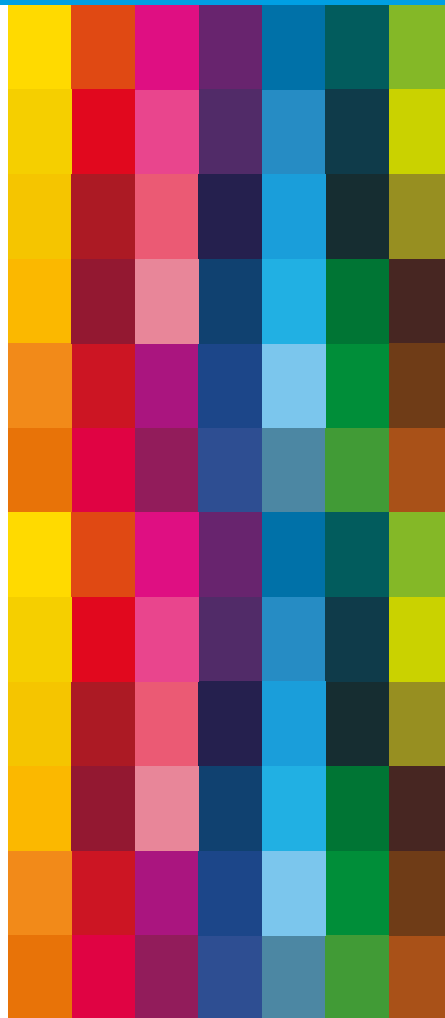


THE CHILD POLICY LENS

A Tool for
Parliamentarians
childpolicylens.ca



What is it?

IMPACT ASSESSMENT

is used within governmental policymaking and regulatory processes to provide a systematic analysis of potential impacts of public decisions. Canada's federal, provincial and territorial governments use a range of impact assessment lenses including gender, environment, privacy, official languages, health and equity. These processes typically do not support specific consideration of impacts on children and youth under age 18.

CHILD RIGHTS IMPACT ASSESSMENT

is a child-sensitive process for governments to consider how children might be differently affected (including impacts related to privacy, health, gender and equity) as they develop laws, policies, budgets, regulations and other decisions. It signals that children and youth are also a priority for governments. Using the United Nations Convention on the Rights of the Child as a framework to understand potential impacts supports the comprehensiveness and quality of the assessment.

THE CHILD POLICY LENS

is a tool that assists governments and authorities to carry out their duty to children and youth under age 18 by helping ensure that laws, budgets, debates, committee reports and other decisions, on any issue that might affect children and adolescents, give due consideration to their rights and interests before final decisions are made.





WHAT CANADA WAS ASKED TO DO

- (a) Ensure that the right of the child to have his or her best interests taken as a primary consideration is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to, and have an impact on, children;
- (b) Develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration; and
- (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.

– Para. 19, Concluding Observations to Canada of the UN Committee on the Rights of the Child, 2022

A FEW FACTS

- Child Rights Impact Assessment is used in a growing number of countries at different levels of government.
- Sweden was the first government to develop a process for Child Rights Impact Assessment, in 1997.
- Child Rights Impact Assessment is known by different names including “Youth Check” and “Child Impact Statement”.
- Assessing government proposals for their impacts on young people is recommended to member States by the Organisation for Economic Cooperation and Development and by the Council of Europe.

The Child Policy Lens is a project of UNICEF Canada in collaboration with the Canadian Coalition for the Rights of Children and Children’s Healthcare Canada.

Why use it?

CONSIDERING POTENTIAL IMPACTS OF DECISIONS ON CHILDREN AND YOUTH WILL:

- help make them visible to decision-makers and elevate their interests;
- provide a systematic approach to due regard and due diligence that results in better decisions and better outcomes; and
- support governments to fulfil their obligations.



The Committee believes that using [child impact] assessments...could work to ensure that children's rights and Canada's international obligations under the Convention are actually enforceable in Canadian law. Although not necessarily apparent at first glance, almost every area of government policy and law affects children to some degree: consider the example of health, environmental, and economic legislation. As stated by the UNICEF Innocenti Research Centre, 'there is no such thing as a child-neutral economic policy.'

— Standing Senate Committee on Human Rights, 2007

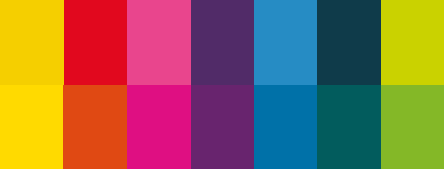


THERE ARE AT LEAST SEVEN REASONS WHY CHILD RIGHTS IMPACT ASSESSMENT IS A CRITICAL PROCESS FOR ARRIVING AT DECISIONS THAT ARE GOOD FOR CHILDREN AND YOUTH:

- 1.** Canada ratified the Convention on the Rights of the Child in 1991, outlining the obligations of Canada's governments to respect, protect and fulfill its principles and provisions. In all actions concerning children, the best interests of children must be a primary consideration. Both elected and executive officials have a duty to consider the interests and rights of children in their decisions, and to ensure decisions are compliant with the Convention.¹ Incorporating a process of Child Rights Impact Assessment is an obligation pursuant to article 4 of the Convention, outlined in a number of General Comments of the UN Committee on the Rights of the Child and in their Concluding Observations to Canada.
- 2.** The most effective way to determine if an action is in children's best interests is to consider how it might optimally fulfil their rights in the Convention on the Rights of the Child. The Convention provides a comprehensive framework to consider a wide range of potential impacts on diverse children, taking the guess-work out and providing a common basis for assessment.
- 3.** Giving explicit consideration to children corrects an imbalance of interests in political decision-making. Children are a large population (20 per cent of the Canadian population) whose interests are often overlooked or subordinate. Children do not generally have the opportunity to participate in the political process, as non-voting citizens, nor to engage in other processes that influence public policy.² Children are also overlooked because it is often assumed that they won't be affected by a decision or that the impacts on them will not differ from those on adults. There is no child-neutral public policy.
- 4.** Children have the right to due consideration because they are the most vulnerable group affected by public decisions. Children are vulnerable because of their developmental stage, dependency and lack of legal status. They generally lack power to control or affect fundamental decisions over their bodies and lives. With one chance at a childhood, they can be disproportionately affected by adverse conditions, and may have overlapping vulnerabilities related to age, gender, disability, ethnicity and other status.
- 5.** Members of Parliament generally do not have access to child-focused information and analytical tools, yet they have a duty to ensure that government proposals have undertaken due regard or due diligence for children. The Government of Canada Cabinet Directive on Streamlining Regulation does not make any reference to children, nor do the commonly used impact lenses of gender and privacy. The Department of Justice is required to develop and assess proposed laws, policies and programs on children, considering the Convention on the Rights of the Child, as outlined in the department's Applying a Children's Lens in Policy Development and the Common Considerations Checklist, but does not produce these analyses for parliamentary scrutiny.

¹The Government of Canada ratified the Convention on the Rights of the Child in 1991 and it has been endorsed by provincial and territorial governments.

²Department of Justice, Applying a Children's Lens in Policy Development



6. The daily lives of children are affected by policies, legislation, regulations, programs and the allocation of resources by all levels of government. Federal decisions in the domains of Indigenous rights, immigration and citizenship, health, divorce, income benefits and taxation, public safety, justice and budgeting have significant direct and indirect impacts on Canada's children. Developing the full and equitable potential of younger generations is essential for sustainable economic and social well-being. Members of Parliament should know how children will be affected by a proposed law or policy change, including different groups of children in different circumstances.

7. Canadian courts have determined domestic law should comply with international law as a minimum standard. There is ample evidence that government and parliamentary decisions are not consistently informed by their potential impacts on children and their rights, sometimes with undesirable and usually unintended social, economic and political consequences and costs. Children may pay for these costs for decades, across their lifespans. Systematic mechanisms are needed to support parliamentarians to exercise their responsibility to protect the best interests of all children in Canada, and help assure Canadians of the legitimacy and quality of the decision-making process.

COURTS MAY CORRECT DECISIONS THAT FAIL CHILDREN

In *Inglis v. British Columbia (Minister of Public Safety)* 2013, children's rights violations were determined that may not have occurred had a Child Rights Impact Assessment been applied prior to a public policy decision. The case involved the Mother-Baby program at Allouette Correction Centre for Women, which was offered to women giving birth while incarcerated. It enabled infants to remain with their mothers for the critical period of bonding and initiation of breastfeeding, which have significant and lifelong impacts on child health and development. The Court found that cancelling the program violated the rights of babies and their mothers to stay together and that the corrections system was obliged to accommodate and respect these rights. The Court found the Convention on the Rights of the Child relevant to the Court's analysis (at para 364):

- The best interests of the child is a primary consideration in all actions taken by the state concerning children.
- A child shall not be separated from his or her parents against their will except with due process and where it is necessary in the best interests of the child.
- The state's responsibilities with respect to prisoners shall be discharged in keeping with its fundamental responsibilities for promoting the well-being and development of all members of society.



Once people...see how these assessments can save time, embarrassment and money, and be better for children, they want to incorporate them.

— New Zealand Office of the Children’s Commissioner

THE CHILD POLICY LENS CAN BE USED TO SUPPORT:

- Asking questions in committee hearings, the House of Commons, Legislatures and the Senate
- Reviewing and making recommendations on bills, budgets and other proposed decisions and studies
- Consulting directly with children and youth or their advocates
- Informing briefing notes
- Helping identify witnesses for committee studies

WHAT POLICY ADVISORS IN THE GOVERNMENT OF CANADA SAID ABOUT THE CHILD POLICY LENS

“ The child policy lens should be used by all parliamentarians and those involved in legislation analysis, creation or implementation at all times, regardless of interest in child-related issues.

“ I think the Policy Lens cue card is a well-constructed tool which could provide immense value to parliamentary leaders and staffers.

“ I think that it is a great framework to assess how legislation and public policy can affect children.

Use the Child Policy Lens

This Child Policy Lens is designed as a “cue card” with 12 questions to evaluate policies and other decisions through the lens of their impact on children and youth. Ask yourself, experts, policy advisors, witnesses and young people these questions as you consider how a proposal or decision might affect children and youth:



OVERALL IMPACT ON CHILDREN

1. Who is a child?

- How might children and adolescents be affected by this proposal, directly or indirectly?
- How might these impacts be different than impacts on adults?



Consider all of the children that might be affected by this proposal. The impacts on children that are directly affected, including those at whom the proposal is aimed, could be different than impacts on other children. For instance, a proposal to protect child witnesses in court proceedings may have positive impacts for them, but negatively impact children who are defendants.

2. How might the proposal affect children and youth (from birth to age 18)?

- Which provisions of the Convention on the Rights of the Child may be positively affected?
- Which provisions of the Convention on the Rights of the Child may be negatively affected?
- What is the possible extent, duration and severity of negative impacts?
- Which provisions of the Convention on the Rights of the Child may be subject to mixed or uncertain impacts? How can these be further considered?



Use the [children’s rights summary](#) for a quick review. Focus in more detail on specific rights where impacts may be negative or uncertain. Look for “ripple” impacts across rights, given they are highly interdependent. Keep in mind there is no hierarchy of rights: they are of equal status.



UNIVERSALITY, EQUITY AND NON-DISCRIMINATION

3. Are there particular groups of children that may experience differential, negative or positive impacts (benefits)? Who are they?



Consider intersecting dimensions of potential equity “fault lines”:

- Age (across the life span; because of different legal status for under 18/age of majority)
- Gender and gender identity
- Socioeconomic status
- Family structure
- Race, culture, language and religion
- Indigeneity (the UN Declaration on the Rights of Indigenous Peoples should be considered as it relates to First Nations, Inuit and Métis children)
- Disabilities (the UN Convention on the Rights of Persons with Disabilities should be considered)
- Citizenship/official identity status (including whether children reside inside or outside Canada)
- Children living in institutions, children in care, children of incarcerated parents
- Location (e.g., urban, rural, northern)
- Sexual orientation
- Parent’s status or situation
- Other status
- Future generations and intergenerational fairness



CHILD PARTICIPATION

- 4. Has there been any consultation with diverse children in the development of this proposal? What were their views?**
- 5. Does the proposal recognize children’s capacity to express their views or make decisions for themselves, considering their evolving agency, to the greatest extent possible?**
- 6. Are there arbitrary age limitations or statutory discrimination – treating children differently and unfairly on the basis of their age?**



When possible, provide for a case-by-case approach to age limitations rather than a broad age limit, and provide that children can express their views where they are not enabled to make a decision on a matter affecting them.



BEST INTERESTS OF THE CHILD

7. **Does the Convention require that children’s interests are ‘paramount’ (instead of ‘primary’) on this issue (e.g., see article 21 relating to adoption)?**
8. **If the proposal prioritizes other groups or interests over children’s, how is this justified?**

Article 3, UN Convention on the Rights of the Child

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.




MAXIMUM EXTENT OF AVAILABLE RESOURCES AND ACCOUNTABILITY

9. **Has the government conducted a Child Rights Impact Assessment? (Members of Parliament and Legislatures should have access to such assessments.) How does it compare to your assessment of the potential impacts on children’s rights?**
10. **Does the proposal give children a first call on available resources and maximize investment in them? Does it ring-fence (specifically identify) investment in children? Does it protect children first and foremost from any budget or program cuts or changes (according to the human rights principles of non-retrogression and the best interests of the child)?**
11. **Does the proposal support the proper roles of:**
 - a. **Duty-bearers to fulfill their obligations (governments and authorities)?**
 - b. **Rights-holders to exercise and claim their rights without undue risk (children)?**
 - c. **Responsibility-holders to support the capacity of duty-bearers and rights-holders (e.g., parents, business, and everyone else)?**
12. **Does the proposal include mechanisms to support accountability and transparency, such as public awareness, independent monitoring, regular public reporting and/or an appeal process?**

Example

Employment is an area of law where the roles of duty-bearers, rights-holders and responsibility-holders are important to get right. As duty-bearers for children’s rights, governments must regulate the conditions in which children work, take measures to ensure them, provide penalties and enforcement and ensure remediation (article 32 and other relevant articles including 24, 27 and 28). However, employment law often divests this duty to parents, employers, civil society organizations or children themselves (e.g., to assess and monitor the conditions of work).



Article 4, UN Convention on the Rights of the Child

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

MAKING CONCLUSIONS AND RECOMMENDATIONS

1. What adaptations or measures could maximize the positive impacts for children?
2. What adaptations or measures could avoid, minimize or mitigate the negative impacts for children?
3. If there are potentially disproportionate or discriminatory impacts on different groups of children, how can these be avoided? How can more equitable benefits be ensured?
4. Are there better options than the one being proposed? If so, what are they? Is the do-nothing option preferable?
5. Is more data, research or consultation required? If so, for what questions?
6. What is the plan to monitor, evaluate and report on the implementation of this proposal?

Additional Resources

United Nations [Convention on the Rights of the Child](#)

[Summary of the United Nations Convention on the Rights of the Child](#)

[UNICEF Canada children's rights explainer video](#)

[General Comments on the Convention on the Rights of the Child \(UN guidance on specific issues\)](#)

[Concluding Observations to Canada 2022](#)
(see recommendation 19)

[Optional Protocols to the Convention on the Rights of the Child](#)


























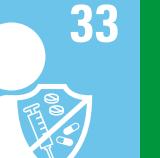




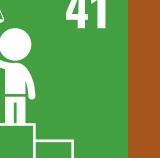
[Child- and youth-friendly version of the Convention on the Rights of the Child](#)

[UNICEF Online Training Course \(free\): Child Rights and Why They Matter](#)

[Canadian Bar Association Child Rights Toolkit](#)

[Child Rights Impact Assessment Community of Practice](#)

[Children in All Policies \(CAP-2030\)](#)

<p>1</p>  <p>DEFINITION OF A CHILD</p>	<p>2</p>  <p>NO DISCRIMINATION</p>	<p>3</p>  <p>BEST INTERESTS OF THE CHILD</p>	<p>4</p>  <p>MAKING RIGHTS REAL</p>	<p>5</p>  <p>FAMILY GUIDANCE AS CHILDREN DEVELOP</p>	<p>6</p>  <p>LIFE, SURVIVAL AND DEVELOPMENT</p>	<p>7</p>  <p>NAME AND NATIONALITY</p>
<p>8</p>  <p>IDENTITY</p>	<p>9</p>  <p>KEEPING FAMILIES TOGETHER</p>	<p>10</p>  <p>CONTACT WITH PARENTS ACROSS COUNTRIES</p>	<p>11</p>  <p>PROTECTION FROM KIDNAPPING</p>	<p>12</p>  <p>RESPECT FOR CHILDREN'S VIEWS</p>	<p>13</p>  <p>SHARING THOUGHTS FREELY</p>	<p>14</p>  <p>FREEDOM OF THOUGHT AND RELIGION</p>
<p>15</p>  <p>SETTING UP OR JOINING GROUPS</p>	<p>16</p>  <p>PROTECTION OF PRIVACY</p>	<p>17</p>  <p>ACCESS TO INFORMATION</p>	<p>18</p>  <p>RESPONSIBILITY OF PARENTS</p>	<p>19</p>  <p>PROTECTION FROM VIOLENCE</p>	<p>20</p>  <p>CHILDREN WITHOUT FAMILIES</p>	<p>21</p>  <p>CHILDREN WHO ARE ADOPTED</p>
<p>22</p>  <p>REFUGEE CHILDREN</p>	<p>23</p>  <p>CHILDREN WITH DISABILITIES</p>	<p>24</p>  <p>HEALTH, WATER, FOOD, ENVIRONMENT</p>	<p>25</p>  <p>REVIEW OF A CHILD'S PLACEMENT</p>	<p>26</p>  <p>SOCIAL AND ECONOMIC HELP</p>	<p>27</p>  <p>FOOD, CLOTHING, A SAFE HOME</p>	<p>28</p>  <p>ACCESS TO EDUCATION</p>
<p>29</p>  <p>AIMS OF EDUCATION</p>	<p>30</p>  <p>MINORITY CULTURE, LANGUAGE AND RELIGION</p>	<p>31</p>  <p>REST, PLAY, CULTURE, ARTS</p>	<p>32</p>  <p>PROTECTION FROM HARMFUL WORK</p>	<p>33</p>  <p>PROTECTION FROM HARMFUL DRUGS</p>	<p>34</p>  <p>PROTECTION FROM SEXUAL ABUSE</p>	<p>35</p>  <p>PREVENTION OF SALE AND TRAFFICKING</p>
<p>36</p>  <p>PROTECTION FROM EXPLOITATION</p>	<p>37</p>  <p>CHILDREN IN DETENTION</p>	<p>38</p>  <p>PROTECTION IN WAR</p>	<p>39</p>  <p>RECOVERY AND REINTEGRATION</p>	<p>40</p>  <p>CHILDREN WHO BREAK THE LAW</p>	<p>41</p>  <p>BEST LAW FOR CHILDREN APPLIES</p>	<p>42</p>  <p>EVERYONE MUST KNOW CHILDREN'S RIGHTS</p>

43-54



HOW THE CONVENTION WORKS

CONVENTION ON THE RIGHTS OF THE CHILD

In child-friendly language

