



Independent

Children's Rights Impact Assessment

- for children

What is a Children's Rights Impact Assessment?

A Children's Rights Impact Assessment, or **CRIA**, is an important list of questions, which should be used by people in power to make sure their ideas, decisions and actions respect children's human rights.

Your human rights are protected by a law called the United Nations Convention on the Rights of the Child (**UNCRC**).

***“Children's rights
are important,
very important!
It's actually a bit
of care and
love for you!”***

– Member of Children's Parliament, age 6

Why is a CRIA important?

Adults in power often make decisions that affect people, like laws and policies.

A **policy** is something that adults in power want to happen. For example, a government might have a policy that the best way to prevent a virus spreading is for people to stay at home as much as possible.

A **law** sets rules so that a policy can work. It tells people that they can't do something, or sometimes that they must do something. So the law might say that if you leave your house without a good excuse you will be fined. When they do this, they do not always think about the effects these decisions will have on children and young people. We call these effects the **impact** of a decision.

A CRIA helps adults in power think about all the ways a new idea for a law or policy might change children's lives. The new idea might make your lives better or worse. This is called having a **positive** (good) or **negative** (bad) impact.

A CRIA can then help adults in power make changes to their idea. They can do this before their decision is final, to make sure it does not cause children any harm.

Sometimes, decisions might affect children in different ways or disrespect the rights of certain groups of children—like disabled children or children who might need extra help. A CRIA can help people spot where their idea may make life unfair for some groups of children, and find ways to change this so every child's rights are respected.

What is the Independent Children's Rights Impact Assessment?

CRIAs are usually done by people in power making decisions that affect children. They answer the questions in the CRIA when they are planning a new law or policy and publish their answers so anyone can read them. It shows if they have kept their promises to

respect children's human rights. If they have not, children and adults can stand up and challenge them.

In Scotland, the Children and Young People's Commissioner's job is to be a fierce champion for children and

to protect and promote children's human rights. During the coronavirus pandemic, the Commissioner, along with many other people, saw that both the United Kingdom Government and the Scottish Government had made lots of new laws very quickly to protect people from the risk of the virus, and to protect their human rights to life and health. But they had not completed CRIAs for many of these new laws to think about their impact on children's human rights.

The Commissioner asked a group of children's rights experts called the **Observatory of Children's Human Rights Scotland** to do their own CRIA

on the new laws. Because this CRIA was not done by the adults who made these new laws, the Observatory called it an **Independent CRIA**.

This Independent CRIA shows what the Scottish Government still needs to do to protect children's rights. It also shows where their decisions have made positive and negative changes for children.

Where they have made positive changes, the Observatory can say so. Where they have made negative changes, they can be challenged to make things better.



The UN Committee's Recommendations

The United Nations Committee on the Rights of the Child is a group of children's rights experts who check on how well countries are doing in keeping their human rights promises under the UNCRC.

At the beginning of the coronavirus pandemic, they wrote a list of **recommendations** for leaders across the world. These were eleven ways leaders could respect and look after children's rights when making decisions during the coronavirus pandemic.

- 1 *Understand what the pandemic means for children's rights to health, education, care, and a safe place to live. Understand what it means for children's right to support for their basic needs when they are living in poverty.*
- 2 *Explore new, creative ways for children to enjoy their right to play and rest.*
- 3 *Make sure all children can still be educated. Help them to keep in touch with their teachers and get extra support so that online learning doesn't leave anyone out (for example, children without digital technology and devices, or children who don't have Internet at home.)*
- 4 *Make sure all children have enough healthy food.*
- 5 *Make sure children have clean water to drink, a clean and safe place to live, and access to health care.*
- 6 *Make sure children can get help and support at any time if they are feeling unsafe or unhappy. This might be from the police, social workers, teachers, lawyers or mental health experts.*
- 7 *Protect children with difficult home lives and make sure no child is unsafe.*
- 8 *Release children in prison or secure care centres whenever possible. For children who cannot be released, they must be able to keep in regular contact with their families.*

For some children a decision will have been made that they have to stay somewhere for a while where they cannot choose to leave. Where children are in prison or secure care because they cannot live at home, then the Government should move them to a smaller place to live if it is a safer place for them.
- 9 *Make sure children and young people are not arrested for breaking laws and rules about coronavirus, and that they are given help to stay safe.*
- 10 *Give children clear, child-friendly information about coronavirus and how to stop infection. Make sure this information is shared in different ways and in different languages.*
- 11 *Make sure children's views and experiences are heard and listened to in all decisions being made about new laws and rules about coronavirus.*

The group of experts at the Observatory of Children's Human Rights Scotland used this list to understand if Scottish Government's coronavirus decisions have respected children's human rights.

They looked at children and young people's views and experiences of the pandemic and also at research that has been done to understand how the pandemic is affecting people.

On the next pages you can read about what they discovered and which Article of the UNCRC is important to each of the findings.

Key: Impact of Scottish Government's coronavirus laws and policies on children's rights.

✓ = Positive (good) impact. This shows how laws and policies have respected children's rights.

— = Neutral (in the middle) impact. This shows how laws and policies have respected some children's rights, but disrespected others at the same time.

✗ = Negative (bad) impact. This shows how laws and policies have disrespected children's rights.

Physical Health

- ✓ To stop the spread of coronavirus, Scottish Government closed some schools, offices, museums, parks and other public places and told people to stay at home. This protects children's human right to health (Articles 6, 24).
- ✗ With sports clubs, swimming pools and play parks being closed and everyone spending more time indoors, many children have not been getting enough physical activity (Articles 24, 31).
- ✗ Although health centres and hospitals stayed open, children might not be getting medical or dental treatment as often or as easily as they need (Article 24).
- ✗ Children who need vaccinations (Article 6) or special treatments for their health might also not be getting the treatment they need (Articles 23, 24).
- ✗ Gypsy/Traveller children and children living in poverty or temporary houses might not have access to hot water and soap supplies (Articles 24, 27).

Mental Health

- ✓ Scottish Government still provides some support to children and young people with mental health issues (Articles 6, 20, 23, 24).
- ✗ Children are having more mental health worries and problems than before the pandemic. It can be difficult for children to get mental health support from experts or find information about how or where to get support (Article 24).
- ✗ Children might not feel safe or able to discuss their mental health online or by telephone when they are at home (Articles 12, 24, 39).

Education (General)

- ✓ Some nurseries, schools, colleges and universities were closed to stop the spread of coronavirus and protect children and adults' rights to health (Articles 6, 24).
- ✗ Children and young people have not had a say in decisions about their education during the pandemic (Article 12).
- ✗ Most children and young people have been learning at home. This has been difficult for lots of children and young people – especially those struggling with online learning, those whose parents/carers are struggling to help, or those moving to a new class, school, college, university or job. Many children who could or should have been going to hubs did not go (Articles 28, 29).
- ✗ The decision to cancel exams (without speaking to young people first) has left a lot of young people feeling ignored, disappointed and worried about their future. Young people worry that some teachers might not be fair when giving final grades to their pupils (Articles 3, 12).

Poverty, Food and Digital Access

- Councils are still giving free school meals to children who receive them at school, but some children might be missing out (Article 27). This is because of the different ways Councils supply meals to children. Some give vouchers for certain shops, but this is difficult for children and their families if they don't live near those shops.
- ✗ Some children are going hungry because their family doesn't have enough money to buy enough healthy food for everyone (Articles 6, 24, 27).

- ✗ Some children's parents or carers have lost their jobs or struggled to keep working because of the new laws and policies. More children and families are struggling with money and needing support from the government (Articles 26, 27).
 - ✗ Some children are living in housing that is crowded, unsafe and unclean (Article 27), or without the things they need to learn, play and keep healthy while at home (Articles 24, 28, 31).
 - ✗ Many children do not have good access to digital technology like a laptop or tablet or are not able to get on the internet. Because of this they struggle to learn online, have their say, keep in touch with friends and family, and access information or help if they need it (Articles 12, 13, 17, 26, 28, 29).
 - ✗ Black, Asian and Minority Ethnic (BAME), refugee and Gypsy/ Traveller children may be especially affected (Article 2).
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Play

- ✓ For some children, staying at home has meant more time for hobbies, playing, exercising and relaxing (Article 31).
- There are opportunities for children to use digital technology to play, create, and connect with friends and the clubs they were part of before the lockdown. However, children without good access to digital technology or the Internet are left out (Articles 13, 31).
- ✗ Closed public buildings, play parks and activity clubs mean many children are feeling lonely and isolated from their friends while they stay at home (Article 13).

- ✗ Some children have not been able to enjoy outdoor or green spaces because they do not have a garden or park nearby, or an adult to go outdoors with them (Articles 27, 31).
 - ✗ Playing indoors is difficult for children who don't have much space at home, or who don't have many things to do there (Articles 27, 31).
 - ✗ Children who care for family members have found they don't have time to play, exercise or keep in touch with friends (Articles 13, 31)
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Child Protection and Domestic Abuse

- Children's Hearings are taking place online, but this is not enough to make sure children have their say. Decisions about individual children are being made without that child being involved. (Articles 12, 19, 25, 40).
- ✗ Some children are unsafe at home and might be experiencing violence, abuse or neglect from other people in their house (Articles 6, 19, 34).
- ✗ Children, young people and their families have less access to support and safe spaces outside of their house (Articles 6, 19, 34).
- ✗ Stress is affecting some children and families who aren't getting the support they need, especially if they are struggling for money too (Articles 6, 19, 34).
- ✗ Children might experience more online bullying or abuse (Articles 2, 17, 19, 34, 36).

Children with Disabilities and Additional Support Needs

- ✓ It can be difficult for children with certain disabilities to follow the new physical distancing rules, so Scottish Government has made exceptions for people with certain health conditions. This includes people with learning difficulties and people with autism (Articles 2, 23).
- ✗ There might be delays for children and young people with disabilities and additional support needs who are moving to a new school or adult services. This means they won't get the support they need (Articles 23, 28, 29).
- ✗ Children with disabilities or additional support needs might not have the support or equipment they need to learn and play at home (Articles 23, 28, 29, 31).
- ✗ Children with disabilities or additional support needs have not had their say in decisions being made about new laws and policies (Article 3, 12).

Children in Detention/Secure Care Centres

- ✗ Young people aged 16 and 17 are being classed as adults despite being children until the age of 18 (Article 1). They can be sent by a judge in court to a type of prison called a Young Offenders Institution (YOI).
- ✗ Visits to all prisons, YOIs and secure care centres have been stopped. Children and young people who live in these places can't see their families. Children and young people who have a family member in prison are not able to see them either (Article 37).

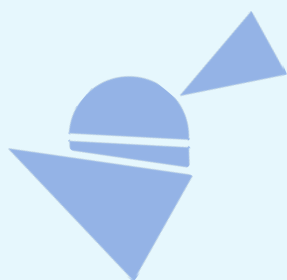
- ✗ Digital technology is not always being used in prisons, which means children and young people cannot keep in contact with their families easily. Young people in prison might have trouble accessing social workers, mental health services, information on their rights and the pandemic and education (Articles 28, 29, 37, 42).
- ✗ Children and young people who have broken coronavirus rules have been fined or arrested by the police. This means they will have a criminal record (Articles 3, 40).
- ✗ Delays in courts processes could lead to children being treated in the same way as adults (Article 1).

What happens next?

We will use the information in the CRIA to challenge decision-makers on issues where children's human rights are not respected in the laws and rules they have made.

It is an important time for children's human rights in Scotland. The Scottish Government has decided to

make children's human rights in the UNCRC part of the law of the country. This is called **Incorporation of the UNCRC**. Once incorporation happens later this year, adults in Scotland will have to make sure that children's human rights are made real. When children do not get their rights, this can be challenged.



If you're worried

If you have any questions or worries about what you've read in this report you could talk to a parent or carer or trusted adult in your family.

[Find out about what can help if you are worried about coronavirus at ChildLine.](#)

You can also contact **ChildLine** free by 'phone on **0800 1111**

You may have questions or worries about your human rights. If you do, you can contact the **Children and Young People's Commissioner** free on **0800 019 1179** or by text on **0770 233 5720** (texts charged at standard network rate).

About this report

This report has been created by [Children and Young People's Commissioner Scotland](#) and [Children's Parliament](#).

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