



PRINCE EDWARD ISLAND

*Child and Youth*  
**ADVOCATE**

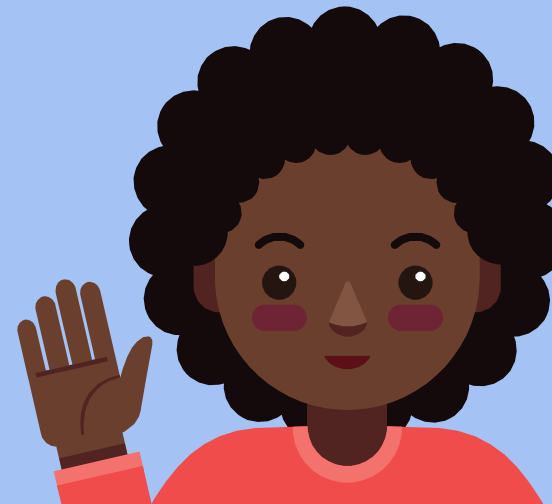
**Evolution of Child Rights Impact Assessments  
(CRIA) in Prince Edward Island – Suggestions  
Based on the Experience of the Office of the  
Child and Youth Advocate/PEI**

**Marv Bernstein**

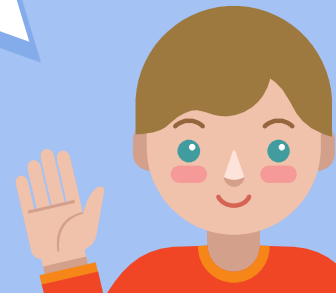
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Child and Youth Advocate

Office of the Child and Youth Advocate / PEI



- CRIA should be a collaborative process - where government and Independent Child and Youth Advocate Offices (and stakeholders) work together with the common purpose of achieving better outcomes for children.
- Not sufficient to say CRIA is the work of government as duty-bearer - need to educate oneself in order to ensure that the CRIA process in your jurisdiction is consistent with best practice.
- When explaining the benefit of CRIA to government, clearly situate it as an obligation in the context of a child rights-based approach and as one of several General Measures of Implementation identified by the UN Committee on the Rights of the Child.



- Explain to government that CRIA and other General Measures of Implementation are interdependent and that statutory independent human rights institutions for children are another General Measure of Implementation - they do not act in isolation.
- Consider merits of various options - government CRIA or your own organizational CRIA or independent CRIA.



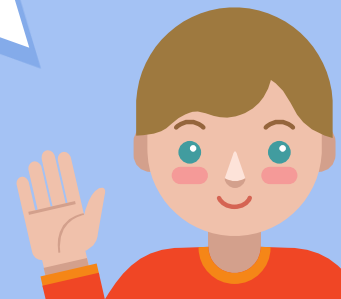
- Consider an independent CRIA when there is an opportunity to model the type of CRIA analysis that is required in response to a government proposal that will have serious implications for a large segment of children and youth - particularly where there is little or no experience within government in applying a CRIA analysis.
- If commissioning an Independent CRIA - important to secure a credible individual or organization that has expertise in both child rights impact analysis and the specific subject-matter under review.



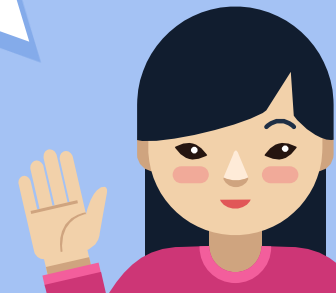
- If an independent Child and Youth Advocate Office - be proactive and ask to see draft legislation or draft policy well in advance of finalization or the introduction of a Bill into the Legislature.
- Optimally should be a whole of government approach - not a pilot project or a single Department.
- Emphasize the value of CRIA to non-child serving government departments - where children are not the immediate or direct focus of the department's work and may not be on the radar at all.



- Optimally should be a stand-alone and not an integrated impact Assessment - experience has shown that when the interests of children are combined with other considerations, the interests of children tend to become diluted and subordinate to the interests of adults.
- There is no single blueprint or template for carrying out a CRIA - while there are common elements, the CRIA tool in your jurisdiction can be adapted to fit your needs and objectives.
- CRIA should be used by government as early as possible in the policy or legislative development process before decisions become entrenched - not simply a checklist to validate decisions already made.



- Avoid describing the CRIA process in a manner that sounds intimidating - make sure the tool and the process are perceived as user-friendly so that successful outcomes can be seen as achievable.
- Emphasize that a CRIA analysis is scalable - while there will likely be a standardized CRIA template developed for use in your jurisdiction, the level of analysis and detail will vary according to the scope and complexity of the proposal under consideration.
- Seek transparency and accountability - disclosure of CRIA analyses - can contribute to more robust discussions and public confidence in the integrity of the end product.



- Engage in ongoing discussions with government as the CRIA process progresses - more likely to have fewer surprises and a greater degree of consensus at the end of the process.
- Consult children and youth with lived experience in areas potentially impacted and other relevant experts - will enhance the quality of the assessment and improve the defensibility of the resulting decision.
- Importance of child rights and CRIA training and support - to build competency and demonstrate benefits of CRIA so that CRIA analysis is not seen as just another onerous duty but as a vehicle that improves the quality of policy analysis and life outcomes for children and youth.





- Look for a child rights champion within government who will support your efforts in encouraging the application of a child rights lens through a CRIA analysis.
- If an independent Child and Youth Advocate Office - consider providing Child Policy Lens training for your elected members of the Legislature so that they can ask critical questions which elicit whether there has been a full CRIA analysis before policy and legislative proposals are tabled for debate.



- Clarify that the Child Policy Lens Inventory of questions or Cue Card developed by UNICEF Canada is not a substitute for completing a full Child Rights Impact Assessment - the Child Policy Lens is intended to be an instrument that can be used effectively by elected officials in the Legislature and in Committee hearings when reviewing and making recommendations on bills, budgets, studies and other proposed decisions.
- If an independent Child and Youth Advocate Office, take the lead in providing training to government rather than leaving it to government - can ensure the quality of the training and emphasize that your Office can be available as an ongoing resource to government.



- Don't just involve government - also involve Opposition Parties who can act as influencers and support the use of CRIA - can bring motions and Private Member Bills and ask questions that dovetail with the UNICEF Canada Child Policy Lens or Cue Card.
- Should be some mandatory requirement for CRIA to sustain it - legislation, policy directive or motion in Legislative Assembly.



**MOTION 70 IN PEI LEGISLATIVE ASSEMBLY - PASSED UNANIMOUSLY, AS AMENDED, ON NOVEMBER 2, 2021 [Names of mover and seconder not included]**

**Calling on government to use a Childs' Rights Impact Assessment on all policy and legislative development**

**WHEREAS** children and youth under the age of 18 make up 20% of the Island's population;

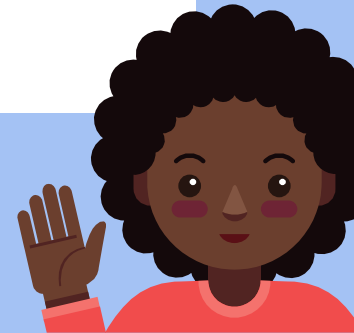
**AND WHEREAS** they have no agency or voice in decision-making tables or through the vote;

**AND WHEREAS** the use of a Childs' Rights Impact Assessment (CRIA) reduces harm to children;

**AND WHEREAS** decision-making processes designed for and by adults often ignore the impacts of policies on children , their rights , and their interests;

**AND WHEREAS** we should measure success by improvements in the daily lives of children;

**AND WHEREAS** CRIA is one tool in a toolbox for advancing children's rights which helps identify unintended consequences of policy decisions and raises awareness about impacts for children and children's rights; **(CONTINUED)**



**MOTION 70 IN PEI LEGISLATIVE ASSEMBLY - PASSED  
UNANIMOUSLY, AS AMENDED, ON NOVEMBER 2, 2021**

**THEREFORE BE IT RESOLVED** that the Legislative Assembly urge government, in consultation with the Child and Youth Advocate, to develop and share a CRIA tool to be used in all policy and legislative development within government;

**THEREFORE BE IT FURTHER RESOLVED** that the Legislative Assembly urge government to publicly share any and all CRIA analyses that are completed.



## CONCLUDING OBSERVATIONS TO CANADA - JUNE 9<sup>TH</sup> - RELEVANT EXTRACTS

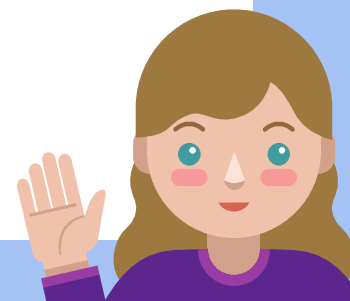
### Best interests of the child

“19. Recalling its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party:

(c) Establish compulsory processes for *ex-ante* and *ex-post* impact assessments of all laws and policies relevant to children on the realization of the right of the child to have his or her best interests taken as a primary consideration.”

### Discrimination, awareness-raising and training

“14. ... It also recommends that the State party provide mandatory training on the rights of the child under the Convention and national law to all professionals working with and for children, including government officials, judicial authorities, and professionals who work with children in health and social services.”



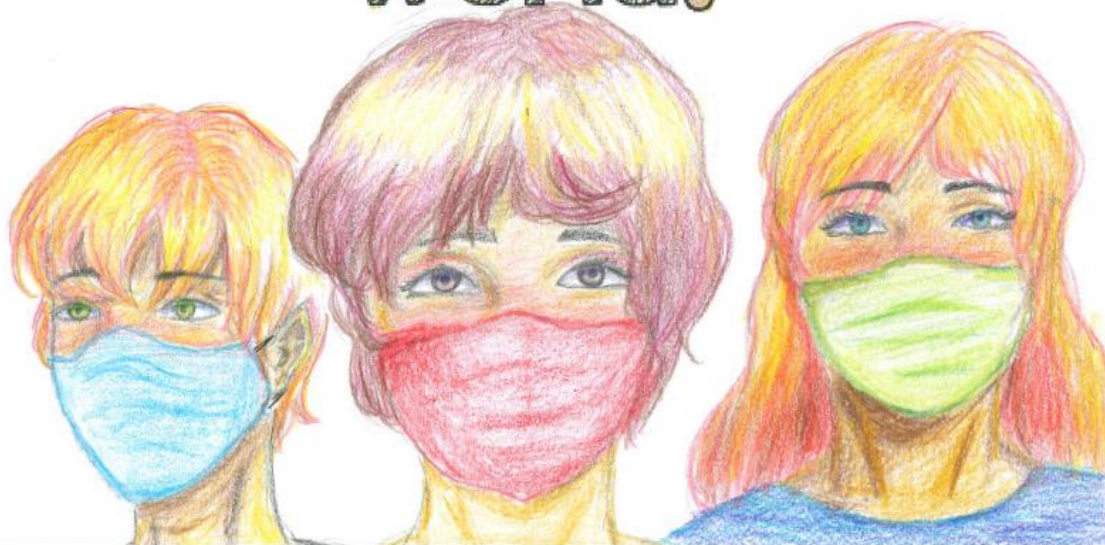
## FINAL WORD

Nelson Mandela captured the essence of the United Nations Convention on the Rights of the Child, when he described it as:

“that luminous living document that enshrines the rights of every child without exception to a life of dignity and fulfilment.”



Be the  
change you  
want to see  
in the  
world.



Provided by: Member of the Child and Youth Advisory Committee of the  
Office of the Child and Youth Advocate / PEI



# Thank you



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