

Child Rights and Wellbeing Impact
Assessment (CRWIA)
for The Pavement Parking Prohibition
(Exemption Orders Procedure)
(Scotland) Regulations 2022

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Introduction

As set out in Part 1 of the Children and Young People (Scotland) Act 2014, Scottish Ministers must keep under consideration whether there are any steps which they could take which would or might secure better or further effect in Scotland of the UNCRC requirements, and if they consider it appropriate to do so, take any of the steps identified by that consideration. Undertaking a CRWIA helps Ministers to fulfil this duty.

There are two key considerations when undertaking a CRWIA:

Participation: The United Nations Convention on the Right of the Child (UNCRC) sets out that children have the right to participate in decisions which affect them. When assessing the impacts of the policy/measure, you are recommended to consult with children and young people. You can do this directly, through organisations that represent children and young people or through using existing evidence on the views and experiences of children where relevant. Participation of children and young people should be meaningful and accessible.

Evidence: You are recommended to gather evidence when assessing the impact of the policy/measure on children's rights and also for measuring and evaluating the policy/measure. If you identify any gaps in the evidence base, you can discuss how you will address these with analytical colleagues.

1. Which articles of the UNCRC does this policy/measure impact on?

N/A – There are no articles of the UNCRC and Optional Protocols that are relevant to the introduction of these Regulations. The purpose of the Regulations made under Section 52 of the Act is to provide a procedure for local authorities to follow when using their powers under section 51 of the Act to make, amend or revoke an order to exempt a section of footway (which has characteristics set out in a ministerial direction) from the national pavement parking ban.

2. What impact will your policy/measure have on children's rights?

Neutral

3. Will there be different impacts on different groups of children and young people?

No groups of children will be adversely affected by this policy. There are no competing interests between different groups of children and young people.

4. If a negative impact is assessed for any area of rights or any group of children and young people, can you explain why this is necessary and proportionate? What options have you considered to modify the proposal, or mitigate the impact?

N/A

5. How will the policy/measure give better or further effect to the implementation of the UNCRC in Scotland?

N/A

6. How have you consulted with relevant stakeholders, including involving children and young people in the development of the policy/measure?

The content of the Regulations was consulted on publicly for 12 weeks between 17 December 2021 and 11 March 2022. The consultation was designed to gather the views of stakeholders and individuals to help inform the Scottish Government's policy in relation to the Regulations (Exemption Order Process).

The final number of responses received was 626. Of these, 20 were submitted by local authorities and 3 by Community Councils. 15 other respondents also identified their organisation, and 589 were listed as individuals. The analysis report was published on 8 June 2022.

It may be worthwhile noting at this point that the power to make Exemption Orders is already in the primary legislation (Transport (Scotland) Act 2019). This consultation and the subsequent Regulations relate to the process for making an Exemption Order.

Additionally, throughout the development of these Regulations and the public consultation we engaged with key stakeholders from our Parking Standards Group. The group has a range of stakeholders, including representatives from all 32 local authorities, Living Streets Scotland, COSLA, SCOTS, members of the parking industry, Guide Dogs Scotland, local authorities, Regional Transport Partnerships, Cycling Scotland and the Federation of Small Businesses.

Due to the content of the Regulations, we did not consult specifically about children and young people and no specific repeated concerns were raised by any group during the consultation process. In addition, no concerns were raised during the in-depth Parliamentary process undertaken for the initial Act of Parliament.

7. What evidence have you used to inform your assessment?

N/A

8. How will the impact of the policy/measure be monitored?

Local authorities will have the powers to enforce the parking prohibitions contained in the Transport (Scotland) Act 2019 which includes the national pavement parking ban. However the Regulations supporting enforcement for these prohibitions are not likely to be in force until 2023. Transport Scotland will be progressing Regulations supporting enforcement at the same time as local authorities will be undertaking their road assessments and promoting any required Exemption Orders.

9. How will you communicate to children and young people the impact of the policy/measure on their rights?

We will not be communicating specifically to children and young people, however it is important to note that the parking prohibitions will be a significant alteration from the current situation for the driving public and will be highlighted with additional signs and markings. In addition, it is envisaged that significant awareness-raising will be needed to foster the necessary behaviour change. It is the Scottish Government's intention to undertake a nationwide publicity campaign involving local authorities, Police Scotland and other stakeholder groups in this regard.

10. Sign & Date

Policy Lead Signature & Date of Sign Off:

Fred O'Hara, Head of Road Policy. 22 September 2022

Deputy Director Signature & Date of Sign Off:

Stewart Leggett, Director of Roads. 22 September 2022

**Once signed off, please send to CRWIA@gov.scot
and publish on gov.scot website.**

Annex 1 – UNCRC Article Clusters

[CRC Clusters \(unicef-irc.org\)](https://www.unicef-irc.org/)

I General measures of implementation

[Article 4](#) implementation obligations

[Article 41](#) respect for existing standards

[Article 42](#) making Convention widely known

[Article 44\(6\)](#) making reports widely available

II Definition of a child

[Article 1](#)

III General principles

[Article 2](#) non-discrimination

[Article 3\(1\)](#) best interest to be a primary consideration

[Article 3\(2\)](#) State's obligations to ensure necessary care and protection

[Article 3\(3\)](#) standards for institutions services and facilities

[Article 6](#) the right to life, survival and development (see also: [VI Basic health and welfare](#))

[Article 12](#) respect for the views of the child

IV Civil rights and freedoms

[Article 7](#) right to name, nationality and to know and be cared for by parents

[Article 8](#) preservation of child's identity

[Article 13](#) freedom of expression

[Article 14](#) freedom of thought, conscience and religion

[Article 15](#) freedom of association and peaceful assembly

[Article 16](#) protection of privacy

[Article 17](#) child's access to information, and role of mass media

[Article 37\(a\)](#) [right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment](#)

V Family environment and alternative care

[Article 5](#) parental guidance and child's evolving capacities

[Article 18\(1\) and \(2\)](#) parental responsibilities and State's assistance

[Article 9](#) separation from parents

[Article 10](#) family reunification

[Article 11](#) illicit transfer and non-return

[Article 27\(4\)](#) recovery of maintenance for the child

[Article 20](#) [children deprived of their family environment](#)

[Article 21](#) [adoption](#)

[Article 25](#) periodic review of placement and treatment

[Article 19](#) protection from all forms of violence

[Article 39](#) rehabilitation and reintegration of victims of violence (see also: [VIII - Special protection measures](#))

VI Basic health and welfare

[Article 6](#) right to life, survival and development (see also: [III - General principles](#))

[Article 18\(3\)](#) support for working parents

[Article 23](#) rights of disabled children

[Article 24](#) right to health and health services

[Article 26](#) right to social security

[Article 27\(1\)-\(3\)](#) right to adequate standard of living

VII Education, leisure and cultural activities

[Article 28](#) right to education

[Article 29](#) aims of education

[Article 31](#) right to leisure, play and participation in cultural and artistic activities

VIII Special protection measures

A - Children in situations of emergency

[Article 22](#) refugee children

[Article 38](#) children and armed conflict

[Article 39](#) rehabilitation of child victims (see also: [V Family environment and alternative care](#))

B - Children involved with the system of administration of juvenile justice

[Article 40](#) [administration of juvenile justice](#)

[Article 37\(a\)](#) [prohibition of capital punishment and life imprisonment](#)

[Article 37\(b\)-\(d\)](#) [restriction of liberty](#)

[Article 39](#) rehabilitation and reintegration of child victims (see also: [V Family environment and alternative care](#))

C - Children in situations of exploitation

[Article 32](#) child labour

[Article 33](#) drug abuse

[Article 34](#) sexual exploitation

[Article 35](#) sale, trafficking and abduction

[Article 36](#) other forms of exploitation

D - Children belonging to a minority or an indigenous group

[Article 30](#)

[Optional Protocol to the UNCRC on the Involvement of Children in Armed Conflict](#)

[Governments](#) should ensure that children under 18 who are members of the armed forces do not take a part in combat. Any recruitment of children under 18 must be voluntary and carried out with the full consent of the child's parents/carers. The UK Government has entered interpretive Declarations to this Optional Protocol. The UK would not exclude the deployment of under 18s who are members of the armed forces in direct combat if there is a genuine military need; it is not practicable to withdraw them before deployment; or doing so would undermine the operational

effectiveness of their unit. The minimum age at which children may join the UK armed forces is 16 years, with parental consent required.

[Optional Protocol to the UNCRC on the Sale of Children, Child Prostitution and Child Pornography](#) Governments must prohibit the sale of children, child prostitution and child pornography, and recognise the vulnerability of child victims, protect their privacy, provide appropriate support services and ensure their safety.

Annex 2 – General Comments

General Comments are non-legally binding interpretive aids issued by the UN Committee on the Rights of the Child to provide State parties with assistance regarding the interpretation of an article or issue relating to the UNCRC, and what actions governments should take to ensure its implementation. New General Comments appear at irregular intervals.

[Treaty bodies Search \(ohchr.org\)](#)

1. [The aims of education \(2001\)](#)
2. [The role of independent National Human Rights Institutions in the protection and promotion of the rights of the child \(2002\)](#)
3. [HIV/AIDS and the rights of children \(2003\)](#)
4. [Adolescent health and development in the context of the Convention on the Rights of the Child \(2003\)](#)
5. [General measures of implementation on the Convention on the Rights of the Child \(2003\)](#)
6. [Treatment of unaccompanied and separated children outside their country of origin \(2005\)](#)
7. [Implementing child rights in early childhood \(2005\)](#)
8. [The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment \(2006\)](#)
9. [The rights of children with disabilities \(2006\)](#)
10. [Children's rights in juvenile justice \(2007\)](#)
11. [Indigenous children and their rights under the Convention \(2009\)](#)
12. [The right of the child to be heard \(2009\)](#)
13. [The right of the child to freedom from all forms of violence \(2011\)](#)
14. [On the right of the child to have his or her best interests taken as a primary consideration \(2013\)](#)
15. [On the right of the child to enjoyment of the highest attainable standard of health \(2013\)](#)

16. [State obligations regarding the impact of the business sector on children's rights \(2013\)](#)
17. [On the right of the child to rest, leisure, play, recreational activities, cultural life and the arts \(2013\)](#)
18. [On harmful practices \(Joint General Comment with the Committee on the Elimination of Discrimination against Women\) \(2019\)](#)
19. [Public budgeting for the realisation of children's rights \(2016\)](#)
20. [Implementation of the rights of the child during adolescence \(2016\)](#)
21. [Children in street situations \(2017\)](#)
22. General principles regarding the human rights of children in the context of international migration [\(Joint General Comment with the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families\) \(2017\)](#)
23. State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return [\(Joint General Comment with the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families\) \(2017\)](#)
24. [General comment No. 24 \(2019\)](#) on children's rights in the child justice system
25. [General comment 25 \(2021\)](#) Children's Rights in relation to the digital environment.