

Child Rights and Wellbeing Impact Assessment (CRWIA) for

Child Rights and Wellbeing Impact Assessment (CRWIA) for the A737 Trunk Road (Dalry Road) (Temporary Prohibition on Waiting, Loading and Unloading) Order 2025

General Instructions (Please delete prior to publication)

1. Please do not delete or amend the questions in this form unless otherwise instructed to do so.
2. Additional guidance contained within boxes is for authors, please delete for readers as appropriate. Once guidance and the annexes are deleted it will reduce page count to approximately 6 pages.
3. Please refer to the internal CRWIA and Statement of Compatibility (SoC) guidance for the publication process.

Please note, the CRWIA should be started as soon as possible in the development process for the proposal. For further advice and support, please read the CRWIA and SoC guidance, attend CRWIA training and contact the CRWIA team CRWIA@gov.scot.

Disclaimer

This document is a point in time assessment of the likely effects of the above-named proposal on the rights and wellbeing of children and young people. This impact assessment should be read in conjunction with other impact assessments prepared for this proposal.

Scottish Government acknowledge the importance of monitoring and evaluating the impact of strategic decisions and legislation on children's rights and wellbeing. Any information gathered during implementation of the legislation or strategic decision to which the impact assessment relates, will be used to inform future determinations of impact. Any new strategic decision or new legislation (including amending

legislation) would be subject to a new CRWIA in line with the legislative requirements.

Child Rights and Wellbeing Impact Assessment Template

1. Brief Summary

Guidance: See section 2.1.2, pages 12-13 in Internal CRWIA and SoC for more information)

Type of proposal (Please delete as necessary):

- Scottish Statutory Instrument

Name the proposal, and describe its overall aims and intended purpose.

The A737 Trunk Road (Dalry Road) (Temporary Prohibition on Waiting, Loading and Unloading) Order 2025 allows for the temporary prohibition of waiting, loading and unloading to be placed on the use of the length of trunk road specified in the schedule of the order for a period beginning on 12th March 2025 and ending on 13th March 2025. The prohibition will come into effect where the relevant traffic signs specified in the order are displayed. The order will not prevent emergency vehicles from using those lengths of road. The roadworks are required to protect the public whilst essential works are carried out

Start date of proposal's development: 06/02/2025

Start date of CRWIA process: 06/02/2025

2. With reference given to the requirements of the UNCRC (Incorporation) (Scotland) Act 2024 ([Annex 1](#)), which aspects of the proposal are relevant to/impact upon children's rights?

Guidance: If there are no aspects of the proposed which are deemed relevant to the UNCRC requirements, please give a short explanation of that here and contact the CRWIA team to discuss your response to this question. See pages 13-16 in Internal CRWIA and SoC for more information.

During the development of this order, the operating company responsible for the roadworks has assessed whether the temporary prohibitions in place will negatively impact children and young people's ability to access buildings such as schools and/or childcare facilities, higher or further education institutions, hospitals, places used for recreational activity, and places of worship. We intend to keep any such impacts to an absolute minimum and avoid them where possible. There will not be a road closure with diversion route in place for these works. All works will be completed under temporary traffic lights. Due to the location of these works, there is the potential for a slight delay accessing Kilwinning Academy used by children and young people. A safe access will be maintained at all times, however the children will be required to be fully aware of their surroundings and follow the safe route adjacent to the works area on their route to Kilwinning Academy. Therefore the works are not

considered to have an impact on children and young people's right to education (article 28). There is also no impact on children and young people's right to health services (article 24), right to leisure play and culture (article 31), and freedom of thought, belief and religion (article 14).

However, the purpose behind the order is to allow works to proceed safely with the necessary precautions. The works will be undertaken by utilising temporary traffic management to provide a safe route for pedestrians and maintain a high standard of safety on the trunk road network. As a result, we consider these works, including the temporary traffic management used to negate any road safety concerns, will maintain a positive impact both directly and in-directly to article 3 (the best interests of the child) and article 6 (right to life, survival and development).

3. Please provide a summary of the evidence gathered which will be used to inform your decision-making and the content of the proposal

Guidance: It might be that no aspects of the proposal are deemed relevant, and therefore, no evidence exists relevant to the assessment. If that is the case, questions 3, 4, 5 and 6 can be answered as 'not applicable' and question 7 can be answered as 'no impact'.

Where consultation and engagement was carried out please tell us what you did (survey, focus groups etc) and a summary of what was said. If relevant include any key direct quotes. See pages 16-19 in Internal CRWIA and SoC for more information.

Evidence from:

- existing research/reports/policy expertise

Insert response here

- consultation/feedback from stakeholders

Insert response here

- consultation/feedback directly from children and young people

The operating company responsible for approving roadworks have past experience and knowledge to support our decision making process, however, engagement, consultation and communication are extremely important in the planning and delivery of works. As part of this process, maps are used to determine who will be impacted within a certain mile radius.

The company has mapped out the extents of this order and we are aware of the impact to the travelling public (particularly with this being the strategic trunk road network). Utilising maps, sites are identified, such as schools, which may be

impacted by the roadworks. This assessment includes buildings next to the trunk road, which generally is not the case on this network, as well as buildings nearby which may be impacted by works on the trunk road, or facilities within a diversion route.

Utilising mapping tools, the operating company can identify buildings such as schools and hospitals which could possess a risk. Once impacted stakeholders are identified (schools, hospitals etc), contact is made to discuss the impact works will have on each individual stakeholder. The works go through stakeholder consultation in advance of them being carried out, including liaison with local authorities and Police Scotland, and feedback is obtained on any required adjustments to the traffic management or work proposals.

Works are also noticed and plotted on the Scottish Roadworks Register, and where conflicts are identified, the operating company works with the other party to manage such issues.

Where work may cause an impact, the operating company effectively uses tools such as Traffic Impact Assessments or general knowledge to plan works at the most effective time.

Access for emergency service vehicles will be maintained throughout works.

Where sites may be impacted by works, the operating company consults with Police Scotland, the local authorities, Transport Scotland and other key stakeholders. Please note that local roads which are the responsibility of the local authority are more commonly likely to provide direct access to a number of facilities which may be utilised by children and young people such as schools, leisure centres, and GP offices, however this CRWIA has allowed us to identify where potential impact to facilities may occur and mitigate against these.

The operating company's Liaison Officer has good knowledge of the surrounding area and has built up a relationship with stakeholders such as the local schools. Therefore they also undertake stakeholder engagement with affected stakeholders (such as shopping complexes, leisure facilities, schools, crematoriums), where work may impact them. This then allows the operating company to plan ahead to mitigate against potential accessibility issues. The mitigation process specific to this order is described in question 9.

While there is the potential for access to areas to be impacted as a result of the order (until we add our planning measures prior to the order commencing), undertaking repairs provides a general positive impact to the public, including children, by reducing the chances of dangerous roads causing a risk to public safety.

Statistics show a decrease in the number of road traffic incidents in recent years and while we know that this looks a much broader range of incidents than those caused by what this order looks to impact alone, contributing to the reduction of road traffic incidents through this order and many like it will have a positive impact on children's right to life, survival and development.

With UNICEF reporting in their child and adolescent road safety technical guidance that 'road traffic injuries are the leading cause of death for children and adolescents

aged 5–19 years' we look to reduce chances of this in Scotland by contributing to the improvement of road safety.

4. Further to the evidence described at '3' have you identified any 'gaps' in evidence which may prevent determination of impact? If yes, please provide an explanation of how they will be addressed

Guidance: See page 19 in Internal CRWIA and SoC for more information.

This assessment has identified any potential intended impacts and we have analysed the evidence available at the point of planning the order. There is the potential for unintended situations occurring which cannot be planned for throughout the duration of this order. However, as per the current process, the availability of suitable alternative routes which do not limit access to spaces utilised by children and young people will be given due regard.

5. Analysis of Evidence

Guidance: Please explain what the evidence told you about the impact of the proposal on the rights and wellbeing of children and young people. See pages 19-20 in Internal CRWIA and SoC for more information.

Utilising the mapping process allowed the operating company to identify buildings which may be impacted by the order in terms of accessibility. This was then further understood through engagement with Police Scotland, the local authorities, Transport Scotland and other key stakeholders to provide input on potential impacts and the best ways to mitigate against these.

From the evidence described above, there is minimal impact with temporary traffic lights being implemented.

The identification of required roadworks allows for us to plan these works in order to uphold children's right to life, survival and development, through completing these works and protecting public safety.

Additionally, planning of these works allows for the Operating Companies to identify any buildings and/ or facilities which children and young people may access near that stretch of road, and plan mitigations if access to these are restricted. This is outlined in question 9.

6. What changes (if any) have been made to the proposal as a result of this assessment?

Guidance: See page 20 in Internal CRWIA and SoC for more information.

The operating company assessed if the prohibition provided in this order had a potential to restrict access to such an extent that it would require additional measures to be put in place. This allowed for general planning procedures to mitigate against any potentially negative impacts. Therefore, while mitigations were put in place in the planning, this is current process for these orders so did not require a change to process. If any unintended situations occur during the time this order is in operation, these will be mitigated against in the same way.

Conclusion

7. As a result of the evidence gathered and analysed against all UNCRC requirements, what is the potential overall impact of this proposal on children's rights?

Guidance: Please choose from positive, negative, neutral or no impact, Please note you can have both a positive and negative impact on children's rights. See page 20 in Internal CRWIA and SoC for more information. UNCRC Requirements ([Annex 1](#))

Applicable answer(s): Positive

Guidance: If you have answered no impact to question 7, please move onto question 10.

8. If you have identified a positive impact on children's rights, please describe below how the proposal will protect, respect, and fulfil children's rights in Scotland.

Guidance: See page 21 in Internal CRWIA and SoC for more information.

The positive impact will relate to the best interests of the child (article 3) and children's rights to life, survival and development (article 6) by allowing prohibition of waiting, loading and unloading in accordance with this order necessary to repair the statutory undertaker apparatus, protecting public safety and improving infrastructure.

9. If a negative impact has been identified please describe it below. Is there a risk this could potentially amount to an incompatibility?

Guidance: Please contact your SGLD Adviser to discuss any negative impacts and risk of potential incompatibilities. See pages 21-22 in Internal CRWIA and SoC for more information.

As these works are being carried out under temporary traffic lights, we do not anticipate a potential negative impact to children and young people's rights as set out in the UNCRC Act.

Mitigation Record

What options have been considered to modify the proposal in order to mitigate a negative impact or potential incompatibility?

Please summarise mitigation actions taken below

Guidance: Please copy and paste the following three headings for as many risks or negative impacts which you have identified and explained in questions 7 and 9.

Issue or risk identified and relevant UNCRC requirement

Slight delayed access to a building (Kilwinning Academy) used by children (without planning measures put in place).

Action Taken/ To Be Taken

Consideration of the timing of roadworks to limit the impact to the public, including children.

A safe access will be maintained at all times – however, children will be required to be fully aware of their surroundings and follow the safe route adjacent to the works area on their route to Kilwinning Academy.

Case by case planning of the best way to supply access to this length of road in a safe manner to emergency vehicles.

Date action to be taken or was taken

Prior to the order commencing the planning for these mitigating actions was mapped out so will be put in place when works begin.

10. As a result of the evidence gathered and analysed against all wellbeing indicators ([Annex 2](#)), will the proposal contribute to the wellbeing of children and young people in Scotland? (Guidance Section 2.3.2, pages 20-22).

Guidance: Please choose from yes, no or not applicable, delete responses as appropriate. See page 23 in Internal CRWIA and SoC for more information.

Safe:	Yes
Healthy:	Not Applicable
Achieving:	Not Applicable
Nurtured:	Not Applicable
Active:	Not Applicable
Respected:	Not Applicable
Responsible:	Not Applicable

Included: Not Applicable

If yes, please provide an explanation below:

Yes - safety of the public, including young people, is essential, and will be positively impacted by undertaking roadworks to maintain the roads in accordance with this order.

11. How will you communicate to children and young people the impact that the proposal will have on their rights?

Guidance: Providing information to children and young people on how their rights are being or will be impacted helps to ensure that policy-development is transparent. Are you publishing a child-friendly or accessible CRWIA? See page 23 in Internal CRWIA and SoC for more information.

The CRWIA will be published and has been written in accessible language so as to allow for children and young people to understand its content and the potential impact on their rights.

Post Assessment Review and sign-off

12. Planning for the review of impact on children's rights and wellbeing

Guidance: See page 23 in Internal CRWIA and SoC for more information.

- How will the impact of the proposal on children's rights and wellbeing be monitored?
- When will you review and update the CRWIA if required?

Through the duration of this order, the CRWIA will be referred to and due consideration given to the rights of children and young people if any unintended events occur.

13. Sign off

Policy Lead Signature & Date of Sign Off: 10/2/25 *Neil Henry*

Deputy Director Signature & Date of Sign Off:

Date CRWIA team first contacted:

Guidance: Please save for your records but this line regarding SGLD sign off must be deleted prior to publication.

SGLD Date of Sign off: 7 March 2025

Once signed off, please send to CRWIA@gov.scot and follow the relevant publication guidelines for your proposal, which can be found in the internal CRWIA and SoC guidance.

Additionally, if the proposal is a bill or SSI, please complete the Statement of Compatibility, the template for which can be found on [Saltire](#).

Please delete Annex 1 and 2 Prior to publication but not before clearing with SGLD

Annex 1 - UNCRC Articles Checklist

Please read the text for a full definition of each article and delete once positive, negative or neutral impact has been assessed and you have answered the relevant questions above.

What impact does/will the proposal have on children's rights (Please tick positive, negative or neutral)

Article 1 Definition of the child Positive | Negative | Neutral

For the purposes of the present Convention, a child means every human being below the age of eighteen years

Article 2 Non-discrimination Positive | Negative | Neutral

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3 Best interests of the child Positive | Negative | Neutral

1. 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.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Positive | Negative | Neutral

Article 4 Implementation of the Convention

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

Positive | Negative | Neutral

Article 5 Parental guidance and a child’s evolving capacities

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Positive | Negative | Neutral

Article 6 Life, survival and development

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child

Positive | Negative | Neutral

Article 7 Birth registration, name, nationality, care

1. The child shall be registered immediately after birth and shall have the right from birth to a name, and, as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field

Positive | Negative | Neutral

Article 8 Protection and preservation of identity

1. States Parties undertake to respect the right of the child to preserve his or her identity, including name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity

Positive | Negative | Neutral

Article 9 Separation from parents

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

Positive | Negative | Neutral

Article 10 Family reunification

A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents.

Positive | Negative | Neutral

Article 11 Abduction and non-return of children

States Parties shall take measures to combat the illicit transfer and non-return of children abroad

Positive | Negative | Neutral

Article 12 Respect for the views of the child

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law

Positive | Negative | Neutral

Article 13 Freedom of expression

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others; or

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

Positive | Negative | Neutral

Article 14 Freedom of thought, belief and religion

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others

Positive | Negative | Neutral

Article 15 Freedom of association

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Positive | Negative | Neutral

Article 16 Right to privacy

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks

Positive | Negative | Neutral

Article 17 Access to information from the media

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Positive | Negative | Neutral

Article 18 Parental responsibilities and state assistance

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible

Positive | Negative | Neutral

Article 19 Protection from violence, abuse and neglect

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Positive | Negative | Neutral

Article 20 Children unable to live with their family

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Positive | Negative | Neutral

Article 21 Adoption

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

- (a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;
- (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

- (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
- (d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
- (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs

Positive | Negative | Neutral

Article 22 Refugee children

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organisations or non-governmental organisations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention

Positive | Negative | Neutral

Article 23 Children with a disability

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services,

rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

4. States Parties shall promote, in the spirit of international co-operation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Positive | Negative | Neutral

Article 24 Health and health services

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take 20 appropriate measures:

- (a) To diminish infant and child mortality;
- (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
- (c) To combat disease and malnutrition, including within the framework of primary healthcare, though, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
- (d) To ensure appropriate pre-natal and post-natal health care for mothers;
- (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation and the prevention of accidents;
- (f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries

Positive | Negative | Neutral

Article 25 Review of treatment in care

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement

Positive | Negative | Neutral

Article 26 Social security

1. States Parties shall recognize for every child the right to benefit from social security, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child

Positive | Negative | Neutral

Article 27 Adequate standard of living

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the making of appropriate arrangements.

Positive | Negative | Neutral

Article 28 Right to education

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international co-operation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries

Positive | Negative | Neutral

Article 29 Goals of education

1. States Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- (e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such

institutions shall conform to such minimum standards as may be laid down by the State

Positive | Negative | Neutral

Article 30 Children from minority or indigenous groups

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language

Positive | Negative | Neutral

Article 31 Leisure, play and culture

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity

Positive | Negative | Neutral

Article 32 Child labour

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article

Positive | Negative | Neutral

Article 33 Drug abuse

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant

international treaties, and to prevent the use of children in the illicit production and trafficking of such substances

Positive | Negative | Neutral

Article 34 Sexual exploitation

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Positive | Negative | Neutral

Article 35 Abduction, sale and trafficking

States Parties shall take all appropriate national measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form

Positive | Negative | Neutral

Article 36 Other forms of exploitation

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare

Positive | Negative | Neutral

Article 37 Inhumane treatment and detention

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the

child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action

Positive | Negative | Neutral

Article 38 War and armed conflicts

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict

Positive | Negative | Neutral

Article 39 Recovery from trauma and reintegration

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such 5 recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child

Positive | Negative | Neutral

Article 40 Juvenile justice

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

- (i) To be presumed innocent until proven guilty according to law;
- (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;
- (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;
- (iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;
- (v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;
- (vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;
- (vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

- (a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
- (b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence

Positive | Negative | Neutral

Article 41 Respect for higher national standards



Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

- (a) The law of a State Party; or
- (b) International law in force for that State.

Positive | Negative | Neutral

Article 42 Knowledge of rights

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

First optional protocol

Positive | Negative | Neutral

Article 4

1. Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.
2. States Parties shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices.
3. The application of the present article under this Protocol shall not affect the legal status of any party to an armed conflict.

Positive | Negative | Neutral

Article 5

Nothing in the present Protocol shall be construed as precluding provisions in the law of a State Party or in international instruments and international humanitarian law that are more conducive to the realization of the rights of the child.

Positive | Negative | Neutral

Article 6

1. Each State Party shall take all necessary legal, administrative and other measures to ensure the effective implementation and enforcement of the provisions of this Protocol within its jurisdiction.
2. States Parties undertake to make the principles and provisions of the present Protocol widely known and promoted by appropriate means, to adults and children alike.
3. States Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to this Protocol are demobilized or otherwise released from service. States Parties shall, when necessary, accord to such persons all appropriate assistance for their physical and psychological recovery and their social reintegration.

Positive | Negative | Neutral

Article 7

1. States Parties shall cooperate in the implementation of the present Protocol, including in the prevention of any activity contrary to the Protocol and in the rehabilitation and social reintegration of persons who are victims of acts contrary to this Protocol, including through technical cooperation and financial assistance. Such assistance and cooperation will be undertaken in consultation with concerned States Parties and relevant international organizations.

2. States Parties in a position to do so shall provide such assistance through existing multilateral, bilateral or other programmes or, inter alia, through a voluntary fund established in accordance with the rules of the General Assembly.

Second Optional Protocol

Positive | Negative | Neutral

Article 1

States Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present Protocol.

Positive | Negative | Neutral

Article 2

For the purposes of the present Protocol:

(a) Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration;

(b) Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration;

(c) Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

Positive | Negative | Neutral

Article 3

1. Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether these offences are committed domestically or transnationally or on an individual or organized basis:

(a) In the context of sale of children as defined in article 2:

(i) The offering, delivering or accepting, by whatever means, a child for the purpose of:

- a. Sexual exploitation of the child;
 - b. Transfer of organs of the child for profit;
 - c. Engagement of the child in forced labour;
- (ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption;
- (b) Offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2;
- (c) Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in article 2.
2. Subject to the provisions of a State Party's national law, the same shall apply to an attempt to commit any of these acts and to complicity or participation in any of these acts.
3. Each State Party shall make such offences punishable by appropriate penalties that take into account their grave nature.
4. Subject to the provisions of its national law, each State Party shall take measures, where appropriate, to establish the liability of legal persons for offences established in paragraph 1 of the present article. Subject to the legal principles of the State Party, this liability of legal persons may be criminal, civil or administrative.
5. States Parties shall take all appropriate legal and administrative measures to ensure that all persons involved in the adoption of a child act in conformity with applicable international legal instruments.

Positive | Negative | Neutral

Article 4

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, when the offences are committed in its territory or on board a ship or aircraft registered in that State.
2. Each State Party may take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, in the following cases:
- (a) When the alleged offender is a national of that State or a person who has his habitual residence in its territory;
 - (b) When the victim is a national of that State.
3. Each State Party shall also take such measures as may be necessary to establish its jurisdiction over the above-mentioned offences when the alleged offender is present in its territory and it does not extradite him or her to another State Party on the ground that the offence has been committed by one of its nationals.

4. This Protocol does not exclude any criminal jurisdiction exercised in accordance with internal law.

Positive | Negative | Neutral

Article 6

1. States Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal proceedings brought in respect of the offences set forth in article 3, paragraph 1, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 of the present article in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their domestic law.

Positive | Negative | Neutral

Article 7

States Parties shall, subject to the provisions of their national law:

- (a) Take measures to provide for the seizure and confiscation, as appropriate, of:
 - (i) Goods such as materials, assets and other instrumentalities used to commit or facilitate offences under the present Protocol;
 - (ii) Proceeds derived from such offences;
- (b) Execute requests from another State Party for seizure or confiscation of goods or proceeds referred to in subparagraph (a)(i);
- (c) Take measures aimed at closing, on a temporary or definitive basis, premises used to commit such offences.

Positive | Negative | Neutral

Article 8

1. States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by:

- (a) Recognizing the vulnerability of child victims and adapting procedures to recognize their special needs, including their special needs as witnesses;
- (b) Informing child victims of their rights, their role and the scope, timing and progress of the proceedings and of the disposition of their cases;
- (c) Allowing the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected, in a manner consistent with the procedural rules of national law;

- (d) Providing appropriate support services to child victims throughout the legal process;
- (e) Protecting, as appropriate, the privacy and identity of child victims and taking measures in accordance with national law to avoid the inappropriate dissemination of information that could lead to the identification of child victims;
- (f) Providing, in appropriate cases, for the safety of child victims, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;
- (g) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting compensation to child victims.

2. States Parties shall ensure that uncertainty as to the actual age of the victim shall not prevent the initiation of criminal investigations, including investigations aimed at establishing the age of the victim.

3. States Parties shall ensure that, in the treatment by the criminal justice system of children who are victims of the offences described in the present Protocol, the best interest of the child shall be a primary consideration.

4. States Parties shall take measures to ensure appropriate training, in particular legal and psychological training, for the persons who work with victims of the offences prohibited under the present Protocol.

5. States Parties shall, in appropriate cases, adopt measures in order to protect the safety and integrity of those persons and/or organizations involved in the prevention and/or protection and rehabilitation of victims of such offences.

6. Nothing in the present article shall be construed as prejudicial to or inconsistent with the rights of the accused to a fair and impartial trial.

Positive | Negative | Neutral

Article 9

1. States Parties shall adopt or strengthen, implement and disseminate laws, administrative measures, social policies and programmes to prevent the offences referred to in the present Protocol. Particular attention shall be given to protect children who are especially vulnerable to such practices.

2. States Parties shall promote awareness in the public at large, including children, through information by all appropriate means, education and training, about the preventive measures and harmful effects of the offences referred to in the present Protocol. In fulfilling their obligations under this article, States Parties shall encourage the participation of the community and, in particular, children and child victims, in such information and education and training programmes, including at the international level.

3. States Parties shall take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offences, including their full social reintegration and their full physical and psychological recovery.

4. States Parties shall ensure that all child victims of the offences described in the present Protocol have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible.

5. States Parties shall take appropriate measures aimed at effectively prohibiting the production and dissemination of material advertising the offences described in the present Protocol.

Positive | Negative | Neutral

Article 10

4. States Parties in a position to do so shall provide financial, technical or other assistance through existing multilateral, regional, bilateral or other programmes.

Positive | Negative | Neutral

Article 11

Nothing in the present Protocol shall affect any provisions that are more conducive to the realization of the rights of the child and that may be contained in:

- (a) The law of a State Party;
- (b) International law in force for that State.

Annex 2 – Wellbeing Indicators Checklist

Please read the text for each wellbeing indicator, review and select yes, no or N/A. If any are applicable to your proposal, explain why against each relevant indicator within your answer to question 10, then please delete this Annex.

Wellbeing Indicator

Safe

Growing up in an environment where a child or young person feels secure, nurtured, listened to and enabled to develop to their full potential. This includes freedom from abuse or neglect.

Will there be an improvement in wellbeing in relation to this indicator:

Yes No N/A

Healthy

Having the highest attainable standards of physical and mental health, access to suitable healthcare, and support in learning to make healthy and safe choices.

Will there be an improvement in wellbeing in relation to this indicator:

Yes No N/A

Achieving

Being supported and guided in learning and in the development of skills, confidence and self-esteem, at home, in school and in the community.

Will there be an improvement in wellbeing in relation to this indicator:

Yes No N/A

Nurtured

Growing, developing and being cared for in an environment which provides the physical and emotional security, compassion and warmth necessary for healthy growth and to develop resilience and a positive identity.

Will there be an improvement in wellbeing in relation to this indicator:

Yes No N/A

Active

Having opportunities to take part in activities such as play, recreation and sport, which contribute to healthy growth and development, at home, in school and in the community.

Will there be an improvement in wellbeing in relation to this indicator:

Yes No N/A

Respected

Being involved in and having their voices heard in decisions that affect their life, with support where appropriate.

Will there be an improvement in wellbeing in relation to this indicator:

Yes No N/A

Responsible

Having opportunities and encouragement to play active and responsible roles at home, in school and in the community, and where necessary, having appropriate guidance and supervision.

Will there be an improvement in wellbeing in relation to this indicator:

Yes No N/A

Included

Having help to overcome inequalities and being accepted as part of their family, school and community.

Will there be an improvement in wellbeing in relation to this indicator:

Yes No N/A