

# Strategic decisions in developing CRIAS

*Illustrated by the experience of the Child and Youth Impact Report (JoKER) in Flanders (Belgium)*

Ellen Desmet

Ghent University – University of Antwerp

Children's Rights Knowledge Centre (KeKi)

[e.desmet@ugent.be](mailto:e.desmet@ugent.be)

# **Child and Youth Impact Report (JoKER)**

# JoKER?

- Ex ante impact assessment carried out by the Flemish administration
- For all legislative proposals based on initiative from the Flemish government ('draft decrees')
- That have a direct impact on the interest of persons under the age of 25

# History & focus of evaluation

1997: child impact report (KER)

2005: regulatory impact assessment (RIA)

2008: child and youth impact report (JoKER)

-> evaluation of the 19 JoKERs of 2010-2011

(+/- 19% of draft decrees)

# Methodology

- Literature review
  - Document analysis
  - Electronic survey
  - Focus groups
    - Civil servants
    - Children's rights and youth actors
  - Expert consultation
- > carried out by the Children's Rights Knowledge Centre ([www.keki.be](http://www.keki.be))
- > with Hanne Op de Beeck and Wouter Vandenhole

# Strategic decisions

# Some decisions and trade offs

- Three strategic decisions (among others...)
  - Material scope
  - Personal scope
  - Relationship with other impact assessments
- General trade offs
  - Workload of civil servants
  - Maintaining quality / risk of formalism
  - Ideal situation vs. pragmatism

# Structure

- The issue
- JoKER
- JoKER evaluation & follow-up
- What do you think?



# Material scope

# The issue

- Committee on the Rights of the Child:
  - “any proposed law, policy or budgetary allocation which affects children and the enjoyment of their rights” (General Comment No. 5)
- Flemish Children’s Rights Commissioner:
  - “any legislative proposal”
- Very broad
  - Trade offs

# JoKER

- Current scope: every ‘draft decree’, i.e. a decree at the initiative of the Government
  - Including consent decrees

But NOT for

- Regulatory decisions of the Flemish Government
- Decree proposals (initiative taken by member(s) of Parliament)
- Budget decrees

# JoKER evaluation & follow-up

- **Regulatory decisions**

- Results
- Recommendation: extend JoKER scope (align with RIA)
- Follow-up

- **Decree proposals**

- Results
- Recommendation: investigate possibilities to extend JoKER scope
- Follow-up

# JoKER evaluation & follow-up

- **Budget decrees**
  - Results
  - Recommendation: develop specific instrument for budget analysis
  - Follow-up
- **Consent decrees**
  - Results
  - Recommendation: not obligatory, but strongly advised at start of negotiations when Flemish government involved
  - Follow-up

# What do you think?

1. Legislative proposals coming from the Government
2. Legislative proposals from Government & Parliament
3. Legislative and regulatory proposals (= 'Laws')
4. Laws and policies
5. Laws, policies and budgetary allocations

# Personal scope

# The issue

- Children and adolescents (0-18 years)
  - Cf. CRC
- Children and young adults (0 – 25 or 30 years)
  - Neuroimaging research
  - Movement for ‘rights of young people’
    - Cf. also debate in Wales



# JoKER

- 1997: child impact report: 0-18 years
- 2008: extended to child and youth impact report: 0-25 years
  - Divergent reaction of children's rights actors
- 2008: integration of youth policy and children's rights policy: 0-30 years

# JoKER evaluation and follow-up

- Results
  - Some: restrict to minors
  - Others: extend until 30 years
    - Arguments pro and contra
- Recommendation: maintain current personal scope
  - But differentiate more between
    - (i) Minors and 18-25 years old
    - (ii) Age groups

# What do you think?

1. 0-12 years
2. 0-18 years
3. 0-25 years
4. 0-30 years

# Relationship with other impact assessments

# The issue

- Tension between
  - preserving specificity of CRIA
  - alignment with other impact assessments
    - integration / mainstreaming?
- Trade offs / risks

# JoKER

- 2005: regulatory impact assessment (RIA)
  - Structured analysis of effects of proposed legislation or policy measure
  - Publicly accessible (RIA database)
- When RIA: JoKER formally integrated in RIA
  - But different material scope
- Policy notes 2009-2014: new impact assessments (e.g. poverty)
  - Flemish Government: RIA = central instrument

# JoKER evaluation & follow-up

- Results
  - 65% pro formal integration in RIA
  - Divergent understandings of goals of RIA
- Recommendations
  - Maintain formal integration
  - Align material scope
  - Maintain attention for specificity of youth and children's rights perspective
- Follow-up

# What do you think?

- Separate CRIA
- Separate CRIA, in close collaboration with other impact assessments
- General impact assessment, with specific attention for children's rights
- General impact assessment



Thank you

Children's Rights Knowledge Centre – [www.keki.be](http://www.keki.be)

Children's Rights Database – [www.kekidatabank.be](http://www.kekidatabank.be)

