

Our next recommendation builds on holistic engagement. We propose that, to enhance meaningful engagement with the UNCRC, a rights checklist and explanations to clarify why a right has been engaged should be included in all CRWIAs. Though children’s rights are at the forefront of every CRWIA, actual engagement with the UNCRC is limited in many of the current CRWIAs. Moreover, the rights that are included are often only the most obvious.

To illustrate this point, the CRWIA for the Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill⁶⁶ is intended to be read alongside the EQIA. The latter assesses the Bill against the nine protected characteristics as outlined in the Equality Act (2010).⁶⁷ The Bill itself is designed to ensure that children and other vulnerable witnesses are not discriminated against, yet the CRWIA does not engage with the principle of non-discrimination.

Article 3:	Best interests of the child: Every decision and action taken relating to a child must be in their best interests.	The SAIMS continues to work with young people, teachers, instructors, parents and carers to review and improve the IMS over the next 2 years to continue to ensure that children’s and young people’s rights to participate are supported and respected and their views will inform future review and evaluation by ensuring the best interests of children are taken into account in future planning for the SAIMS.
-------------------	---	--

Figure 3: South Ayrshire Council CRWIA.

Several Scottish CRWIAs offer an example of what best practice might look like in terms of UNCRC engagement. Taking the example from South Ayrshire Council (see Fig. 3),⁶⁸ a list of the UNCRC rights included within the CRWIA itself allows potential

⁶⁶ Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill. The aim of this Bill is to allow for child and other vulnerable witnesses to have their evidence pre-recorded in order to avoid re-traumatising them throughout court proceedings.

⁶⁷ Equality Act (2010), part 2 Chapter 1, 4. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

⁶⁸ See also Annex 3, example 3. South Ayrshire Council CRWIA: South Ayrshire Instrumental Music Service (2018) < <https://ww20.south-ayrshire.gov.uk/ext/committee/committeepapers2018/Partnership%20Panel/21%20November%20201>

authors full visual access to all children’s rights without requiring additional research or reading. The further requirement for a several-line explanation of rights which may be impacted allows the author to easily realise how different rights might be impacted for the same reason, thus encouraging a holistic understanding without requiring authors to have a legal knowledge of the UNCRC.

12. Which Articles of the <i>United Nations Convention on the Rights of the Child</i> (UNCRC) are relevant?			
	Indicate in the right hand column if an Article is negatively (-) and / or positively (+) impacted. Then, expand the box and add a brief explanation directly in the space below the relevant Article for why you indicated (-) and / or (+).	Check all that apply.	
		-	+
Guiding Principles	Non-discrimination (Art-2) <i>ex: place your brief explanation here as to why you indicated (-) and / or (+). Repeat for each of the affected articles.</i>		
	Best interests of the child (Art-3)		
	Survival and maximum development (Art-6)		
	Respect for the child’s opinion (Art-12)		
Provision	Definition of the Child (Art-1)		
	Implementation of rights (Art-4)		
	Respect for parental guidance to child in exercise of rights (Art-5)		
	Name and nationality (Art-7)		

Figure 4: New Brunswick, Canada CRIA.

Had there been a rights checklist with a definition for each right and a short explanation as to why a chosen right is engaged, as in the New Brunswick model⁶⁹ (see Fig. 4), it is unlikely that the inclusion of non-discrimination in the Vulnerable Witnesses CRWIA would have been overlooked. Thus, going through the UNCRC rights in the form of a checklist as a final measure would create the opportunity for policymakers to reconsider rights which were not engaged at an earlier stage in the impact assessment, thus reducing the chance of relevant rights being missed. We therefore recommend that the Government:

Include a rights checklist which acts as a visual tool for assessors and require that, for each right engaged, an explanation is provided to ensure comprehensive engagement with and inclusion of the UNCRC.

[8/DOC%2020180831%20South%20Ayrshire%20Instrumental%20Music%20Service%20CRWIA_Redacted.pdf](#)> accessed 6 April 2019.

⁶⁹ Government of New Brunswick (n 29)

3.3 Final Remarks

To increase engagement with the UNCRC, it is important that all policymakers tasked with undertaking a CRWIA understand the ways in which children's rights interact with each other, and how this can be impacted by policy decisions. To improve this in the future, we suggest a more holistic approach to all of the rights in the UNCRC and the incorporation of a rights checklist in the CRWIA format.

4. Critical Engagement

The right of the child to be heard, enshrined in Article 12 UNCRC, requires the decision-maker to inform the child of the outcome of the participation and explain how his or her views were considered.⁷⁰ These obligations also flow from children's civil and political rights to freedom of expression⁷¹ and to receive information.⁷²

The child's right to be heard is linked to the remaining three general principles of the UNCRC, as consideration of children's views helps avoid indirect discrimination⁷³ and works as a tool to stimulate the development and the evolving capacities of the child.⁷⁴ Substantive consideration of the child's views should be regarded as inseparable from the principle of the best interests of the child, which requires states to allow all children to express their own views of what is in their best interest.⁷⁵

This procedural aspect of Article 3 UNCRC includes a mandatory obligation to 'assure that those responsible for these actions hear the child as stipulated in Article 12 UNCRC.'⁷⁶ We have formulated three distinct sub-recommendations: ensuring that the language of the CRWIAs and Guidance document focuses on children's participation as opposed to consultation; engaging directly and critically with the points raised during consultations with stakeholders and dialogue with children and ensuring that they feed into the analysis and outcome; and requiring that feedback is provided to children on the outcome of their participation, including which issues were taken up and why.

4.1 Participation over Consultation

The CRWIA framework and CRWIAs themselves typically refer to children's direct participation as 'consultation', detracting from the objective of actively engaging with children in the CRWIA process and outcome. This can be seen, for example, in the Age of Criminal Responsibility Bill CRWIA, which refers to 'targeted consultations with

⁷⁰ General Comment No. 12 (n 12) para 45.

⁷¹ UNCRC (n 1) Article 13.

⁷² *Ibid* Article 17; General Comment No. 12 (n 12) paras 68 and 80-83.

⁷³ E. Kay M. Tisdall 'Children and Young People's Participation: A critical consideration of article 12' in Vandenhoe, E Desmet, D & S Lembrechts (ed), *Routledge International Handbook of Children's Rights Studies* (Routledge, London: 2015), 6; General Comment No. 12 (n 12) para 75.

⁷⁴ General Comment No. 12 (n 12) para 79.

⁷⁵ General Comment No. 14 (n 8) paras 45, 53-54.

⁷⁶ General Comment No. 12 (n 12) para 70.

children and young people,⁷⁷ as well as throughout the recently-updated Guidance document, such as in the discussion on methods of engagement.⁷⁸

Altering the Scottish CRWIA framework to focus on children's 'participation' and active engagement with children as opposed to 'consultation' would bring the framework in line with Article 12 UNCRC. The CRC acknowledges that Article 12 is 'conceptualized as 'participation,'"⁷⁹ and states that listening to children should be considered a process whereby States 'make their interactions with children and their actions on behalf of children ever more sensitive to the implementation of children's rights', as opposed to an end in itself.⁸⁰ It has also been argued that references to 'consultation' as opposed to 'participation' implies seeking children's views without necessarily involving them in decision-making.⁸¹ Thus, to highlight the importance of language in shaping the policy-making process, we recommend that the Government:

Ensure that the language of the CRWIAs and Guidance document focuses on children's 'participation' as opposed to 'consultation'.

4.2 Direct and Critical Engagement with Children and Stakeholders

Many CRWIAs do not explain the outcome of consultations or engagement, even where appropriate dialogue has taken place. The CRWIAs for the Carers (Scotland) Act 2016,⁸² the Enhanced oversight of biometric data consultation,⁸³ the Stop and Search Code of Practice (Appointed Day) (Scotland) Regulations 2017⁸⁴ and the Strategic Police Priorities for Scotland,⁸⁵ all claim to engage directly with children.

⁷⁷ Scottish Government (n 20) 13.

⁷⁸ *Ibid*, 14.

⁷⁹ General Comment No. 12, (n 12) para 3.

⁸⁰ General Comment No. 5, (n 8) para 12.

⁸¹ WorldVision, 'What Next? Ways forward for children's and young people's participation' (November 2014)

<https://www.worldvision.de/sites/worldvision.de/files/pdf/Studie%20WVI%20Kinderbeteiligung.pdf> accessed 6 April 2019, 11.

⁸² Scottish Government CRWIA: Carers (Scotland) Act 2016 <https://www.gov.scot/publications/carers-scotland-act-2016-childrens-rights-wellbeing-impact-assessment/> accessed 6 April 2019.

⁸³ Scottish Government CRWIA: Enhanced oversight of biometric data consultation (2018) <https://www.gov.scot/publications/child-rights-wellbeing-assessment-document/> accessed 6 April 2019.

⁸⁴ Scottish Government CRWIA: Stop and Search Code of Practice (Appointed Day) (Scotland) Regulations (2017) <https://www.gov.scot/publications/stop-search-code-practice-appointed-day-scotland-regulations-2017-crwia/> accessed 6 April 2019.

⁸⁵ Scottish Government CRWIA: Strategic Police Priorities for Scotland (2016) <https://www.gov.scot/publications/strategic-police-priorities-scotland-childrens-rights-wellbeing-impact-assessment/> accessed 6 April 2019.

However, not only do they fail to explain the influence of this engagement on the outcome of the policy, they also provide little to no evidence of the participation claimed.⁸⁶ It is therefore difficult to assess the extent to which this has influenced the process or outcome of the CRWIA, or whether or not the impact has had a positive effect. This is underpinned by Article 12(1) UNCRC, which refers to the right of the child to freely express his or her views, due weight being given ‘in accordance with the age and maturity of the child.’⁸⁷ Thus, we recommend:

Engaging directly and critically with the points raised during consultations with stakeholders and dialogue with children and ensuring that they feed into the analysis and outcome.

4.3 Feedback as a Requirement

The majority of CRWIAs do not provide evidence of feedback to children on the impact of their participation. The February 2019 update to the Scottish Government’s Guidance document advising that ‘children... should be told about the outcome of the consultation, and how their views have been taken into account and influenced any decisions made’ is commendable.⁸⁸ However, this advice has not been incorporated into the CRWIA templates, either generally or in the updated version.⁸⁹ The advisory approach to feeding back to children (by saying ‘should’) also implies that this is not an essential step.

Therefore, the Guidance document ought to be updated to require that feedback ‘must’ rather than ‘should’ be provided to children on the outcome of their participation and influence on decisions made, which should also be incorporated into the final stages of the template document to ensure the requirement is carried out. This will ensure that children’s participation is genuine as opposed to tokenistic.⁹⁰ Additionally,

⁸⁶ CRWIA: Carers (Scotland) (n 82)

⁸⁷ UNCRC (n 1) Article 12(1).

⁸⁸ Scottish Government (n 20) 39.

⁸⁹ ‘Scottish Government ‘Children’s rights and wellbeing assessments: template’, (February 2019), <https://www.gov.scot/binaries/content/documents/govscot/publications/form/2016/03/childrens-rights-wellbeing-impact-assessments-crwia-templates/documents/crwia-template---version-2---february-2019/crwia-template---version-2---february-2019/govscot%3Adocument> accessed 6 April 2019.

⁹⁰ General Comment No. 12, (n 12) para 33: the CRC has gone so far as to advise states party to the UNCRC to pass legislation requiring that explanations be given to children on the extent of consideration given to their views and the ‘consequences for the child.’

providing feedback helps to ensure that the views are taken seriously; indeed, the CRC expressed concern in its Concluding Observations to the UK that children feel they are not being listened to in matters affecting them.⁹¹ Through meaningful engagement and feedback in the CRWIA process, Scotland will be able to address this issue and work with children to ensure that they feel they are being heard.

A case study from Åland also emphasises the importance of the feedback process, arguing that ‘children who take part and communicate their opinions and points of view have the right to know what happens next: who takes their views into consideration and in what way, what has been done, what has not been done and what is happening now.’⁹² In conclusion, we recommend that:

Feedback should be provided to children on the outcome of their participation, including which issues were taken up and why.

4.4 Final Remarks

Critical engagement with children, and the stakeholders who represent them, is indispensable when carrying out CRWIAs. To achieve this, we advise that the Scottish Government firstly refine the language of CRWIAs to focus on ‘participation’ as opposed to ‘consultation’ when engaging directly with children. Secondly, the impact of any engagement with children and stakeholders should be presented in the CRWIA. Finally, both direct participation with children and feedback on the outcome of their participation should be mandatory elements of the CRWIA process.

⁹¹ General Comment No. 12, (n 12) para 45; CRC Concluding observations (n 6) para. 29(d).

⁹² Nordic Council of Ministers ‘Do Rights! Nordic perspectives on child and youth participation’ (Nordic co-operation: 2016), 83 < <http://norden.diva-portal.org/smash/get/diva2:930511/FULLTEXT01.pdf>> accessed 6 April 2019.

5. Reviewing the CRWIA Process

A major shortcoming, we have identified through the analysis of multiple CRWIAs⁹³ is the lack of *critical* analysis of a proposed legislative measure. Through evaluating various CRWIAs, it became clear that there was often only a partial engagement with the UNCRC, resulting in the uncritical conclusion that the proposed policy has no negative impact on children. Such a (potentially inaccurate) conclusion can be due to a variety of factors, such as limited amount of time to conduct the CRWIA, limited resources, or biased opinions on certain topics that require evaluation from a non-political objective.

For these reasons, we argue that the Scottish CRWIA system would benefit from the introduction of an independent panel which would allow for a full and impartial review of the CRWIAs conducted by members of the Government. As this practice has not yet been exercised in this exact framing, it would be an excellent opportunity for the Scottish Government to set a precedent and advance children's rights protection.

Furthermore, looking at other jurisdictions, there are comparable practices that tie in with the review of impact assessments. The United Nations Office on Drugs and Crime has an implementation review mechanism which allows state parties to help with the effective implementation of the Convention on Corruption. This review mechanism follows a positive approach designed to bring out good practices and identify areas that need improvement.⁹⁴ By incorporating this approach into the mandate of an independent panel, the CRWIA will benefit from the insight of an objective party, contributing to strengthening the protection of children's rights in all areas. Additionally, it would further increase consistency throughout CRWIAs.

The mandate of Belgium's Child Rights Commissioner can be linked to this recommendation. The Commissioner has the ability to advise the Flemish Parliament on certain CRIAs (referred to as JoKER in Belgium), or on the inclusion of it in general. For example, the advice given on the Housing Rental Decree is a highly critical

⁹³ Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill CRWIA (2018)

<[file:///C:/Users/s1880397/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/Temp/State/Downloads/00536593%20\(1\).pdf](file:///C:/Users/s1880397/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/Temp/State/Downloads/00536593%20(1).pdf)> accessed 6 April 2019; see page 16 of this report for discussion of a lack of critical analysis in the context of non-discrimination.

⁹⁴UNODC 'Implementation Review Mechanism (IRM)'

<<https://www.unodc.org/unodc/en/corruption/implementation-review-mechanism.html>> accessed 6 April 2019.

analysis of the decree and lists, from an objective point of view, the concerns in relation to children,⁹⁵ showcasing the importance and added value of an objective review mechanism.

Recalling the purpose of CRWIAs, which is to add an extra level of protection for children by critically evaluating a specific measure, it must be acknowledged that the ‘critical’ aspect in Scotland falls short. Yet, upholding the rule of law and a democracy which flourishes and thrives by greater implementation of human rights is only possible when critical reflection is in place. Therefore, to make Scotland truly the best place in the world for children to grow up, we recommend:

Introducing an independent expert panel to review CRWIAs in order to improve the effect on the legislative process.

⁹⁵ Kinderrechtencommissariaat, ‘Naar een kindvriendelijk woninghuurdecreet: kinderen en jongeren meer zichtbaar maken in beleid en praktijk’ (3 October 2018) <https://www.kinderrechtencommissariaat.be/sites/default/files/bestanden/advies_2018_2019_01_woninghuurdecreet.pdf> accessed 8 April 2019.

Conclusion

The Scottish Government is one of only a few worldwide to have taken up the process of applying CRiAs to the legislative and policymaking process, marking Scotland as a global leader in children's rights and well on the path to achieving its mandate 'to be the best place for children to grow up.'⁹⁶ Comparing the Scottish CRWIA-making process and output with numerous international examples and academic sources, as well as best practice in Scotland itself, we identified five key areas of improvement which the Government should take on board in order to realistically fulfil this objective. These recommendations are based on the standard set by the UNCRC and general principles in particular, and are as follows:

- **A continuous cycle of impact assessments and evaluations:** CRWIAs should be carried out *ex-ante*⁹⁷ wherever possible; should be monitored through follow-up *ex post* evaluations; and should employ a dated sign-off system to keep track of the CRWIA process.
- **Mapping the diversity of children:** The application of intersectionality to the CRWIA process is essential in order to identify key groups of children affected by the policy or legislation in question. This should be applied at an early stage, and the findings documented within the CRWIA (including which children are identified as especially vulnerable, why and how they were engaged).
- **A holistic approach to the UNCRC:** Policymakers undertaking CRWIAs should measure the impact of the policy or legislation in question against all UNCRC rights, namely by responding to a rights 'checklist' which ensures that all of the rights are considered.
- **Critical engagement:** The Government should ensure that language referring to children's engagement in the CRWIA process focuses on their 'participation' as opposed to consultation. The impact of such participation should be clear in the CRWIA, and feedback to children on the outcome of their participation ought to be a considered a requirement.

⁹⁶ Scottish Government 'Scotland Performs' <www2.gov.scot/About/Performance/scotPerforms/outcome/childfamilies> accessed 6 April 2019.

⁹⁷ Before the policy or law is implemented.

- **Review of the CRWIA process:** We recommend that the Government sets a new precedent by establishing an independent and objective mechanism for the review of CRWIAs, in order to improve the legislative process.

Some examples of best practice came from within the Scottish CRWIA system itself, such as those of the Age of Criminal Responsibility (Scotland) Bill, Best Starts Grant and from South Ayrshire Council. This proves that policymakers within the Government already have the tools to produce exemplary CRWIAs; it is therefore consistency and refinement, as opposed to reform, that is key. Moreover, during this process of review, transparency and accountability have arisen as particularly important when carrying out CRWIAs, not only to illustrate the clear reasoning behind decisions made but also to develop public trust in the Government's prioritisation of children's rights. By consistently upholding a high standard of accountability through the five recommendations outlined above, the Government will have achieved a CRWIA system that is truly set to fulfil the expectations of the UNCRC for all children in Scotland.

Annex 1: Overview of Recommendations

A continuous cycle of timely impact assessments and evaluations

- To allow for critical impact assessments and continuous monitoring, CRWIAs should be undertaken during the early stages of policy development (*ex ante*) and should be followed up through *ex post* impact evaluations.
- Upon publication, CRWIAs should use dated sign-offs to be transparent about the initial consideration and any subsequent ongoing considerations.

Mapping the Diversity of Children

- The Scottish Government should, at the initial stage of the CRWIA, conduct a thorough mapping of children or groups of children who are particularly impacted by the proposal, including due to vulnerabilities and discrimination.
- It should be ensured that children's diversity is reflected at the participation and engagement stage by including all such children or groups of children identified.
- Throughout the CRWIA process, the Government should document which children or groups of children were involved, why they were selected and the outcome of their participation.

Increase the Inclusion of the UNCRC

- Include a rights checklist which acts as a visual tool for assessors and require that, for each right engaged, an explanation is provided to ensure comprehensive inclusion of the UNCRC.
- When doing a CRWIA, the Government should take a holistic approach by considering all four general principles and how they interact with the rights in the Convention.

Critical Engagement

- Ensure that the language of the CRWIAs and Guidance document focuses on children's participation as opposed to consultation.
- Engaging directly and critically with the points raised during consultations with stakeholders and dialogue with children and ensuring that they feed into the analysis and outcome.
- Feedback should be provided to children on the outcome of their participation, including which issues were taken up and why.

Reviewing the CRWIA Process

- Introduce an independent expert panel to review the CRWIA to improve the effect on the legislative process.

Annex 2: Template for mapping children’s diversity

The proposed mapping exercise should be conducted at stage 1 of the CRWIA, before current question no 3: ‘Are there particular groups of children and young people who are more likely to be affected than others?’ This stage should be guided by the questions in figure 1⁹⁸ in order to form a foundation for deciding which children to include in the CRWIA and indicate where more data is needed for the impact analysis.⁹⁹

In practice, the mapping exercise could take the following format:

1. In the context of the proposal, which children or groups of children experience barriers to enjoying their rights and services in society due to discrimination, vulnerabilities or specific needs? Add more rows as needed.		
Children or groups of children identified	Characteristics of the children or groups of children identified	Impact of characteristics on children’s access to the benefits of the proposal
2. In light of the findings under question 1, what are the potential <u>positive or negative, direct or indirect</u> impacts of the proposal on the rights of the children or groups of children identified? Add more rows as needed.		
Children or groups of children identified	Direct or indirect positive impact of proposal	Direct or indirect negative impact of proposal
3. Have the groups identified been involved in the CRWIA process? Why/why not?		

⁹⁸ See page 11.

⁹⁹ For an example, see Barn Ombudsmannen ‘Uppnå kvalitet i beslut som rör barn och unga’ <> Accessed 6 April 2019.

Example mapping exercise:

In this example the observations made in the Equally Safe Strategy CRWIA at stage 4 are filled into our proposed mapping template.

Policy: Equally Safe Strategy		
1. Which children or groups of children experience barriers to accessing services in society due to discrimination, vulnerabilities or specific needs?		
Children or groups of children identified	Characteristics of the children or groups children identified	Impact of characteristics on children's enjoyment of the expected benefits of the proposal?
Children in minority ethnic communities	The identified often belong to ethnic minorities who may experience discrimination. Moreover, cultural issues may limit the children's access to support and protection from gender-based violence, for example due to under-reporting and stigma. ¹⁰⁰	Children in minority ethnic communities may not be able to access the services provided under the Equally Safe Strategy.
2. In light of the findings under question 1, what are the potential <u>positive or negative, direct or indirect</u> impacts on the rights of the children or groups of children identified?		
Children or groups of children identified	Direct or indirect positive impact of proposal	Direct or indirect negative impact of proposal
Children in minority ethnic communities		Without addressing barriers to access protection from GBV for Children in minority ethnic communities, the Equally Safe Strategy may fail to deliver the intended positive impact. Moreover, it may embed existing discrimination through exclusion.
3. Have the groups identified been involved in the CRWIA process? Why/why not?		

¹⁰⁰ See Together State of Children's Rights report 2016.

Annex 3: Examples for UNCRC inclusion

Example 1: New Brunswick, Canada. Includes a check list of all rights in the UNCRC in the assessment format.

Section 2: Full Children’s Rights Impact Assessment (CRIA) Complete if you answered yes to question 9 of the CRIA Preliminary Screening Form.			
<p>As a full CRIA is required, the following questions will provide key information that will serve to inform decision makers of the potential impacts of the proposal on children’s rights. It is to be an objective assessment that is evidence based and presents all of the facts.</p> <p>The basis for the CRIA is the United Nations Convention on the Rights of the Child (UNCRC). To facilitate your analysis, you can refer to the above link for the full and original language of the Convention or follow the specific links provided next to each Article below for an abbreviated interpretation of the Articles. A complete abbreviated version is appended to the end of this form.</p>			
12. Which Articles of the <i>United Nations Convention on the Rights of the Child</i> (UNCRC) are relevant?			
	Indicate in the right hand column if an Article is negatively (-) and / or positively (+) impacted. Then, expand the box and add a brief explanation directly in the space below the relevant Article for why you indicated (-) and / or (+).	Check all that apply.	
		-	+
Guiding Principles	Non-discrimination (Art-2) <i>ex: place your brief explanation here as to why you indicated (-) and / or (+). Repeat for each of the affected articles.</i>		
	Best interests of the child (Art-3)		
	Survival and maximum development (Art-6)		
	Respect for the child’s opinion (Art-12)		
Provision	Definition of the Child (Art-1)		
	Implementation of rights (Art-4)		
	Respect for parental guidance to child in exercise of rights (Art-5)		
	Name and nationality (Art-7)		
	Preservation of identity (Art-8)		
	Non-separation from parents and parental contact (Art-9)		
	Family reunification (Art-10)		
	Freedom of thought, conscience and religion (Art-14)		
	Parental responsibilities and government support (Art-18)		
	Special protection of refugee children (Art-22)		
	Special care of disabled children (Art-23)		
	Health and health services (Art-24)		
	Periodic review of placement in care (Art-25)		
	Social security (Art-26)		
	Adequate standard of living (Art-27)		
	Education (Art-28)		
Aims of education (Art-29)			
Minority and indigenous culture and religion (Art-30)			
Play, recreation, rest, leisure, cultural life and the arts (Art-31)			

Example 2: EU-UNICEF Child Rights Toolkit. Includes a list of short-, medium-, and long-term effect of each affected right/wellbeing indicator in the assessment format.

DISTINGUISHING SHORT-, MEDIUM- AND LONGER-TERM EFFECTS ON CHILDREN OF DECLINING HOUSEHOLD INCOMES			
AREA	SHORT-TERM EFFECTS	MEDIUM-TERM EFFECTS	LONGER-TERM EFFECTS
Education	<ul style="list-style-type: none"> ▪ Falling attendance ▪ Worse performance 	<ul style="list-style-type: none"> ▪ Declining enrolment ▪ Increase in dropouts ▪ Declining quality ▪ Loss of literacy after early drop-out 	<ul style="list-style-type: none"> ▪ Lower lifetime earnings for individuals with compromised education ▪ Subsequent generations do not attend school ▪ Fertility rates do not fall
Nutrition	<ul style="list-style-type: none"> ▪ Micronutrient deficiencies ▪ Wasting 	<ul style="list-style-type: none"> ▪ Stunting 	<ul style="list-style-type: none"> ▪ Malnutrition-related illness and effects on ability to learn and on next generation (low birth weight babies, unsafe deliveries)
Health	<ul style="list-style-type: none"> ▪ Increased morbidity 	<ul style="list-style-type: none"> ▪ Increased full-time work if labour market opportunities exist ▪ Risks to health and education ▪ In late adolescence, work may help transition to longer-term employment 	<ul style="list-style-type: none"> ▪ Risk of long-term poverty from lost education, lack of opportunities to acquire more lucrative skills and poor health ▪ Depending on type of work (such as the worst forms of child labour), long-term emotional impacts and social isolation
Child labour	<ul style="list-style-type: none"> ▪ Increased casual or part-time work ▪ Increased substitution for adults in domestic activity 	<ul style="list-style-type: none"> ▪ Increased full-time work if labour market opportunities exist ▪ Risks to health and education ▪ In late adolescence, work may help transition to longer-term employment 	<ul style="list-style-type: none"> ▪ Risk of long-term poverty from lost education, lack of opportunities to acquire more lucrative skills and poor health ▪ Depending on type of work (such as the worst forms of child labour), long-term emotional impacts and social isolation
Emotional well-being	<ul style="list-style-type: none"> ▪ Children often protected from adult stress initially 	<ul style="list-style-type: none"> ▪ Children affected by adult stress, family conflict and increased likelihood of separation 	<ul style="list-style-type: none"> ▪ Mental health problems ▪ Greater use of drugs and alcohol ▪ Greater risk of suicide

Example 3: South Ayrshire, Scotland. Includes a justification for each individual right that is affected in its impact assessment format.

ARTICLE	UNCRC	IMPACT
Article 1:	Child: The UNCRC defines a child as anyone under the age of 18.	The decision is neutral as it affects all children and young people in South Ayrshire schools, who engage with the IMS, irrespective of their age.
Article 2:	Non-discrimination: Children should not be discriminated against in the enjoyment of their rights because of the situation or status of their parent(s) or carer(s).	<p>It is possible that some parents or carers may be unable to pay the fees for the IMS and some children, will thereby, and be prevented from receiving IMS.</p> <p>However, the impact of the decision is mitigated by offering exemptions and concessions to the fees which means that children and young people will not be discriminated against because of the financial circumstances of their parents or carers.</p> <p>Since the decision, individual Head Teachers and the Principal Teacher of IMS, have taken steps to engage with, parents and carers whose financial circumstances, may not meet the exemption criteria, and to signpost them to organisations that may be able to offer financial assistance to assist them in paying the fees⁸.</p>
Article 3:	Best interests of the child: Every decision and action taken relating to a child must be in their best interests.	The SAIMS continues to work with young people, teachers, instructors, parents and carers to review and improve the IMS over the next 2 years to continue to ensure that children's and young people's rights to participate are supported and respected and their views will inform future review and evaluation by ensuring the best interests of children are taken into account in future planning for the SAIMS.
Article 4:	Protection of rights: Governments should undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the UNCRC. With regard to economic, social and cultural rights, states:	<p>The decision took account of the need to continue to provide the IMS free to as many children and young people as possible, whilst balancing the financial implications of widespread budget cuts across public services.</p> <p>The decision therefore respects and protects Article 4 rights by continuing the IMS, and only charging fees to those families who are able to afford to pay them; and offering assistance to the maximum extent of available resources.</p>

Annex 4: List of (International) Examples

Austria (German)

Bundeskanzleramt (n.d.) Jugendcheck, <https://www.frauen-familien-jugend.bka.gv.at/jugend/jugendpolitik/jugendcheck.html>

Bundeskanzleramt (n.d.) Kinderrechte: Jugendcheck
<https://www.kinderrechte.gv.at/kinderrechte-in-osterreich/jugendcheck/>

Flanders, Belgium (Flemish)

Kenniscentrum Kinderrechten (2012) Evaluatie van de kind- en jongereneffectrapportage (JoKER), <https://www.keki.be/sites/default/files/JoKER%20-%20Advies.pdf>.

Vlaamse Overheid (2018) Kind- en jongereneffectrapport (JoKER) bij het voorontwerp van decreet houdende instemming met het samenwerkingsakkoord betreffende de classificatie van films, vertoond in Belgische bioscoopzalen, <https://www.vlaanderen.be/nbwa-news-message-document/document/09013557802541bd>.

Vlaamse Overheid (2017) Handleiding voor de opmaak van een kind- en jongereneffectrapport
http://www.sociaalcultureel.be/jeugd/jeugd_kinderrechtenbeleid_doc/20171012-JoKER_handleiding.pdf.

New Brunswick, Canada

Office of the Child and Youth Advocate (2016) Child Rights Impact Assessments: A Primer for New Brunswick, http://cwrp.ca/sites/default/files/publications/en/nb_cria_primer_0.pdf.

Government of New Brunswick (2015) Children's Rights Impact Assessment (CRIA), <http://criacommunity.org/knowledge-base/childrens-rights-impact-assessment-government-of-new-brunswick-canada-form/>

UNICEF Canada (2015) Tools for Child Rights Impact Assessment, http://criacommunity.org/wp-content/uploads/gravity_forms/1-1baf9042c4fceeee12b9dcd57a5f0b68/2015/10/CRIA.Tools_.2015.pdf.

New Zealand

New Zealand Government, 'Child Impact Assessment Tool' (nd), <https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/resources/child-impact-assessment.html>.

New Zealand Government (n.d.) Child Impact Assessment: Best Practice Guideline, <https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/monitoring/uncroc/uncroc-guideline-a3-.pdf>.

North Ayrshire, Scotland

North Ayrshire Council, 'Equality policy and performance' (2018), <https://www.north-ayrshire.gov.uk/council/strategies-plans-and-policies/equality-policy-and-performance.aspx>

South Ayrshire, Scotland

South Ayrshire Council, 'CRWIA: South Ayrshire Instrumental Music Service' (2018), <https://ww20.south->

ayrshire.gov.uk/ext/committee/committeepapers2018/Partnership%20Panel/21%20November%202018/DOC%2020180831%20South%20Ayrshire%20Instrumental%20Music%20Service%20CRWIA_Redacted.pdf.

Sweden and Åland

Ministry of Health and Social Affairs Sweden and Louise Sylwander (January 2001)

http://www.manskligarattigheter.se/dm3/file_archive/020523/d18c33283b29d7cbb15d9bb65d1db726/barn%20Child%20Impact%20Assessments.pdf

Barn Ombudsmannen 'Uppnå kvaliteten i beslut som rör barn och unga'

https://www.barnombudsmannen.se/globalassets/dokument-for-nedladdning/publikationer/faktablad/faktablad2_uppna11.pdf

Rädda Barnen Åland 'Vägledning: Bedömning av konsekvenser för barn och ungdomar' (2016)

www.raddabarnen.ax/application/files/3614/5857/0411/Bedomning_av_konsekvenser_for_barn_och_ungdomar.pdf

Linus Bengtsson, *Handbok för barnkonsekvensanalyser i Svenska Kyrka* (2012)

[https://www.svenskakyrkan.se/Sve/Bin%C3%A4rfiler/Filer/Handbok%20f%C3%B6r%20barnkonsekvensanalys\(1\).pdf](https://www.svenskakyrkan.se/Sve/Bin%C3%A4rfiler/Filer/Handbok%20f%C3%B6r%20barnkonsekvensanalys(1).pdf)

Wales

Llywodraeth Cymru/Welsh Government (n.d) Children's Rights Impact Assessment (CRIA) Template, <https://gov.wales/sites/default/files/consultations/2018-01/151016cria1en.pdf>.

Llywodraeth Cymru/Welsh Government (2017) CRIA on 'Reform of School Governance', https://gov.wales/sites/default/files/consultations/2018-01/161110_annexe_en.pdf

Llywodraeth Cymru/Welsh Government (2014) Children's Rights Scheme 2014, <https://gweddill.gov.wales/docs/dsjlg/publications/cyp/140501-childrens-rights-scheme-2014-en.pdf>

UNICEF

UNICEF and European Union (2014) EU-UNICEF Child Rights Toolkit: Integrating Child Rights in Development Cooperation, <https://www.unicef.org/eu/crtoolkit/downloads/Child-Rights-Toolkit-Web-Links.pdf>.

6. Bibliography

- Anne Power 'Social inequality, disadvantaged neighbourhoods and transport deprivation: an assessment of the historical influence of housing policies' (2012) 21 *Journal of Transport Geography* 39.
- Barn Ombudsmannen 'Uppnå kvalitet i beslut som rör barn och unga' <<https://www.barnombudsmannen.se/barnombudsmannen/publikationer/genomfora-barnkonventionen/barnkonsekvensanalyser-uppna-kvalitet-i-beslut-som-ror-barn-och-unga/>> accessed 6 April 2019.
- Children's Parliament 'All Children Should be Healthy, Happy and Safe, a Children's Parliament consultation with children with disabilities about their rights' (2016) <<https://www.childrensparliament.org.uk/wp-content/uploads/Children-with-Disabilities-Report-for-CYPCS-Final-2016.pdf>> accessed 6 April 2019.
- CRC 'Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland' (3 June 2016) UN doc: CRC/C/GBR/CO/5.
- CRC, 'General Comment No. 5 (2003) General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6)' UN Doc CRC/GC/2003/545.
- CRC 'General Comment No. 12 (2009) on the right of the child to be heard' (20 July 2009) UN Doc CRC/C/GC/12.
- CRC, 'General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para 1) UN Doc CRC/C/GC/14.
- E. Kay M. Tisdall 'Children and Young People's Participation: A critical consideration of article 12' in Vandenhoe, E Desmet, D & S Lembrechts (ed), *Routledge International Handbook of Children's Rights Studies* (Routledge, London: 2015).
- Elaine E. Sutherland 'The Child's Right to Life, Survival and Development: Evolution and Progress' (2015) 26 *Stellenbosch Law Review* 272.
- Equality Act (2010).
- Equality Impact Assessment for the Vulnerable Witnesses Bill <<https://www.gov.scot/publications/vulnerable-witnesses-criminal-evidence-scotland-bill-equality-impact-assessment/>> accessed 6 April 2019.

European Union Agency for Fundamental Rights 'Mapping child protection systems in the EU' (February 2015) <
<https://fra.europa.eu/en/publication/2015/mapping-child-protection-systems-eu>> accessed 30 March 2019.

Government of New Brunswick 'Children's Right Impact Assessment (CRIA) tool' (January 2015) <http://criacommunity.org/wp-content/uploads/gravity_forms/1-1baf9042c4fceeee12b9dcd57a5f0b68/2015/10/13.11CRIAInitialScreeningFormInitialFullAssessment-e.pdf> accessed 6 April 2019.

Jaime Grant, Lisa Mottet and Justin Tanis 'Injustice at every turn: A report of the national transgender discrimination survey' (National Center for Transgender Equality: 2011)
<https://transequality.org/sites/default/files/docs/resources/NTDS_Report.pdf> accessed 6 April 2019.

Kinderrechtencommissariaat, 'Naar een kindvriendelijk woninghuurdecreet: kinderen en jongeren meer zichtbaar maken in beleid en praktijk' (3 October 2018)
<https://www.kinderrechtencommissariaat.be/sites/default/files/bestanden/advies_2018_2019_01_woninghuurdecreet.pdf> accessed 8 April 2019.

Kutsar and Warming *Children and Non-discrimination, interdisciplinary textbook* (University Press of Estonia: 2014).

Linus Bengtsson, *Handbok för barnkonsekvensanalyser i Svenska Kyrka* (Svenska Kyrkan: 2012).

Lisa Payne 'Child Rights Impact Assessment (CRIA): A review of comparative practice across the UK' (UNICEF UK: June 2017)
<https://www.unicef.org.uk/wp-content/uploads/2017/09/Unicef-UK-CRIA-comparative-review_FOR-PUBLICATION.pdf> accessed 10 April 2019, 17.

Lisa Payne, 'Child Rights Impact Assessment as a policy improvement tool' (2019) 1 *The International Journal of Human Rights* 11.

Louise 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 for Health and Social Affairs, Sweden and Swedish ministry for Foreign Affairs, Sweden Stockholm: 2001).

- Manfred Nowak 'Article 6: The Right to Life, Survival and Development' in André Alen et al. (eds) *A Commentary on the United Nations Convention on the Rights of the Child* (Martinus Nijhoff Publishers: 2005).
- Nordic Council of Ministers 'Do Rights! Nordic perspectives on child and youth participation' (Nordic co-operation: 2016) < <http://norden.diva-portal.org/smash/get/diva2:930511/FULLTEXT01.pdf>> accessed 6 April 2019.
- Nura Taefi 'The Synthesis of Age and Gender: Intersectionality, International Human Rights Law and the Marginalisation of the Girl-Child' (2009) 17 *International Journal of Children's Rights* 3.
- Office of the Child and Youth Advocate (2016) *Child Rights Impact Assessments: A Primer for New Brunswick*, <http://cwrp.ca/sites/default/files/publications/en/nb_cria_primer_0.pdfhttp://www.cyanb.ca/images/PDFs/CRIA_Primer_New_Brunswick.pdf,> accessed 10 April 2019.
- Rädda Barnen Åland 'Vägledning: Bedömning av konsekvenser för barn och ungdomar' (2016) <www.raddabarnen.ax/application/files/3614/5857/0411/Bedomning_av_konsekvenser_for_barn_och_ungdomar.pdf> accessed 2 March 2019.
- Renewal of the Youth and Children Rights Policy Bill (Belgium) (Decreet houdende een vernieuwd ieugd en kinderrechtenbeleid) <http://www.sociaalcultureel.be/jeugd/regelgeving_VJKB/20180101bis_decreet-vernieuwdJKRB_gecoördineerd.pdf?fbclid=IwAR3hK_SvQ_elc9sk-3jcAxyqtAfkAdCxKqsvBr9JjklvLGxwoCubnfeb95Ck> accessed 10 April 2019.
- Samantha Besson, 'The Principle of Non-Discrimination in the Convention on the Rights of the Child' (2005) 13 *The International Journal of Children's Rights* 433.
- Save the Children Sweden 'A Guide to Non-Discrimination' (2014), <https://resourcecentre.savethechildren.net/node/8532/pdf/making20it20equal_web.pdf> accessed 4 March 2019.
- Scottish Government CRWIA: Best Start Grant (2018) <<https://www.gov.scot/publications/childrens-rights-wellbeing-impact-assessment-crwia-early-years-assistance-best/>> accessed 7 April 2019

Scottish Government CRWIA: Carers (Scotland) Act 2016 (2018)
<<https://www.gov.scot/publications/carers-scotland-act-2016-childrens-rights-wellbeing-impact-assessment/>> accessed 6 April 2019.

Scottish Government CRWIA: Child Poverty (Scotland) Bill (2017),
<<https://www.gov.scot/publications/childrens-rights-wellbeing-impact-assessment-child-poverty-scotland-bill/>> accessed 6 April 2019.

Scottish Government 'Children's Rights and Wellbeing Assessments: template',
(February 2019),
<<https://www.gov.scot/binaries/content/documents/govscot/publications/form/2016/03/childrens-rights-wellbeing-impact-assessments-crwia-templates/documents/crwia-template---version-2---february-2019/crwia-template---version-2---february-2019/govscot%3Adocument>> accessed 6 April 2019.

Scottish Government CRWIA: Enhanced oversight of biometric data consultation.

Scottish Government CRWIA: Equally Safe Strategy.

Scottish Government CRWIA: Fuel Poverty Bill and Strategy (2018).

Scottish Government CRWIA: Functions of Health Boards (Scotland) Amendment Order (2017)
<<https://www.gov.scot/binaries/content/documents/govscot/publications/publication/2017/10/child-rights-wellbeing-impact-assessment-crwia-functions-health-boards-scotland/documents/00525318-pdf/00525318-pdf/govscot%3Adocument>> accessed 6 April 2019.

Scottish Government CRWIA Guidance (February 2019).

Scottish Government CRWIA: Human Tissue (Authorisation) Bill (2018).

Scottish Government CRWIA: Landlord Registration Guidance for Local Authorities (2017).

Scottish Government CRWIA: Management of Offenders (Scotland) Bill (Rehabilitation of Offenders) (2018)
<<https://www.gov.scot/publications/management-offenders-scotland-bill-childrens-rights-wellbeing-impact-assessment-rehabilitation/>> accessed 6 April 2019.

Scottish Government CRWIA: Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill CRWIA (2018)
<<file:///C:/Users/s1880397/AppData/Local/Packages/Microsoft.MicrosoftEdge>

[8wekyb3d8bbwe/TempState/Downloads/00536593%20\(1\).pdf](#)> accessed 6 April 2019.

Scottish Government 'Scotland Performs'

<[www2.gov.scot/About/Performance/scotPerforms/outcome/childfamilies](#)>
accessed 6 April 2019.

Scottish Government CRWIA: South of Scotland Enterprise Bill (2019)

<<https://www.gov.scot/publications/south-scotland-enterprise-bill-child-rights-wellbeing-impact-assessment/>> accessed 6 April 2019.

Scottish Government CRWIA: Stop and Search Code of Practice (Appointed Day) (Scotland) Regulations 2017.

Scottish Government CRWIA: Strategic Police Priorities for Scotland.

Scottish Government 'When and how best to use the Child Rights and Wellbeing Impact Assessment (CRWIA): Guidance' (February 2019) (Scottish Government CRWIA Guidance)

<<https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2015/06/childrens-rights-wellbeing-impact-assessments-crwia-guidance/documents/crwia---guidance-for-scottish-government-officials---version-2---february-2019/crwia---guidance-for-scottish-government-officials---version-2---february-2019/govscot%3Adocument>> accessed 6 April 2019.

South Ayrshire Council CRWIA: South Ayrshire Instrumental Music Service (2018)

<https://www20.south-ayrshire.gov.uk/ext/committee/committeepapers2018/Partnership%20Panel/21%20November%202018/DOC%2020180831%20South%20Ayrshire%20Instrumental%20Music%20Service%20CRWIA_Redacted.pdf> accessed 6 April 2019.

The Children and Young People (Scotland) Act 2014.

Together State of Children's Rights Report 2016.

Tumaini R. Coker, Bryan Austin and Mark A. Schuster 'The Health and Health Care of Lesbian, Gay and Bisexual Adolescents' (2010) Annual Review Public Health 31.

<https://www.annualreviews.org/doi/full/10.1146/annurev.publhealth.012809.103636?url_ver=Z39.88-2003&rfr_id=ori%3Arid%3Acrossref.org&rfr_dat=cr_pub%3Dpubmed>
accessed 6 April 2019.

UNICEF and EU, 'Module 5: Child Impact Assessment' in *Child Rights Toolkit: Integrating Child Rights in Development Cooperation* 5-6, <<https://www.unicef.org/eu/crtoolkit/toolkit-module5.html>>, accessed 16 March 2019.

UNICEF 'How we protect children's rights' <<https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>> accessed 6 April 2019.

United Nations Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (UNCRC).

UNODC 'Implementation Review Mechanism (IRM)' <<https://www.unodc.org/unodc/en/corruption/implementation-review-mechanism.html>> accessed 6 April 2019.

Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill.

WorldVision, 'What Next? Ways forward for children's and young people's participation' (November 2014) <<https://www.worldvision.de/sites/worldvision.de/files/pdf/Studie%20WVI%20Kinderbeteiligung.pdf>> accessed 6 April 2019.