

Child Rights Impact Assessment (CRIA) tool

Key considerations when using the tool:

- **Confirmation bias:** Care should be taken to avoid bias when assessing positive and negative impacts by exploring all available research and evidence before making judgements.
- **Knowledge:** Policy/decision-makers undertaking a CRIA require a general understanding of human rights and the CRC.
- **Capacity:** Sufficient resources and time must be allocated to collecting appropriate information and completing a rights-based analysis, including by having access to expert advice; tools to guide and shape the process; access to relevant data sets; and a clear expectation of involving children.
- **Identifiable information:** No identifiable information should be included in a CRIA.

Policy/legislation name:

Date:

Responsible government agency/department:

Key contact:



Australian
Human Rights
Commission

Stage 1: Screening

Question 1: Describe the issue being addressed and the overall aim of the policy/legislation.

Some policies/legislation have more than one issue impacting on children's rights. Where this occurs, it may be beneficial to screen each issue independently, rather than attempting to explore all issues together.

Question 2: Using the checklist below, identify whether children's rights are likely to be advanced or restricted by the policy/legislation.

All the rights included in the [Convention on the Rights of the Child](#) (CRC) are necessary to the basic development of a child. No one right is given more importance than any other. They function as integrated components. While individual rights are identified in this section, they may impact all aspects of a child's or family's life.

A direct impact on children's rights refers to policy/legislation that explicitly impacts on a child's life. For example:

- If the policy/legislation changes how children and families access school and early childhood education (i.e. COVID-19 school closures), the right to education is impacted.
- If the policy/legislation results in the redevelopment of community and recreational spaces (i.e. replacing parks with commercial office spaces), the right to rest and leisure is impacted.
- If the policy/legislation results in the collection of personal information that relates to children, the right to privacy is likely to be engaged.

An indirect impact on children's rights occurs where policy/legislation predominantly impacts on those other than children, but children are impacted as a consequence. For example:

- If the policy/legislation impacts the ability of a parent to care for their child (i.e. mandatory sentencing), the best interests of that child must be considered as their wellbeing will be impacted as a result.
- If the policy/legislation impacts on parental access to social or economic benefits, a number of children's rights may be impacted as a consequence of their parent being unable to afford basic necessities.

Refer to the [CRC](#) to add more rights, if impacted.

Rights

Advanced

Restricted

Negligible or no impact

Article 2 right to non-discrimination

Article 3 right to best interests of the child

Article 6 right to life, survival and development

Article 12 right to express own views freely and for those views to be given due weight and respect

Question 3: Using the checklist below, are there particular groups of children (including their families and carers) who are more likely to be impacted by the policy/legislation?

- Aboriginal and Torres Strait Islander children
- Culturally and linguistically diverse children (CALD)
- Children with a disability
- LGBTIQA+ childrenⁱ
- Children experiencing homelessness
- Children in the child protection system
- Children in the youth justice system
- Children from refugee or asylum-seeker backgrounds
- Children living in regional or remote areas
- Children living in low socio-economic households
- Other... please describe:
- Not applicable

Question 4: Based on the findings of the screening, is a full impact assessment required? If yes, continue to Stage 2. If no, end here.

A full assessment is required if there is clear indication that the policy/legislation will impact on the rights of children or specific groups of children. If the policy/legislation does not engage with children’s rights, the impact will be negligible or there are only positive impacts, the assessment may be ended here.

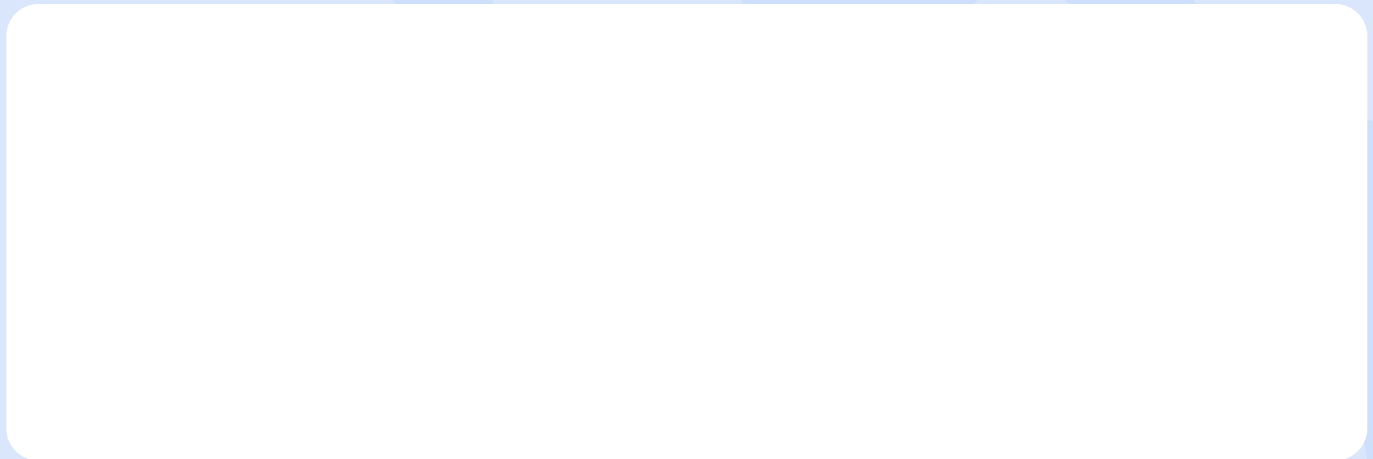
Yes No If no, briefly explain reasoning.

ⁱ Australian Institute of Family Studies, *LGBTIQA+ glossary of common terms*; CFCA Resource Sheet (Web Page, February 2022) <https://aifs.gov.au/sites/default/files/publication-documents/22-02_rs_lgbtiqa_glossary_of_common_terms_0.pdf>.

Stage 2: Identifying sources of information

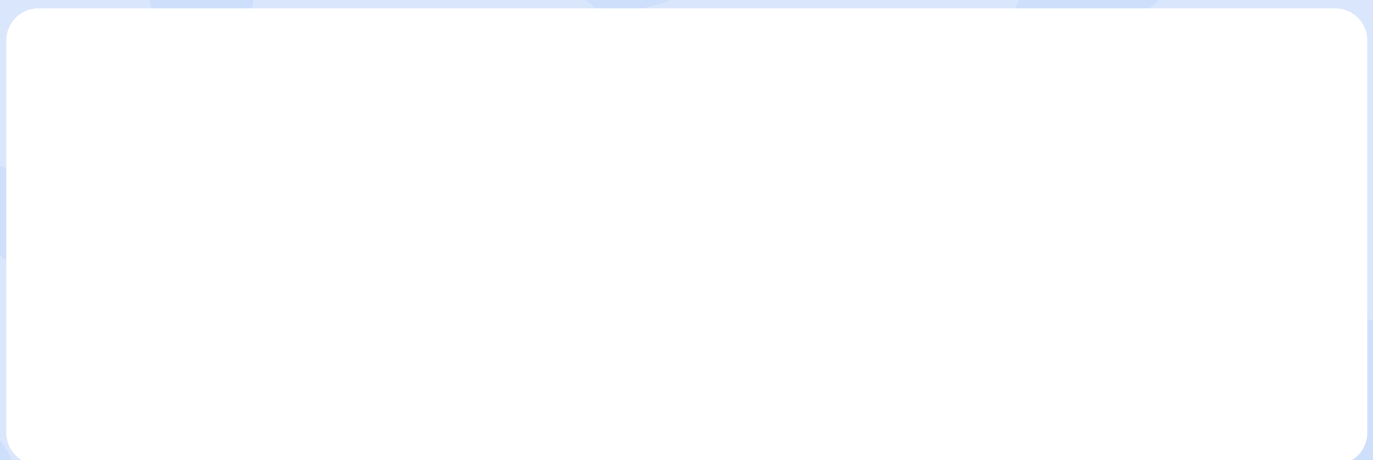
Question 5: What types of information are available in order to make an assessment on the potential impacts of the policy/legislation?

This can be information on issues specific to the policy/legislation, as well as information on similar issues, policies or legislation. For example, similar policy/legislation may be used as evidence to show outcomes of advancing or restricting certain rights.



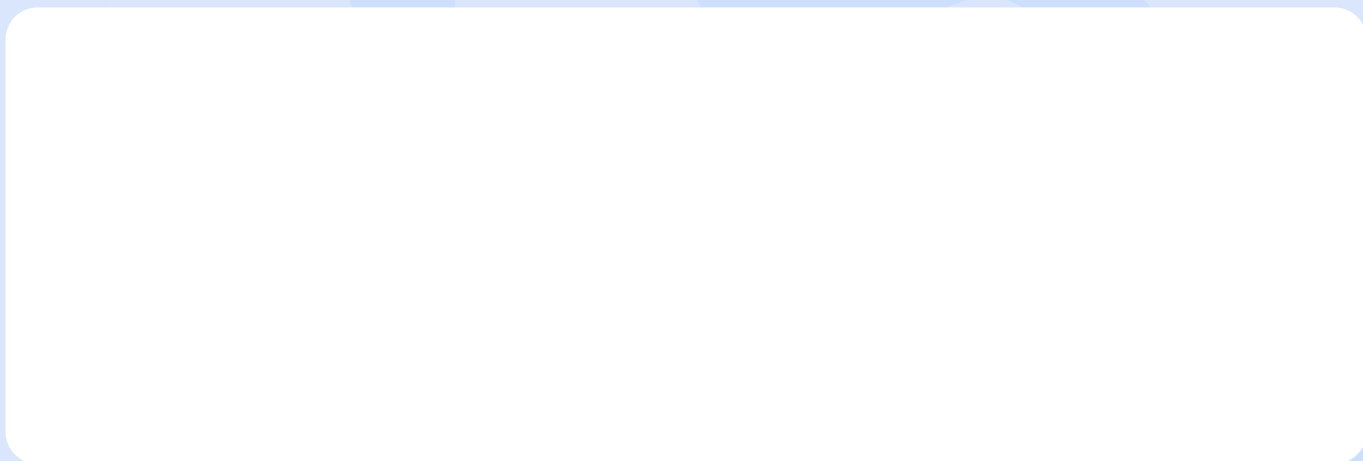
Question 6: What types of information are missing that would be beneficial to this assessment?

It may be beneficial to consider whether similar policy/legislation has been used in the past and whether there were any evaluations. Academic and grey literature (reports, working papers, government documents, policy documents, white papers, working papers, conference proceedings) is also useful.



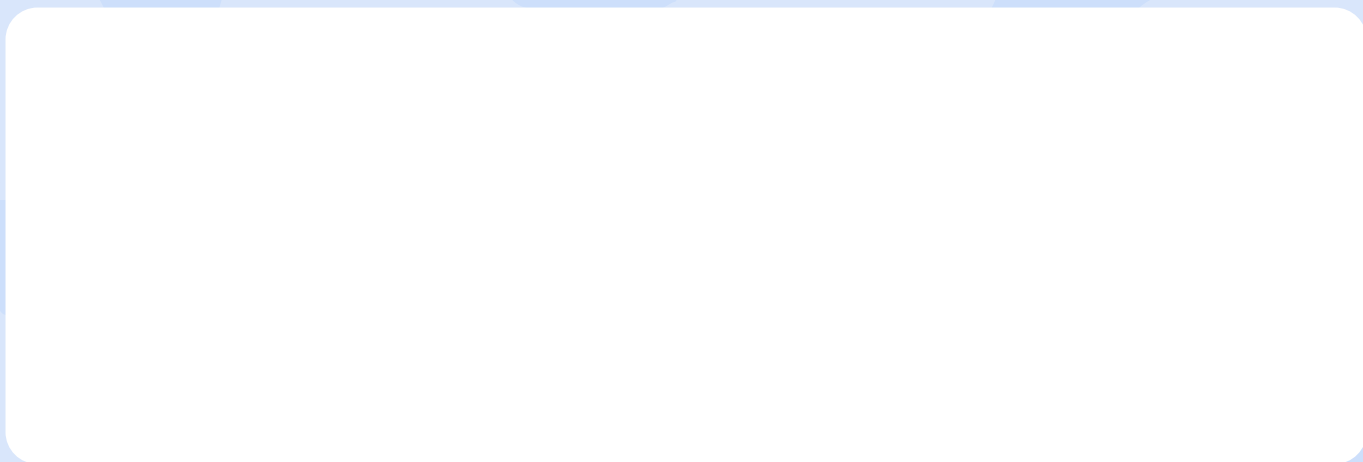
Question 7: Who are the stakeholders that need to be engaged with?

Consider stakeholders that represent or engage with children. This may include family and community members, Children’s Commissioners, paediatricians, teachers, learning support staff, child psychologists, Aboriginal and Torres Strait Islander communities, CALD communities, and/or social workers.



Question 8: How have children been engaged in the process of policy/legislation design to ensure their views and experiences inform decision-making? Does this include groups of children who are more likely impacted?

Explain processes of engagement and how these processes enabled children to share their voices and experiences, how they were listened to, how that information was used, and how the processes were in the best interests of children.



Stage 3: Identify potential impacts

Question 9: What are the positive impacts of the policy/legislation on the rights of children?

Provide evidence-based detail of the impacts described in question 2. Consider how these impacts may directly or indirectly restrict the rights of children. If the right is absolute, provide detail about measures or safeguards in the policy/legislation that ensure the right is not limited.

Question 10: What are the negative impacts of the policy/legislation on the rights of children?

Provide evidence-based detail of the impacts described in question 2. Consider how these impacts may directly or indirectly restrict the rights of children. If the right is absolute, provide detail about measures or safeguards in the policy/legislation that ensure the right is not limited.

Question 11: What are the impacts on different groups of children (including their families and carers) of the policy/legislation?

Consider the processes of how and why different groups are impacted using the groups identified in the checklist in question 3.

Group	Impact

Stage 4: Analysis of impacts and mitigating factors

Question 12: What measures or safeguards are included in the policy/legislation to mitigate negative impacts or advance positive impacts on the rights of children?

Question 13: Are there specific measures or safeguards included in the policy/legislation to address impacts on specific groups of children who may be more adversely affected?

Yes No

If yes, explain.

Stage 5: Result and recommendations

Question 14: Summarise how this assessment demonstrates why the proposed policy/legislation is in the best interests of children.

Make an informed judgement as to whether a child's best interests are supported by the policy/legislation. The CRC does not explicitly define a child's best interests. However, its meaning can be derived from the content in other CRC Articles, including:

- In the case of actions and decisions affecting an individual child, it is the best interests of that individual child which must be taken into account.
- It is in a child's best interests to enjoy the rights and freedoms set out in the CRC. For example, it is in children's best interests to develop respect for human rights and for other cultures (Article 29.1(b) and (c)). It is in a child's best interest to maintain contact with both parents in most circumstances (Article 9.3).
- It is in the best interests of Indigenous children to be raised in their Indigenous communities (Articles 5, 8.2, and 30).
- A child capable of forming a view on their best interests must be able to give it freely and it must be taken into account (Article 12).
- Parents have primary decision-making responsibility on behalf of their children (Articles 5 and 18.1) but, if they fail to make children's best interests a basic concern, the State may intervene to protect those interests (Article 9.1).

Question 15: Are there any further changes that need to be made to the policy/legislation to ensure children's rights are not negatively impacted?

ii Australian Human Rights Commission, Human Rights Brief No. 1 (Web Page, 2023) <<https://humanrights.gov.au/our-work/human-rights-brief-no-1#:~:text=In%20the%20case%20of%20actions,set%20out%20in%20the%20CRC>>.

Stage 6: Publish the CRIA

Question 16: Should the full assessment or a summary be published?

Yes

No

If no, why?

Question 17: Will a child-friendly version be produced?

Yes

No

If no, why?

Stage 7: Monitor and review

Question 18: Describe the resources allocated to monitoring the key findings and recommendations of this assessment or explain why resources have not been allocated.