

Evaluation of legislation, policy and practice on child participation in the European Union (EU)

Final Report

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Evaluation of legislation, policy and practice on child participation in the European Union (EU)

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¹ Professor Barry Percy-Smith, the key expert engaged on the project from the University of the West of England joined the University of Huddersfield in April 2014.

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Executive Summary

Article 24 of the Charter of Fundamental Rights of the European Union recognises the child's right to be heard. The right of all children to be heard and have their views being given due weight in accordance with their age and maturity is also laid down in Article 12 of the United Nations Convention on the Rights of the Child (UNCRC). The key focus of the study was to provide a comprehensive overview of the legal and policy framework for child participation at Member State and EU levels; particular structures and approaches; barriers and enablers; and the impact and benefits of child participation. The study also identified good practice on child participation which could be used to improve possibilities for participation of children in actions, policies and decisions that affect them.

Besides this main report, deliverables also include a research summary, a child-friendly summary and a specific fact sheet for each Member State, analysing its particular situation and pointing to best practices. A resource catalogue was also produced which will prove useful to promote the better respect of the views of the child.

Study findings

This study underlines the need to respect the child's right to be heard in all matters that concern her or him. **Children have a valuable role** to play in influencing policy and practice, where there are appropriate dialogue structures in place, and where both adults and children have opportunities to gain the competences needed for effective participation. Overall, the study has shown that the legislative arrangements relating to child participation **vary considerably across the EU** and that the inclusion of the child's right to participate into national laws has been a gradual process. The child's right to participate is now reflected to some extent within the national laws of all but a very few Member States with responsibilities for implementation shared between national governments, Ombudspersons and NGOs, although the detailed arrangements vary between individual sectors, and progress with regard to civic participation has fallen significantly behind other participatory forms.

A key theme to emerge from the research is the need for greater transparency and accountability with regard to the efforts of individual Member States. **Too few countries have established appropriate systems for monitoring and evaluating child participation** and budgets for child participation remain indistinct.

The **main evidence of impact relates to participation activities at a local level**, where the benefits are most tangible and measurable. Here, children have often been able to observe and articulate the changes to their everyday lives in settings such as schools, care, and their local neighbourhoods. Greater challenges clearly exist at a national policy level. The most commonly found examples of national policy impact relate to children's participation in developing youth strategies or action plans, and raising awareness of policy issues through child-led research, or via children's forums or parliaments.

There are numerous examples of positive outcomes for *individual children*, relating to **participation in decisions affecting their care, education or treatment within justice settings**. In the fields of child protection, healthcare and education amongst

others, examples were found where children's right to be heard has achieved direct results for their wellbeing and safety, even if these outcomes are infrequently monitored or evaluated in a systematic way.

The study has drawn attention to the **gap that so often exists between legislation and practice**. Even in countries where the legislative framework is better established, children's participation rights continue to be compromised through a combination of legal exemptions and restrictions, problems with their enforcement and application, tensions between the child's right to be heard and laws governing parental rights and responsibilities and legal guardianship, and restrictive public attitudes towards the child's place in society. The **need for raised levels of awareness of the right of the child to participate amongst legal, health, social care, educational and youth professionals, and practical skills for supporting children's participation** within the context of specific sectors and settings was also a recurrent theme across the EU.

The study evidence concurs with existing research and practice regarding the **very significant benefits of child participation for children's confidence, self-esteem and leadership skills, and developing civic and social responsibility**. These outcomes were commonly achieved as a result of children engaging in participatory democracy activities, through youth councils, public debates, and participatory research. This is distinct from the individual child's right to be heard within justice, asylum, and care proceedings, where the benefits of child participation often have a more immediate bearing on the child's rights, status, or material circumstances.

The study also provided an opportunity to explore directly with different stakeholders from across the EU what further action might be needed to strengthen the right of the child to participate. Overall, there was consensus that the emphasis within most Member States should be one of **improving the implementation of existing legal provisions**, rather than to add to the legislative machinery. It was thought that this might be achieved through **more effective remedies** in the event that legislation is breached; the utilisation of **standards and monitoring** frameworks; **training for professionals** who work with and for children about participation, and public **awareness-raising and education** about the benefits and relevance of children participation. Nonetheless, there was a perceived need amongst many of the interviewees for **further selective legislation** to strengthen the participation rights of specific disadvantaged or vulnerable groups of children, such as Roma, children with disabilities, asylum seeking and refugee children, and very young children.

On the basis of the evidence reviewed, a number of recommendations are proposed for policy and practice development:

Specific recommendations for EU Member States

Recommendation 1

- To review the consistency with which the child's right to participate has been reflected within national legislation, policy and practice, and to acknowledge and where possible - take action - to address the gaps highlighted by this study.

Recommendation 2

- To consider the merits of establishing a national cross-government strategy and / or action group for child participation, with representation from all key Ministries.

Recommendation 3

- To consider introducing mechanisms for embedding child participation across all policy areas and sectors, through capacity building for practitioners.

Recommendation 4

- To consider providing financial support for programmes and initiatives addressing the priorities highlighted by this study, and based on Article 24 of the Charter and Article 12 UNCRC (including General Comment No. 12), with a view to the subsequent mainstreaming of approaches that prove their effectiveness.

Specific recommendations for the European Commission

Recommendation 5

- To reflect upon and discuss the study findings with EU officials, Member States, NGOs, Ombudsmen and representatives from national children's councils and parliaments.

Recommendation 6

- To consider the merits of developing training and awareness-raising for EU officials on child rights including child participation based on the Charter and UNCRC.

Recommendation 7

- To review future EU initiatives, to ensure that child participation is factored into their design and implementation as a crosscutting theme.

Recommendation 8

- To accompany future EU-level recommendations or directives that include reference to child participation with additional practical guidance; to ensure that there is a consistent understanding of what child participation entails, and how to ensure its effective implementation.

1.0 Introduction

In November 2012, the European Commission Directorate-General for Justice (Justice and Consumers as of 1.1.2015) (DG JUST) commissioned an evaluation to carry out an ***evaluation of legislation, policy and practice on child participation in the European Union*** (JUST/2011/CHIL/FW/0159/A4). The study commenced with a kick-off meeting on 19 November 2012 and concluded in January 2014. The methodology included desk research, primary research and a child-led participatory action research within five EU Member States².

This final report presents the detailed findings from the evaluation. In this first chapter, we present the study background; outline the aims, objectives, and definitions that were used for the evaluation, and explain the methodological approach. We also highlight the main caveats and considerations to be applied when interpreting the findings, before going on to explain the structure for the remainder of the report.

The outputs from the evaluation include:

- a main evaluation report, containing results of the country research, EU-level research and child-led research; showcasing good practices based on a list of good practice criteria, putting forward recommendations; a set of practical guidelines for implementing children's participation, and appendices with further information on legislation within individual Member States relating to United Nations Commission on the Rights of the Child (UNCRC) Article 12; national participatory networks and forums; lists of key stakeholders, and a full method description
- child friendly summary of the main report
- individual country reports documenting the situation for children's participation in the EU28; and,
- a searchable PDF catalogue, with examples of research, toolkits and other resources for practitioners.

All of these outputs can be accessed and viewed online at the [website of the Directorate-General for Justice and Consumers](#)³ (DG JUST). They will also be available to download from the [EU Bookshop](#)⁴.

1.1 Study background

The 1989 United Nations Convention on the Rights of the Child (UNCRC) legally enshrined the right for children to express and have their views heard in all matters that affect them, overseen by the Committee on the Rights of the Child. Of the 54 Articles, Article 12 makes an explicit commitment for children and young people's right to be heard and respected in all matters that affect their lives, and has become synonymous with the term "participation". It is one of four rights identified by the Committee on the Rights of the Child as general principles of the Convention, relevant to all aspects of implementation of the UNCRC and to the interpretation of all other articles.

² Croatia, Greece, Netherlands, Poland and the UK

³ http://ec.europa.eu/justice/fundamental-rights/rights-child/index_en.htm

⁴ <http://bookshop.europa.eu>

A considerable body of research and practice on children's participation has been amassed in the decades since the UNCRC was first adopted. The 2009 report of the UN Children's Fund; *The State of the World's Children*⁵ underlined the relative progress that has been made over these 20 years. Children's codes have been incorporated into national legislation by around 70 countries worldwide, although participation has proven more difficult to measure using the available data⁶.

The Convention on the Rights of the Child does not use the word participation specifically, but the term has become widely adopted in the literature to describe the process of respecting the right of children to express their views⁷. This was explicitly acknowledged in General Comment No 12 of the UN Committee on the Rights of the Child⁸ where participation was described as:

"on-going processes, which include information-sharing and dialogue between children and adults based on mutual respect, and in which children can learn how their views and those of adults are taken into account and shape the outcome of such processes."

A variety of definitions of participation have been put forward in the literature (e.g. Hart 1992⁹, developing Arnstein's original ladder of citizen participation; Treseder 1997¹⁰, and Shier, 2001¹¹). An over-arching definition of the term is provided as follows in the UNICEF Innocenti series:

"[Participation can be defined as]... the process of sharing decisions which affect one's life and the life of the community in which one lives."

(Hart, 1992, p.5)¹²

Building on this, the working definition of child participation, developed by experts on the study team, and of which we were mindful during the course of the data collection and analysis for this study is as follows: *"The democratic action and involvement of individual children and groups of children in matters affecting them."*

⁵ UNICEF (2009) *The State of the World's Children* [online]. Florence: UNICEF. Available from <http://www.unicef.org/sowc09/docs/SOWC09-FullReport-EN.pdf> [Accessed 05/01/11].

⁶ Ibid. p. ii

⁷ Lansdown, G (2005) *Can you hear me? The right of young children to participate*

⁸ UN Committee on the Rights of the Child's General Comment No 12 (2009) on the right of the child to be heard. Full text available at: <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-GC-12.doc>

⁹ Hart, R. (1992) *Children's Participation: From Tokenism to Citizenship*. Florence: UNICEF.

¹⁰ Treseder P. 1997. *Empowering Children and Young People: Training Manual*. Save the Children and Children's Rights Office: London.

¹¹ Shier, H. (2001) *Pathways to Participation: Openings, Opportunities and Obligations*. Children and Society, 15, pp.107-117.

¹² Ibid. (1992)

1.1.1 Child participation in Europe

Whilst the promotion and protection of children's rights is underpinned by the UNCRC, this agenda is also reflected in the objectives of the European Union. The Lisbon Treaty¹³ included for the first time at the Treaty level the promotion of the protection of the rights of the child as one of the EU internal and external policy objectives. It also specifically included the protection of the rights of the child in reference to human trafficking, sexual exploitation and other criminal activity.¹⁴ Article 24 of the Charter of Fundamental Rights of the European Union identifies that a child's well-being and "*best interests must be a primary consideration*" in decisions made relating to an individual child or children as a whole. In addition the article clearly outlines that children must be allowed to give their views and their views must be taken account of in relation to any matter that affects them, as appropriate depending on their age and level of maturity¹⁵.

Children's participation forms a specific dimension of children's fundamental rights, cross-referencing Article 12 of UNCRC and the *right to be heard* in all decisions affecting them, but also extending to include the *active implementation of children's views* in partnership with adults. Participation is acknowledged as being central to children accessing protection and provision rights. At a European level, the participation of children and young people under the age of 18 was given new impetus through the European Commission's *EU Agenda for the Rights of the Child*¹⁶ (the EU Agenda). The EU Agenda outlines a set of principles to make sure that the EU upholds the rights of the child outlined in the Charter of Fundamental Rights of the European Union, the Treaties and the UNCRC to the highest standard, and this has further been reflected in recent EU legislation, such as Directive 2012/29/EU of the European Parliament and of the Council¹⁷, which established minimum standards on the rights, support and protection of victims of crime, and Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims¹⁸.

Looking more widely than policy emanating from the EU, The *Council of Europe Recommendation* to Member States of 28th March 2012 (CM/Rec (2012)2)¹⁹ further placed an importance on the governments in Europe taking the principles of child participation into account in their government's legislation, policies and practices as well encouraging the exchange of good practice concerning the principles. Most importantly, the recommendations emphasised governments' responsibility in ensuring children and young people are aware of the principles of participation and provision is made for children and young people to take part in decisions that affect them. These principles are shown in the table below.

¹³ European Union, *Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community*, 13 December 2007, 2007/C 306/01

¹⁴ Article 3 of the Treaty of European Union states that the Union "*shall combat [...] discrimination and shall promote [...] protection of the rights of the child*", and specifies that "*in its relations with the wider world, the Union shall [...] contribute to [...] the protection of human rights, in particular the rights of the child.*"

¹⁵ Charter of Fundamental Rights of the European Union, OJ C 364, 18.12.2000. Full text available at: http://www.europarl.europa.eu/charter/pdf/text_en.pdf

¹⁶ Full text available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0060:FIN:EN:PDF>

¹⁷ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA" <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:EN:PDF>

¹⁸ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA. Online: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32011L0036>

¹⁹ Recommendation CM/Rec(2012)2 of the Committee of Ministers to member States on the participation of children and young people under the age of 18. Online: <https://wcd.coe.int/ViewDoc.jsp?id=1927229&Site=CM>

Table 1.1 Principles of participation

- There is **no age limit** on the right of the child or young person to express her or his views freely. All children and young people, including those of pre-school age, school age and those who have left full-time education, have a right to be heard in all matters affecting them, their views being given due weight in accordance with their age and maturity.
- The right of children and young people to participate **applies without discrimination** on any grounds such as race, ethnicity, colour, sex, language, religion, political or other opinion, national or social origin, property, disability, birth, sexual orientation or other status.
- Consideration needs to be given to the notion of the **evolving capacities** of children and young people. As children and young people acquire greater capacity, adults should encourage them to enjoy, to an increasing degree, their right to influence matters affecting them.
- Particular efforts should be made to enable participation of **children and young people with fewer opportunities**, including those who are vulnerable or affected by discrimination, including discrimination on multiple grounds.
- **Parents and carers** have the primary responsibility for the upbringing and the development of the child and, as such, play a fundamental role in affirming and nurturing the child's right to participate, from birth onwards.
- In order to be able to participate meaningfully and genuinely, children and young people should be **provided with all relevant information** and offered adequate support for **self-advocacy** appropriate to their age and circumstances.
- If participation is to be effective, meaningful and sustainable, it needs to be understood as a **process and not a one-off event** and requires on-going commitment in terms of time and resources.
- Children and young people who exercise their right to freely express their views must be **protected from harm** including intimidation, reprisals, victimisation and violation of their right to privacy.
- Children and young people should always be **fully informed of the scope of their participation**, including the limitations on their involvement, the expected and actual outcomes of their participation and how their views were ultimately considered.
- In line with the General Comment on Article 12 of the UNCRC, all processes in which children and young people are heard should be **transparent and informative**, voluntary, respectful, relevant to children's lives, in child-friendly environments, inclusive (non-discriminatory), supported by training, safe and sensitive to risk, and accountable. Member States should integrate these requirements into all legislative and other measures for the implementation of this recommendation.
- **Article 12 UNCRC** right should be **enshrined in national legislation** applicable to all children and all settings of their lives.

The direction of travel in Europe is therefore a positive one, which has gained considerable momentum. Children's participation is now an established feature of policy and programme agendas across Europe. In many European countries, structures and approaches for hearing the voices of children are common features and children's participation is now routine for an expanding number of practitioners. Yet, in spite of these general trends in the development of children's participation there are irregularities and shortfalls. Developments in children's participation have been uneven across countries, sectors, levels of governance and for different groups of children. Uneven progress in developing participation is also reflected across public sectors and at different levels of governance, with certain sectors such as children's services, play sectors and aspects of local planning/community development (particularly those concerning facilities for children), appearing to achieve greater advances. The research carried out for this study aims to provide a deeper understanding of the situation within individual Member States, and to shine a light on potential good practices, evidence of positive outcomes and impact, barriers to further implementation and possible solutions for addressing them.

1.2 Aims, objectives, and methodology

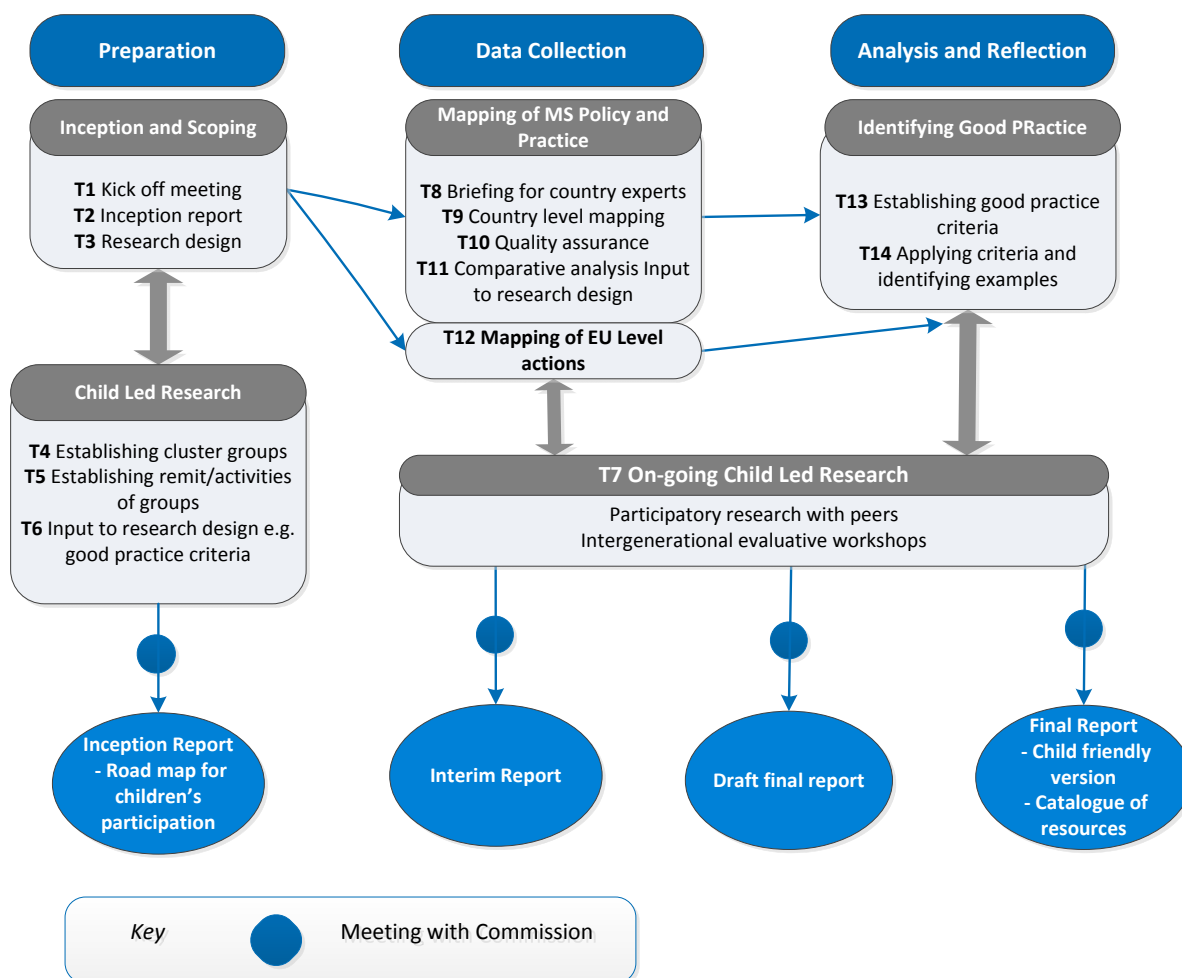
The aim of the study was to identify and map the existing situation in terms of child participation in the EU. Essentially, it sought to provide a baseline on the participation of children in the development and implementation of actions and policies that affect them both at national and EU level, for individual children, groups of children and children as a group. The study also aimed to provide an overview of tools and methods being used, and to examine the impact of child participation. The Terms of Reference (ToR) can be found at **Annex Eight**.

More specifically, the objectives of the study were to:

- Map legislation, policy and practice in 28 EU Member States with regard to implementation of Article 12 UNCRC and other UNCRC articles pertaining to child participation. Examine cultural attitudes to, and cultural acceptance of, child participation in the various settings.
- Identify any barriers to full implementation of Article 12 and identify enablers of child participation.
- Identify and showcase good practice on child participation in the EU, and Member States, including at a local level.
- Identify and evaluate the work done by the EU on child participation on the territory of the EU.
- Draw up practical guidelines for child participation at local, regional, national and European level.

These study objectives were pursued through various tasks: a) mapping of country level legislation, policy and practice in all 28 EU Member States; b) mapping of EU level activity, c) identification and analysis of good practice at both levels; and, d) child-led strand; involving participatory research in five Member States, Figure 1.2 below summarises the work programme. A full method description is presented at **Annex Five**.

Figure 1.2 Methodology overview



1.3 Study definitions and classifications

The Terms of Reference (ToR) for the study reinforced by discussions at the kick off meeting highlighted the requirement to consider participation in various situations, settings and sectors, and to pay particular attention to children in situations of vulnerability.

1.3.1 Sectors and settings

The definition of sectors and settings was based on the categories in the *Implementation Handbook for the Convention on the Rights of the Child*²⁰, and supplemented by the European Commission and the contractors during the inception and scoping phase.

Table 1.2 Categories of sectors and settings	
Government (national and regional) and overall policy and law-making	Health <ul style="list-style-type: none"> • Health services and institutions • Individual health decisions
Local government and services <ul style="list-style-type: none"> • Planning • Housing • The environment and sustainable development 	Justice <ul style="list-style-type: none"> • Criminal justice • Civil justice • Administrative justice
Care <ul style="list-style-type: none"> • Child protection • Custody decisions and alternative care • Adoption 	Recreation <ul style="list-style-type: none"> • Play • Sport • Cultural activities
Asylum and Immigration <ul style="list-style-type: none"> • All immigration and asylum procedures 	Child employment
Education <ul style="list-style-type: none"> • Schools and education services • Complementary education settings • Vocational training 	Media

Source: *The Implementation Handbook for the Convention on the Rights of the Child*

1.3.2 Categories of vulnerable groups

The ToR required that special attention be paid to **children in situation of vulnerability**. The European Commission and contractors developed a long list of categories of vulnerability facing children, which was further sub-divided into two categories for the purpose of the evaluation:

- Groups with a current Europe-wide interest
- Other groups that will be more evident given the specific contexts in individual countries

²⁰ Available at: <http://www.unicef.org/crc/files/Implementation%20Checklists.pdf>

Table 1.3 Categories of vulnerable groups of children

Europe Wide	Specific to individual countries
<ul style="list-style-type: none"> • Roma • Migrant children irrespective of their legal status • Children with disabilities (including children with intellectual disabilities) • Children of imprisoned parents • Young carers 	<ul style="list-style-type: none"> • Children in institutional care settings • Children experiencing domestic violence • Indigenous and minority ethnic groups • Asylum seekers/refugees • Homeless/street children • Child workers • Early school leavers/Children experiencing educational disadvantage • Lesbian/Gay/Bisexual/Transsexual

1.3.3 *Types of participation and decision-making stages*

Research and practice affirm that 'effective' participation can be highly specific to the setting or context within which the activities take place. Drawing upon the Framework for Monitoring and Evaluating Children's Participation developed by Lansdown (2011²¹), the data collection took particular account of three main **types of participation** – consultative, collaborative, and child-led, whilst avoiding any assumptions about an implicit or explicit 'hierarchy'. In other words, it should not be assumed that child-led participation is necessarily of a higher order than collaborative participation, as this depends on the specific context.

The evaluation also found numerous examples where children are provided with '**child-friendly information**'. Following the framework, the provision of information can be considered a prerequisite for effective and informed participation by children. However, it could equally feature within examples of consultative, collaborative and child-led practices, and has not been treated as a form of participation in its own right.

The study also took into account the different stages of the policy or project development cycle at which participation takes place, as this can have a significant bearing on the forms participation takes and children and young people's opportunities to be heard and influence decision-making. The following table shows how these dimensions were combined into an over-arching framework.

²¹ Available at: <http://resourcecentre.savethechildren.se/library/framework-monitoring-and-evaluating-childrens-participation-preparatory-draft-piloting>

Table 1.4 Types of participation and stages in the policy cycle

Stages in the policy / project cycle	Types of participation		
	Consultative	Collaborative	Child-led
a. <i>Identifying and prioritising needs</i>	Children's views are solicited but the agenda; design and process for information gathering and analysis are undertaken by adults.	Children contribute to research design, data collection and analysis. Children's views are included in data collection.	Children undertake their own research with other children to identify issues of concern (with the support of adults as resources if needed).
b. <i>Dialogue, reflection and inquiry (analysis and sense making)</i>	Adults analyse, reflect on and discuss implications of findings in light of situational assessment.	Children are involved in dialogue and inquiry with adults to jointly analyse and reflect on implications of situational assessment.	Children engage in their own dialogue inquiry and reflection together but without adults.
c. <i>Policy or programme design</i>	Planning takes account of the issues raised by children in the identification of key issues.	Children are involved in decisions about what programmes/policy are to be developed.	Children decide what activities or actions are needed or the issues on which they want to advocate change.
d. <i>Policy or programme implementation</i>	Children are invited to participate on adult terms.	Children are jointly involved with adults in implementing programme/policy actions, for example, communicating, contributing and/or taking responsibility for delivery of some aspects of the initiative.	Children organise and manage the programme/policy and have full responsibility for its implementation, (though they may be supported by adults as resources).
e. <i>Undertaking appraisal, evaluation and feedback</i>	Adults review the results of programme implementation and elicit feedback from children.	Children are jointly involved with adults in gathering feedback, interpreting the results and identifying the implications.	Children design and undertake their own evaluation (with the support of adults as resources if needed).

Source: Developed from Lansdown, G (2011) *A Framework for Monitoring and Evaluating Children's Participation: A Preparatory Draft for Piloting*

1.4 Report structure

The remainder of this report is structured as follows:

- **Chapter two** reviews the legislation, structures and mechanisms relating to Article 12 UNCRC across the EU28, and explores the key issues and challenges arising from their implementation. It also considers the influence of other drivers for children's participation including the Council of Europe Recommendation.
- **Chapter three** examines the situation within key sectors and settings across the EU to determine the level of coverage of Article 12 UNCRC. It then goes on to examine the specific issues faced by vulnerable groups of children, and examples of good practice in supporting these groups.
- **Chapter four** examines the different forms that participation takes, the factors that influence relative effectiveness, and some of the hallmarks of 'good' and 'poor' quality participatory practices.
- **Chapter five** reviews the practice dimensions of children's participation in greater detail. It examines the extent to which children have been able to routinely effect changes to policy and practice, the ways in which this has been achieved, and the benefits of participation for children and young people themselves.
- **Chapter six** looks at the main barriers to effective participation, including the reasons why legislative responses have not always been effective. It then goes on to identify the enablers for achieving effective participation, and sets out a number of priorities for further action.
- **Chapter seven** turns to examine the evidence from the child-led strand of the research. It provides an overview of the work carried out with children on the five participatory projects, before examining the children's definitions of participation and their experiences of participation in their everyday lives.
- **Chapter eight** further explores the findings from the child-led research strand in relation to the challenges and barriers encountered by children in relation to participation, and the solutions they have proposed.
- **Chapter nine** presents the findings from the analysis of data at an EU-level. It gives an overview of EU legislation and policy development, looking across the work of the different Directorates General, and other EU institutions, and examines how this work has translated into practice; and,
- **Chapter ten** presents the overall conclusions from the country mapping, EU-level, and child-led strands of the evaluation. It then goes on to present a series of recommendations for future policy development, and a set of practice guidelines for managing child participation at the EU, regional and local levels.

2.0 Legislation, structures and mechanisms for implementing child participation within EU Member States

Key messages

The legislative response to Article 12 UNCRC

- The legal provisions for Article 12 UNCRC vary significantly across the EU. These provisions are most commonly reflected in multiple sources of legislation regarding children's rights. Eleven Member States (BE, BG, DE, ES, FI, IE, HU, LT, PL, SK and SI) have included provisions within their national Constitution, whilst six (AT, LV, PL, RO, SE and UK) have introduced a more comprehensive Children's Act or Code addressing child participation. In a few cases, (CY, MT), there was little or no evidence that Article 12 has been taken into account within national legislation.
- Specific legal provisions pertaining to Article 12 UNCRC are most visible within the education, care, and justice sectors (including asylum and immigration), where Article 12 is covered in all 28 Member States. The child's right to be heard is the most clearly defined in decisions affecting their immediate welfare – through adoption, custody or, care proceedings. In contrast, fewer legal provisions were found relating to children's participation in designing, planning and evaluating services provided on their behalf.

Structures

- Most EU countries have a specific Government Ministry or Ministries with oversight of policies and programmes for children and young people as part of a wider portfolio for youth, citizenship, and education. These responsibilities are rarely defined in terms of 'child participation', however, and this usually forms part of a wider portfolio for youth, citizenship, and education. There was very limited evidence for a cross-Government agenda for child participation within Member States, in contrast to other related areas of children's policy such as tackling child poverty.
- An independent Ombudsperson has been mandated with responsibilities for monitoring children's rights under UNCRC, including Article 12, in all but two EU Member States. In half of these countries (13), the role is performed by a Children's Ombudsperson or Commissioner (AT, BE, HR, CY, FI, IE, IT, LT, LU, MT, PL, SE, and UK), whilst the same number have assigned responsibilities to a National Ombudsperson as part of a wider portfolio (BG, DK, EE, EL, ES, FR, HU, LV, NL, PT, RO, SK, and SI). In two countries (CZ and DK), responsibilities for UNCRC are subsumed within Ministerial functions.
- The country mapping also identified a wider range of Non-Governmental Organisations (NGOs), child rights organisations and networks acting in a support or advocacy role for child participation at a national level within Member States. UNICEF National Committees were cited as performing an important monitoring role for UNCRC, including Article 12, in making progress more transparent.

Budgets for participation

- The visibility of public budgets for child participation has generally been poor. Government funding for programmes with a child participation element has often fallen between 'children' and 'youth' policy, with the latter usually understood to cover young people from the ages of 14-25. This reflects that much child participation activity has originated from a citizenship and cultural agenda, rather than necessarily being rights-based and linked directly to UNCRC (0-18 year olds). There was evidence that levels of public funding allocated to promoting and monitoring Article 12 have not always been fit for purpose.

Implementing policy and legislation

- Enforcement of Article 12 has proven difficult. Very few countries have introduced a workable framework for assessing compliance or imposing remedies in the event of a breach. Article 12 is still relatively untested in case law; and progress has been slower in higher profile policy areas and where children's rights come into conflict with political interests.
- Responsibilities for implementation of Article 12 typically rest with a number of different official bodies and institutions at a national level. Much trail-blazing of children's participation has also taken place at a municipal level, where authorities working individually or as part of a network have often shown active leadership. The Child Friendly Cities Initiative and Children's Town Councils are prominent examples of municipal initiatives.

Participation in practice

- The country mapping found that nearly all Member States have some form of participatory children and youth structure at a national level; most commonly National Youth or Children's Councils or Children or Youth Parliaments. A wider range of NGOs, child rights organisations and networks acting in a support or advocacy role for child participation were also identified. The existence of networks representing more specific groups of children was less evident through the mapping exercise.
- There was a clear trend across countries for forms of child participation that involve 'consultation' and the gathering of children's views. It was common that consultation activities were pursued as singular or time limited activities relating to a specific policy or project initiative. Emerging from the mapping were some examples of more collaborative participation activities, with children involved collaboratively at the design and planning stage of the policy or programme cycle, but to a lesser extent in subsequent stages of decision making, implementation and evaluation. A handful of potential examples of child-led participation were found within the study. Some local youth movements were identified as being almost entirely child-initiated, and operating outside of an adult-led structure.

2.1 Introduction

This chapter draws upon the findings from the country mapping and desk research to review the legislative and policy frameworks that exist to support children's participation within EU Member States, and with a particular focus on UNCRC Article 12. The chapter starts by examining the forms of legislation that have been introduced, and how participation is defined and constituted – at national and regional or local levels. It goes on to examine which types of official bodies or institutions have legislative oversight, and how participation is funded. The chapter then addresses the question of how relevant legislation and standards have been implemented, and the challenges that exist for ensuring compliance. Finally, it examines the structures and mechanisms that exist to support participation in practice, including the role played by NGOs and grassroots children's networks.

2.2 Legislative frameworks for child participation

The legal provisions used to implement Article 12 of the UNCRC were closely examined through the country mapping phase of the study and were found to vary significantly across the Member States. Table 2.1 provides an overview of the situation across the EU28. It should be noted that the categories are not mutually exclusive, as some Member States have used more than one method of transposition for Article 12.

Table 2.1 Transposition of Article 12 in national legislation within the EU28

Method of transposition	Country coverage (EU Member States)
a. Comprehensive Children's Act or Code	AT ²² , LV, PL, RO, SE, UK
b. Reflected in the national Constitution	BE, BG ²³ , DE, ES, LT ²⁴ , FI, HU ²⁵ , IE ²⁶ , PL, SK, SI
c. Reflected in wider / multiple sources of legislation regarding children's rights	CZ, DK, EE, ES, FR, EL, HR, IE, IT, LU, NL, PT, SK, SE
d. Weak / limited evidence of national legislative basis for Article 12	CY, MT

There are six countries where a **comprehensive children's act** is used as the legal basis. The most notable examples were Austria's Federal Constitutional Act on the Rights of the Child of 2011 (*Bundesverfassungsgesetz über die Rechte von Kindern/ BVG*)²⁷ and the UK's Children's Act 2004²⁸; although numerous other pieces of legislation in the UK variously reinforce the provisions of Article 12 within the devolved administrations. These include, for example, the Rights of Children and Young Persons (Wales) Measure of 2011 which requires Ministers to have due regard to UNCRC when exercising their functions within office²⁹.

A slightly more common approach was the inclusion of Article 12 rights **in the national Constitutions of countries** (11 countries). The Austrian Federal Constitutional Act on the Rights of the Child³⁰ includes participation in its overall definition, and the Finnish Constitution implicitly includes children in an article outlining universal rights to participation. The Constitutions in Lithuania, Belgium and Spain also include explicit references to child rights and participation, although in both of the latter cases the wording of Article 12 is not transposed exactly as in the UNCRC:

"The public authorities shall promote the conditions for the free and effective participation by the young in political, social, economic and cultural development."
(Spain)

²² The Federal Constitutional Act on the Rights of the Child does not include all the rights protected under the UNCRC, in particular social and cultural rights of children are missing. The right of participation (Art 4) is included. Specific laws may contradict this right and remain valid until declared unconstitutional by the Constitutional Court.

²³ The Child Protection Act guarantees the child's right to participation in judicial and administrative proceedings concerning his or her interests, if the child is 10 or older.

²⁴ The decision on child's ability to express his/her views, when he/she is under the age of 10, is made with the involvement of the psychologist. The laws define a manner and situations when child's opinion needs to be heard.

²⁵ The understanding of Article 12 in Hungary is rather limited to children involved in judicial or administrative proceedings

²⁶ The result of the referendum is currently being challenged before the Irish Supreme Court so the constitutional amendment has not yet been written into law at the time of writing.

²⁷ Bundesverfassungsgesetz über die Rechte von Kindern (Federal Constitutional Act on the Rights of the Child) 2011 http://www.parlament.gv.at/PAKT/VHG/XXIV/BNR/BNR_00335/fnameorig_204922.html

²⁸ The Children's Act (2004). http://www.opsi.gov.uk/acts/acts2004/ukpga_20040031_en_1

²⁹ <http://www.legislation.gov.uk/mwa/2011/2/contents>

³⁰ Österreichische Bundesverfassung (Austrian Federal Constitution) 1920/1929

http://www.bmeia.gv.at/fileadmin/user_upload/bmeia/media/4-Oesterreich_Zentrale/182_bv_deu_eng_frz.pdf

"Every child has the right to express herself/himself on all matters of interest to her/him; her or his opinion is taken into consideration depending on age and capacity of discernment." (Belgium)

In Ireland, a referendum on the constitutional rights of children was successfully passed on 10 November 2012. Once passed into law, the proposed amendment will afford children specific rights to be heard in relation to proceedings concerning child protection, care, adoption, guardianship and custody³¹.

The inclusion of Article 12 is also evident at a constitutional level within individual regions or provinces, within some federalised countries. For example, child rights, including the right to participate, are explicitly included in all Länder constitutions with the exception of Hamburg and Hesse in Germany, although not using entirely consistent definitions or with a guarantee of a consistent level of protection. Similarly, in Austria, the incorporation of general references to children's rights, although the right to be heard is not made explicit, can be found within the constitutions of some - but not all - provinces, including Upper Austria, Vorarlberg, Salzburg, Lower Austria, and Tyrol.

In just under half of EU Member States (14 countries), the implementation of Article 12 has been realised through **several or multiple pieces of legislation**, rather than a comprehensive or singular Act. In most cases, the legislation supporting child participation is intertwined with general legalisation about children's rights, and is often additionally a part of a wider piece of legislation governing a particular sector. A more detailed consideration of the arrangements within specific sectors can be found within **Chapter 3**.

2.2.2 Definitions of participation evident in legislation

The country mapping showed that there is considerable variation in *how* Article 12 is reflected in national legislation, with the most notable area of variation around the definitions and wording of legislation in respect of participation, and the strength and scope of the duties that are imposed. In the main, the wording of legislation largely reflects that of the UNCRC. However, the evidence gathered in country-level research indicates that not all countries have a single definition of child participation enshrined in legislation, so different pieces of legislation present a sometimes contrasting view. Where participation is referenced in legislation, it is generally interpreted in terms of consultation and providing a voice for children on decisions that affect them, with wording commonly in line with the spirit of the UNCRC. Typically the working definition evident across legislation is for *'children's opinions to be taken into account'*.

2.2.3 Official bodies and institutions

The evidence gathered at a country level suggests that in individual countries there are typically multiple official bodies and institutions with a role or remit for the implementation of UNCRC Article 12 at national level. They include national and regional government bodies, Children's Councils, and Ombudsmen. A list of these institutions can be found at **Annex Three**.

An Ombudsperson is mandated with responsibilities for children's rights, including Article 12, in most EU Member States. In most cases, these functions are performed by a dedicated ***Children's Ombudsman or Commissioner*** (AT, BE, CY, FI, IE, HR, IT, LT, LU, MT, PL, SE, and UK).

³¹ Thirty-First Amendment of the Constitution (Children) Bill 2012 ([Bill](#) No.78 of 2012)

In the UK, a Children's Commissioner exists for each of the devolved administrations (England, Northern Ireland, Scotland and Wales), whilst in Austria there is an "*Ombudsoffice for Children and Youth*" in each of the Länder (Burgenland, Carinthia, Lower Austria, Salzburg, Styria, Tyrol, Upper Austria, Vienna, and Vorarlberg³²). In addition to the National Ombudsman for Children and Adolescents, nine of the Italian regions³³ have passed a law enabling the creation of a regional Ombudsman for Children; although at the time of writing these structures have not yet been established.³⁴

In Member States where there is not a specific Children's Ombudsman, the remit for monitoring children's rights most commonly falls within a wider set of responsibilities for a **National Ombudsperson**. This was found to be the situation in 13 Member States (BG, DK, FR, EE, EL, ES, HU, LV, NL, PT, RO, SK, and SI). In two further countries, these responsibilities do not fall to an independent Ombudsperson, and are instead situated within government, as an extension of existing Ministerial functions (CZ, and DE).

There is evidence that in some Member States the role of an Ombudsman is still relatively new, and in others it is still evolving. In Bulgaria, for example, the Ombudsman Act was only adopted in 2012 so the role and remit of the Children's Ombudsman has still to be clarified. In the UK, the Children and Families Bill (2013) includes proposals to widen the functions and powers held by the Office of the Children's Commissioner and provide greater independence from Government, in the wake of an independent review of the role. This strengthening will include a change in reporting arrangements, from reports to the Education Ministry, to direct reporting to Parliament, along with new powers to undertake child rights impact assessments for all new government policies affecting children.³⁵

In other Member States, however, the work around children's rights, and therefore participation, sits directly within an individual Ministry. The specific location was found to vary between Member States, as might be expected given differences in how national Ministries are structured, and their specific remit. Generally, however, they sat either within *education* (for example, the Ministry of Education, Youth and Sports in the Czech Republic; Ministry of Education and Culture's Youth Policy Division in Finland, and Ministry of Education and the Ministry of Youth in France), or *social affairs/social protection* (for example, the Ministry of Social Affairs, The Ministry of Labour, Family and Social Protection in Romania, and The Ministry of Social Affairs, Department of Children and Families in Estonia). Crosscutting the above, child participation is pertinent to Ministries of *justice and home affairs* in all Member States, in the context of asylum, immigration, and justice.

In the main, these official bodies and ministries exist and operate at a national level. Exceptions were found, however. In Lithuania the promotion and implementation of child participation is decentralised with local authorities playing a key role. Specifically each local authority in Lithuania has a child rights protection body. The German federal system also means that the policy areas relating to child participation are in the main within the competence of the Federal States.

³² United Nations Children's Fund (2013) *Championing Children's Rights: A global study of independent human rights institutions for children*, UNICEF Office of Research, Florence: http://www.unicef-irc.org/publications/pdf/c950_ccrbook_130903web_noblanks.pdf

³³ Basilicata, Calabria, Emilia Romagna, Liguria, Lombardia, Piemonte, Puglia, Toscana, and Umbria

³⁴ Ibid. (2013), p.320

³⁵ Office of the Children's Commissioner – Written Ministerial Statement (2012). Viewed online [27.10.13]: <http://media.education.gov.uk/assets/files/pdf/w/office%20of%20the%20childrens%20commissioner%20%20%20written%20ministerial%20statement.pdf>

2.2.4 Budgets and financing for participation

The country mapping highlighted a distinct lack of identifiable funding to support child participation across Member States. In no Member State was there an entirely separate, ring-fenced public budget for child participation activities within Ministries, although the planned expenditure for Child Ombudsmen was usually found to be more transparent due to their reporting and accountability requirements.

The absence of information about targeted public funding in the Member States can be attributed in part to the cross-cutting nature of child participation, which is implicit to a much wider range of youth welfare, educational and social inclusion provisions rather than necessarily being confined to a specific set of “activities”. Nevertheless, a lack of transparency was raised as problematic in some countries, due to the restrictions this places both on the ability to monitor expenditure and also for children to influence how funding is prioritised and spent. In some countries, there has been lobbying to create a “*children’s budget*”. These budgets cover a range of activities and it is implicit that children will participate in some way in determining how it is used. For example, in the case of Croatia:

“We have advocated in the last six or seven years [for] the creation of a so-called “children’s budget”. We insist that the state clearly says “This is for children”...and then we will monitor...to be able to recognise which resources are [available] for children.”

(National Expert, Croatia)

Different viewpoints were expressed on this issue by the experts consulted for the study. Whilst all recognised the importance of transparency with regard to funding for the promotion of child rights, some considered that having a ring-fenced budget for children runs contrary to the objectives of child participation to an extent, by separating children’s interests from those of adults, and by separating out child participation rather than mainstreaming it in policies. From this perspective, the central issue – the need for children’s participation to be reflected across all areas of public policy – is not fully addressed.

A number of examples of funds were found within the country mapping exercise, with a direct focus on participation. Some of the better established examples have benefited from a steady funding stream, supported at a national level via special programmes. The following are four examples of this:

Table 2.2 Country examples: allocating and monitoring expenditure for children

- In **Italy**, the Youth Policy Fund was established with Law n. 248/2006 as a financial mechanism to promote ‘student participation’³⁶. The funding is distributed via municipalities of university towns, to support the work of student consultative bodies, and to establish dialogue with local stakeholders. Student participation in project design and management is one of the award criteria.
- In **Slovakia**, the Ministry of Education, with its IUVENTA branch provides grants for youth participation, including via the ADAM Programme. This is an important source of funding, with 40% of youth NGOs now supported by ADAM. It is the only programme that also provides core funding³⁷.
- In **Sweden**, The National Board of Youth Affairs allocates funding to promote child-led organisations. Just over 100 child and youth organisations were approved for funding in January 2014. The Swedish inheritance board (Allmänna Arvsfonden) also provides funding to projects working on children’s rights, some of them explicitly regarding participation.
- In **Slovenia**, budgetary resources exist with the aim of promoting and implementing child participation. National and local governments financially support child and youth organizations which promote, support and work on child participation. The most influential government body is Office for Youth at the Ministry of Education and Sport.

³⁶ <http://www.gioventu.gov.it/dipartimento/politichegiovani.aspx>

³⁷ Stakeholder interview evidence

It is clear though that even when public funding for participation exists, the amount is often low. Figures are difficult to ascertain due to the often complex forms of governmental budgets, but officials in various countries such as Bulgaria, Spain, and Slovakia point to the small budgets as one of the key challenges for achieving sustainable participation across different sectors. This view is supported by evidence from the CRC Committee country reports, which indicate that financial support from national Governments has not always been adequate to maintain child-rights institutions at a level where they are able to perform all of their functions³⁸.

There was also a rather mixed picture at a **regional or municipal level**. Some, but by no means all, local and regional children and youth parliaments are subsidised from municipality and regional government budgets. In Austria, The Austrian Child and Youth Advocate Offices (Ombudspersons) / *Österreichische Kinder- und Jugendanwaltschaften*³⁹ are funded by the provinces (Länder). In Portugal, there has been a growing use of participatory budgets at a municipal level, since the creation of the Children and Youth Participatory Budget initiative in 2006⁴⁰, although levels of take up have varied across the country⁴¹. In Sweden, many local governments publish specified budgetary allocations for children and young people but this does not extend to identification of specific ring-fenced funding for participatory activities per se. As with the national picture, a lack of transparency in relation to budgets has been a common criticism.

Some good practice examples were found, however, for particularly proactive municipal authorities. One of these examples relates to the City of Opatija (Croatia), where the municipal authorities assign a dedicated children's budget. Children's participation is reflected in the activities to be funded, although not as a specific strand of funding, and is also reflected to some extent in the processes for accounting and reviewing

"We in Opatija have a special budget item for Children's Council activities... children suggest certain activities for the city budget. After the budget is accepted, children receive an explanation for which of their suggestions were accepted [Sic.], which were not and why not. Children also receive a brochure called "Children's budget" in which everything is explained."

(Municipal Representative, Croatia)

The mapping exercise found a strong role for NGOs in the field of child participation and as such potentially an additional strand of private funding. However, in many countries NGOs received financial support from public authorities so there is the risk of 'double-counting.' As with public funding, it was difficult to robustly identify specific budgets allocated for participatory activities, beyond where a specific project was funded.

³⁸ United Nations Children's Fund (2013). *Championing Children's Rights: A global study of independent human rights institutions for children*, UNICEF Office of Research, Florence. Available online: http://www.unicef-irc.org/publications/pdf/c950_ccrbook_130903web_noblanks.pdf

³⁹ Österreichische Kinder- und Jugendanwaltschaften (Austrian Child and Youth Advocate Offices) <http://www.kija.at/>

⁴⁰ <http://www.programaescolhas.pt/recursos/escolhas/empreendedorismo/orcamento-participativo>

⁴¹ In 2007, the São Brás de Alportel municipality involved more than a hundred children and young people in making proposals about what they consider important for the county, having been the first in the country to promote the participation of children under the Participatory Budget, which had begun in 2006.

2.2.5 *Approaches taken to implement legislation*

Compliance with the standards set out in Article 12 UNCRC cannot be measured only with reference to whether or not individual Member States have adopted provisions in their law determining the status of children and their rights. The legal basis for compliance has invariably required further legislation to be set in place; referring to the participatory standards under Article 12 UNCRC (as further interpreted in General Comment No. 12).

Actual progress with strengthening the legal basis for children's 'participation' rights within the individual Member States was usually found to have taken place *incrementally* - through a raft of secondary legislation at a national level; and sometimes *indirectly* - through measures intended to strengthen children's rights in a wider context rather than always with UNCRC as a main driver.

In Croatia, for example, there has been a succession of legislative changes over the past decade to strengthen children's participation. These have included: the Family Law Act⁴² (rights and responsibilities in the relationships of parents and children, including provisions for guardianship and custody disputes); Child Ombudsman Law⁴³; Law on Education in Primary and Secondary Schools⁴⁴; Social Welfare Act⁴⁵; Foster Care Act⁴⁶, and Youth Councils Law⁴⁷. The latter instituted the National Council of Students, and gave it a duty to represent all students of primary and secondary schools, with regard to matters affecting their lives, work and education. Importantly, these changes to the legal framework have also been accompanied by policy development, and in 2013 child participation was included as a high-level goal for the national strategic document for children (2013-2020, unpublished at time of writing).

Similarly, Austria ratified the UNCRC in 1992, with reservations enabling Government to implement the Convention by passing its own, separate laws. Nearly twenty years later, in 2011 the Federal Constitutional Act on the Rights of the Child (*Bundesverfassungsgesetz über die Rechte von Kindern/ BVG*⁴⁸) was adopted, elevating some child rights to constitutional status, including the right to participation.

The implementation of Article 12 has not always been possible without also undertaking wider reforms to the framework for children's rights, as has been the case in much of Eastern Europe.

⁴² Family Law Act, Official Gazette, 116/03, 17/04, 136/04, 107/07. Online: <http://narodne-novine.nn.hr/clanci/sluzbeni/306171.html>

⁴³ Child Ombudsman Law, Official Gazette, 96/2003. Online: <http://narodne-novine.nn.hr/clanci/sluzbeni/305809.html>

⁴⁴ Law on Education in Primary and Secondary Schools, Official Gazette, 87/2008, <http://narodne-novine.nn.hr/clanci/sluzbeni/340388.html>

⁴⁵ Social Welfare Act, Official Gazette, 33/12, http://narodne-novine.nn.hr/clanci/sluzbeni/2011_05_57_1254.html

⁴⁶ Foster Care Act, Official Gazette, 99/11, http://narodne-novine.nn.hr/clanci/sluzbeni/2011_08_90_1921.html

⁴⁷ Youth Councils Law, Official Gazette, 23/2007, <http://narodne-novine.nn.hr/clanci/sluzbeni/297305.html>

⁴⁸ Bundesverfassungsgesetz über die Rechte von Kindern (Federal Constitutional Act on the Rights of the Child) 2011 http://www.parlament.gv.at/PAKT/VHG/XXIV/BNR/BNR_00335/fnameorig_204922.html

Table 2.3 Bulgaria case study: legislative reforms relating to Article 12

In Bulgaria, the introduction of a national child protection system has provided a focal point for the implementation of Article 12 and other child rights legislation. A significant part of this process has been to challenge normative values relating to children's roles within society as 'property' of parents, which have posed a barrier to more rapid implementation of Article 12 – especially at regional and municipal levels.

The CRC principles were adopted in May 2000, with the Child Protection Act⁴⁹. This addressed (Art. 12 and Art.13) the right of the child to express their own views and to be informed and consulted. In 2003, secondary legislation was created to the Child Protection Act, which stipulated the need to inform and consult with children for the development of child protection plans. This legislation also included provisions that the child may be informed and consulted without the parents' knowledge or consent. This text introduced for the first time the hypothesis that the child's best interests may not coincide with that of the parents.

Bulgaria then went through a series of legislative reforms to set in place a basic infrastructure for promoting child rights, and a child protection system, culminating in a National Strategy on the Child 2008-2018⁵⁰, which aims to guarantee children the right to local and regional participation, and the Charter of the Children's Council⁵¹, which has introduced a Mechanism for Child Participation at all levels.

In contrast to this example, the situation in Denmark is different again. The country expert for Denmark, who is also a prominent academic in the field of child participation, observed that public and political awareness contributed towards rapid progress following the ratification of the UN Convention on the Rights of the Child in 1994. However, the Danish system is quite weakly affiliated with Article 12. The stakeholders who were interviewed had differing views on the merits of this approach. Some asserted that Denmark has not relied to such a great extent upon UNCRC because child rights were already heavily instituted within alternative legislation, whilst others perceived this as a relative weakness, due to the lack of a universally accepted definition of child participation that can be rooted in international treaties.

2.2.6 Challenges for implementation

The country research underlined that legislation alone is not guaranteed to safeguard children's participation rights. The subsequent interpretation (and enforcement) of legislation has also presented a number of challenges, which are summarised below.

2.2.6.1 Exemptions and restrictions

Various interpretations have been applied to the ratification of Article 12 by Member States, which preclude its implementation to the benefit of all children. In Austria, the *BVG Kinderrechte* does *not* include all the rights protected under the UNCRC. In particular, the "social and cultural rights" of children are missing, which was a controversial point of discussion between the ruling political parties and child rights NGOs. In Denmark, the legislation concerning non-nationals is dictated primarily by immigration law, which puts some groups of children on a lower status with regard to Article 12. Belgium also adopted the convention on the rights of the child with "interpretations", and additional protocols have come into effect since then to reinforce the legal position. However, the protocol of 19 December 2011 enabling children to submit an official complaint about specific violations of their rights, had not yet taken effect at the time of writing this report.

⁴⁹ Child Protection Act, (2000, and. 2013): <http://www.lex.bg/bg/laws/ldoc/2134925825>

⁵⁰ National Strategy on the Child, 2008-2018 (2008): <http://www.strategy.bg/StrategicDocuments/View.aspx?lang=bq-BG&Id=464>

⁵¹ <http://sacp.government.bg/detsko-uchastie/mehanizm-na-detskoto-uchastie/>

Age restrictions present another dimension, with national legislation often excluding specific groups of children by definition. For example, in Austria legislation giving children a legal capacity in defining consent to medical treatment and extended rights to file applications, only applies to individuals over 14 years of age. Similar age limits can be found across the EU28 in relation to judicial and administrative proceedings (being restricted to children from 12 years upwards in Belgium and 10 years in Bulgaria for example).

2.2.6.2 *Problems with enforcement and application*

One of the principal barriers to implementing legislation is that very few countries have set in place a specific framework for assessing *compliance* with Article 12, or identified appropriate indicators or a monitoring mechanism. Indeed, much of the challenge to the status quo has come through the mandate of UNICEF to provide an independent analysis of the situation through its country reports; particularly in those countries that do very little of their own monitoring.

Very few countries were found to have imposed remedial actions in the event of non-compliance, or publicised the existence of such actions where they do exist. Indeed, Member States were found to have a limited number of remedies at their disposal outside of a legal enforcement context with regard to specific pieces of legislation. The issue remains that Article 12 is still relatively untested in case law, and its implementation is more limited in sectors where case law is better established (this usually includes immigration and asylum). One country expert gave the example of the 2011 Austrian Federal Constitutional Act on the Rights of the Child (*BVG Kinderrechte*). Although the Act is rooted firmly in Article 12 UNCRC and has a strong legal basis, it is feasible that other specific pieces of legislation may contradict it but remain valid until such a time as they are declared unconstitutional by the Constitutional Court.

A lack of specialist legal training for professionals is a further contributory factor, which can make the enforcement of legal provisions difficult. One expert in Bulgaria commented that:

"The law stipulates the possibility for a child younger than 10 years to participate in such [judicial and administrative] proceedings if his or her stage of development permits it. However, this has practically almost never been enforced by a court or administrative body because professionals who are supposed to prepare the child lack the necessary competence to conduct an individual assessment of the child's development stage."

(National Expert, Bulgaria)

Moreover, the issue of legal guardianship can serve to short-circuit potential legal action:

"[In Bulgaria] there are no legal mechanisms for guaranteeing the child's right to express views in judicial or administrative proceedings in the case where their interests do not coincide with those of the parents or legal guardians."

(National Expert, Bulgaria)

2.2.6.3 *Lack of awareness of legal disposals*

Much of the legislative apparatus surrounding Article 12 UNCRC is far removed from public view, and only a limited number of examples of promotional campaigns were found within the country research, where Governments sought to make the legal position more widely understood by both children and adults. For example, in Austria there was reported to have been limited publicity surrounding the Federal Constitutional Act on the Rights of the Child (all children), whilst single cases receive high media coverage and public interest.

A lack of child-friendly information was also cited as a problem, even in those instances where legislation affords children with certain participation rights. In Bulgaria, for example, children have a right to be heard and consulted on certain medical procedures, but there is no state funded provision of information for children via medical information centres.

2.2.6.4 *Structural, political and cultural factors*

Across the EU28, it is possible to identify a series of shared challenges relating to participation policy, legislation and its promotion. These tend to be primarily cultural, structural and historical in nature. The most formalised of these challenges is that of governance structures; especially in federal or decentralised countries such as AT, BE and DE. In such instances the devolution of powers has led to occasions where there is disparity between regions in terms of either funding allocations or the depth of relevant legislation:

- In Austria, the federal government is only responsible for enacting basic legal standards in the field of youth welfare (Art. 12 of the Constitution⁵²), while legislation on implementation and enforcement is the responsibility of the nine provinces/Länder, which also develop regional youth policies. The result has been divergence in the standards and definitions, including age criteria for “children” and “youth”. In turn, this has repercussion for children’s participation within specific sectors and settings, given that the responsibilities for the Länder and communities/Gemeinden include youth welfare, social protection, housing, planning and education. Similarly in Germany, legislation is reported to be divergent between regions.
- Within Belgium also, the coordination of the rights of the child is led by the federal authority, the regions (Flemish, Walloon, and Brussels-capital) and the communities (Flemish, French, and German-speaking). Legislative development has not always been equal within the three communities, resulting in some disparities in how children’s rights are implemented. Historically, Article 12 was implemented via separate entities for the different communities. However, the formation of the Belgian National Commission on the Rights of the Child (NCRC) in May 2007⁵³ provided a central mechanism for the Belgian State for the first time. This has had a centralising influence, bringing together around 90 actors in the field of children’s rights.

A challenge facing a large proportion of countries is the legacy of totalitarian rule. In Bulgaria, Czech Republic, Estonia, Poland, Portugal, Slovakia and Spain we can see how decades of totalitarian government hampered the development of participation as a principle. In turn this means that even in light of recent legislative developments the countries are still attempting to catch up to others such as the Netherlands and Sweden where a political organisation, public awareness and wider culture have combined to normalise participation. Even in countries such as Bulgaria where participation did exist during communism, it was characterised by child and youth organisations ideologically linked to the Communist party and serving its agenda, not dealing with children’s rights or serving a child-led agenda.

⁵² Österreichische Bundesverfassung (Austrian Federal Constitution) 1920/1929
http://www.bmeia.gv.at/fileadmin/user_upload/bmeia/media/4-Oesterreich_Zentrale/182_bv_deu_eng_frz.pdf
 (Selection)

⁵³ <http://www.ncrk.be/>

The more cultural aspects of public awareness and attitudes play a key role in determining the success or otherwise of child participation measures in many of the countries analysed. On the one hand there are some instances where the public seems to have a low awareness of child participation, its objectives or its benefits linked invariably to views of childhood and the status of children. The country experts concluded this to be the case in LT, AT and FI, based on the interviews and desk research. Nonetheless, Finland does have a well-developed participation system – implying that awareness can boost effectiveness but a lack thereof does not necessarily stop progress being made. On the other hand there is the underlying challenge presented by shared cultural attitudes, especially paternalism.

"I note with regret that, to a large extent, Cypriot families remain tied to the traditional model, which expects a child to be fully dependent on the parents, a passive recipient of their care and wishes."

(National Stakeholder, Cyprus)

Numerous countries demonstrate a paternalistic cultural attitude base that could undermine the spreading of child participation norms and ideas, despite existing legislative frameworks. In most European countries, the dominant view is still that adults decide what is right for children, in spite of legislation that provides for participation opportunities.

2.2.7 Influence of the Council of Europe Recommendation on Child Participation

The terms of reference for the study required that child participation was examined in the context of the existing EU and international standards, including the Council of Europe Recommendation on child participation⁵⁴. Based on information gathered through the mapping, countries can be grouped according to what they have done pursuant to the Recommendation (see **Table 2.4**). By far the largest group of countries are those where awareness of the Recommendation is limited amongst stakeholders and dissemination or promotion has not occurred to any extent. Where stakeholders commented on the reasons for the lack of activity, in some cases it was felt that the Recommendation did not add anything new to the legislation and policies that existed at a national level.

"Nothing specifically has been done because it is considered that the existing policies cover the topic."

(Country Expert, Romania)

Additionally, the necessity of an additional document on child participation was questioned when the UNCRC already had a high profile as a piece of international law in the field. Other stakeholders suggested that the lack of activity in response to the Recommendation was because it was not specific enough with it being more of an overall statement that did not translate easily into specific legislation of actions.

In contrast, in ten countries, it was reported that activity had been undertaken in respect of the Recommendation. For some countries, the Recommendation was reported as a welcome driver behind the overall pursuit of child participation:

"These initiatives are welcomed, since they put pressure on governments to do something with it and they increase their cooperation with experts and NGOs."

(Country Expert, Slovakia)

⁵⁴ <https://wcd.coe.int/ViewDoc.jsp?id=1927229&Site=CM>

The most striking influence was reported in Ireland. Here, the Europe Recommendation is beginning to impact on developing policy and practice for implementing Article 12 in Ireland. The Department of Children and Youth Affairs⁵⁵ is developing a National Policy on Children and Young People's Participation on foot of the Council of Europe Recommendation CM/Rec(2010). The forthcoming "A Strategy for the Participation of Children and Young People" of Tusla, the Child and Family Agency adopts the Recommendation's principles. Both of these Strategies were due to be published in 2014 at the time of writing this report.

Table 2.4 Influence of the Council of Europe Recommendation

Typology	Countries	Examples of activity
No evidence of activity/limited awareness of CoE Recommendation	BE, DK, CY, CZ, EE, EL, FR, HR, HU, LT, LU, LV, NL, PL, PT, RO, SE, UK	<ul style="list-style-type: none"> N/A
Some influence or activity in response to the Recommendation	AT	<ul style="list-style-type: none"> The Recommendation has been implemented in part in the framework of two recent legal amendments on child rights
	BG	<ul style="list-style-type: none"> The Recommendation has been translated into Bulgarian and is used in practice by the State Agency for Child Protection. The Recommendation is the basis for development of the Children's Council with the SACP
	DE	<ul style="list-style-type: none"> The German government refers to the conclusions of the Council of Europe Recommendation, but does not use them directly for new laws
	ES	<ul style="list-style-type: none"> All Council of Europe Recommendations are translated and disseminated throughout the country by the central government
	FI	<ul style="list-style-type: none"> The Recommendation is taken into account in national legislation and policies and is referred to and used as a tool by NGOs
	IE	<ul style="list-style-type: none"> The Recommendation will be reflected in the forthcoming National Children and Young People's Participation Policy and the forthcoming participation strategy of the Child and Family Agency.
	IT	<ul style="list-style-type: none"> The Recommendation has been published by the Ministry of Labour and Social Affairs on a dedicated childhood website (Minori.it) and through other publications and official reports. A conference was organised on it by University of Padua
	MT	<ul style="list-style-type: none"> Implementation of the Recommendation takes place through initiatives taken by the Office of the Commissioner for Children
	SK	<ul style="list-style-type: none"> The Recommendation on child participation is translated into Slovak The Recommendation is part of all documents on children's rights
	SI	<ul style="list-style-type: none"> The Recommendation and indicators were used to inform a research study by the Social protection institute of the Republic of Slovenia

⁵⁵ <http://www.dcyu.gov.ie/viewdoc.asp?DocID=120>

2.2.8 Other drivers for child participation

Beyond Article 12 there are some important drivers for child participation across the EU that have been identified in this research. The third sector with its variety of NGOs and civil society organisations was frequently mentioned as a catalyst for work on child participation. These were seen as important in countries regardless of geographic location:

- Austria, especially through the Child Rights Network
- Belgium, including the work of the UNICEF National Committee in collaboration with domestic partners
- Bulgaria, again recognising the importance of the UNICEF National Committee
- Croatia, with the Union of Societies of Children, founded in the 1950s operating nationally through 100 local Societies
- Germany, through the role of Government-funded NGOs
- Ireland, through a wide array of child and youth NGOs
- Romania, especially prior to accession to the EU when NGOs such as Save the Children led the way for child participation; and,
- Slovenia, predominantly the UNICEF National Committee, and Association of Friends of Youth, organised on local and national level.

NGOs and the agenda setting work that they undertake are not the only drivers identified. Another key driver is the presence of domestic youth organisations that mirror national and regional governance structures.

2.3 Participation in practice – structures and mechanisms

This section examines the main structures and networks that exist within Member States, and the mechanisms through which children's participation is achieved.

2.3.1 Child and youth structures at national Level

The country mapping found that nearly all Member States have some form of participatory child and youth structure at national level; often working alongside other child rights organisations and maintaining close communication with Ombudsmen. A full listing of these mapped organisations is found at **Annex Three**.

- A **National Youth or Children's Council**⁵⁶ has been established within all 28 Member States, including separate arrangements for the German, Flemish and French Communities of Belgium. The national youth councils often provide an umbrella function for local councils, and have a formal process to elect standing members through a national 'call' for representation. In Luxembourg and Latvia the National Youth Council plays a coordinating role for youth NGOs across the country. This is also the case in the UK, but the British Youth Council additionally runs a number of youth-led networks⁵⁷
- A national **Child or Youth Parliament** was found within 12 Member States⁵⁸. In contrast to the Youth Councils, the Parliaments tend to meet for a relatively short period of time – typically once or twice per year, to gain experience of parliamentary work and to debate issues of significance to children. The Bulgarian Child and Youth Parliament draws its membership from local youth parliaments within 35 Bulgarian cities.

⁵⁶ Across countries these structures are broadly the same, the specific name of the structure – 'Youth' versus 'Children's Council' – varies between countries depending on the age range of children involved. In some countries, the age of members of the youth councils can be up to 30 years old, while typically children's councils involve children up to age 18.

⁵⁷ These include: the UK Youth Parliament, Young Mayor Network, Local Youth Council Network, National Scrutiny Group and Youth Select Committee. Online: <http://www.byc.org.uk/about-us/our-work.aspx>

⁵⁸ AT, BE, BG, CZ, EL, FI, FR, LU, PL, PT, SI and the UK

Time-limited activities were also supported in BG, LT, RO, SI and the UK as part of the Youth Parliament Project (YPP)⁵⁹, which was run by the European Council and IDEA to establish new children and youth structures and to develop training for local authorities, NGOs, youth and social workers. Furthermore, National Committees (NCs) have been established within individual EU Member States to support the European Youth Parliament (EYP), albeit with an international focus⁶⁰.

In some cases, these national child and youth structures are supported and subsidized by central Ministries. For example, the National Students Council in Croatia is managed and funded by the Ministry of Science, Education and Sports. In Bulgaria and the Czech Republic the national child and youth parliaments are supported by the adult National Parliament, which has served to strengthen the links between the child and adult-led structures.

The country mapping evidence suggests that the influence of these national forums differs considerably. In Austria, for example, the Austrian National Youth Council/*Bundesjugendvertretung* is the main political representative body of Austrian young people (until the age of 30), and is empowered to have a say in all important political decisions. A similarly 'strong' role in national decision-making is reported for the role of the Dutch National Council (Netherlands). The numbers of members of National Youth Council are typically small, however, resulting in some criticism that they lack the capacity to 'represent' the child population.

Child or Youth Parliaments benefit from engaging larger numbers of children and young people, but some stakeholders commented that they are constrained in their ability to influence policy or practice due to meeting infrequently. In Luxembourg, more formal mechanisms are being explored to bring the Youth Parliament closer to the National Parliament, with the aim of engaging more directly in political processes⁶¹.

The country mapping also identified a wider range of **NGOs, child rights organisations and networks** acting in a support or advocacy role for child participation at a national level within Member States. The Youth Red Cross take an active role in supporting children's projects in Denmark, whilst Save the Children have a strong presence in Finland and Sweden..

The existence of **networks representing more specific groups of children** was less evident through the mapping exercise. However, some examples of structures were found to support children and young people in care. In both HU and SK, children's parliaments have been established exclusively to represent children living in residential care. These parliaments operate at a regional level in Slovakia⁶², within four regions, and at a national level in Hungary, with participants elected at a regional level by children in care homes. In the UK (England), local networks supporting children in care have been afforded a more formal status, through legislation requiring each local authority to establish a '*Children in Care Council*'⁶³. These Councils have a direct link to senior officials; allowing children in care to express their views about the quality of services and support they receive. The work of the Councils is further reinforced by the requirement for local authorities to publish a local 'Pledge', setting out the

⁵⁹ <http://www.agora-parl.org/sites/default/files/EC-IDEA%20-%20The%20Youth%20Parliament%20Project%20-%20English%20-%20PI.pdf>

⁶⁰ Founded in 1987, the EYP is an international NGO with over 5,000 active members aiming to promote cultural and citizenship education. The National Committees send delegations to participate in three international sessions per year. Online: <http://eyp.org/>

⁶¹ <https://www.jugendfuereuropa.de/downloads/4-20-2755/special-b-6-2011-publ.pdf>

⁶² Council of Europe (2012) '*Child and Youth Participation in the Slovak Republic: A Council of Europe policy review*', Strasbourg, Council of Europe, http://www.coe.int/t/dg3/children/participation/PolicyReview_en.pdf

⁶³ Department for Education and Skills (2007) *Care Matters: Time for Change*. Available online: <http://webarchive.nationalarchives.gov.uk/20130401151715/https://www.education.gov.uk/publications/eOrderingDownload/Cm%207137.pdf>

support and services to which children in care are entitled (refer to [chapter 3.4.3.](#) for further coverage of the care sector).

2.3.2 *Child and youth structures at a regional and local Level*

The organisation of youth councils and parliaments is generally rather more complex at regional and municipal levels within the EU. Overall, these structures can be separated into more *schools-based* councils that operate within the educational system and those that shadow *municipal or regional government*. The table below provides an overview of the principal types of fora that were identified within each Member State through the mapping study. Where the table denotes 'no prescribed structure', this means that the mapping did not find standardised child or youth networks or structures in existence within the individual Member State.

Table 2.5 Regional and municipal child and youth structures

Country	Type of forum	Founded	Age groups	Coverage
AT	Child and Youth Ombudsman Institutions (youth and children's parliaments)	1989 ⁶⁴	-	-
BE	Flemish Youth Council Youth Council (French Community) Child Councils School Parliament	2002 2002 2008 ⁶⁵ 2005	<25 years 16-30 years 10-12 years 17-18 years	Flemish Community ⁶⁶ French Community French Community German Community
BG	Children and Youth Parliaments Children's Councils	-	-	-
CY	Municipal Youth Councils	-	-	Partial coverage – thought to be 8 or 9 in operation
CZ	Children's Parliaments	-	-	-
DE	No prescribed structure			
DK	Children and Youth Councils	-	-	Partial coverage
EE	Municipal Youth Councils County Youth Councils	- 2005	Municipal: 13-26 years County: 15-26 years	Active in 81 out of 215 municipalities (2013 data ⁶⁷) All 15 counties
EL	Local Youth Councils	2006	15-30 years	Partial coverage
ES	Municipal Forum of the Principality of Asturias for Children Rights	-	-	Region of Asturias
FI	Pupils Councils and Youth Councils	1995	-	-
FR	Children's Town Councils	1979	7-25 years	2,500 country-wide
HR	Youth Councils ⁶⁸ Children's Councils ⁶⁹	2007	15-29 years 9-14 years	Partial, but expanding coverage
HU	-	-	-	-
IE	Local Youth Councils ⁷⁰	2000	<18 years	Every city and county
IT	Youth Municipal Councils	1997 ⁷¹	No specific	Partial coverage

⁶⁴ The 1989 Youth Welfare Act / *Jugendwohlfahrtsgesetz* provided the basis for the establishment of Ombudspersons for Children and Youths. This is replaced by the new Federal Child and Youth Welfare Act / *Bundes- Kinder und Jugendhilfegesetz* (B-KJHG), which was adopted in March 2013 and refers directly to UNCRC principles.

⁶⁵ Following the decree voted at the end of 2008, every commune should have a child council (children aged 10-12 - from 5th and 6th year of primary school) and a youth council.

⁶⁶ Every commune and province should make provisions for a youth council, with 1/3 of members aged under 25

⁶⁷ <https://www.siseministerium.ee/kov/>

⁶⁸ Established under the Youth Councils Law: 23/2007, <http://narodne-novine.nn.hr/clanci/sluzbeni/297305.html>

⁶⁹ Voluntary basis – with no legal constitution

⁷⁰ Local Youth Councils (Comhairle na nÓg) were set up under the National Children's Strategy in the 34 City and County Development Boards to give children and young people a voice in the development of local services and policies. They are overseen and part-funded by the Department of Children and Youth Affairs. Delegates from Comhairle na nÓg are elected to represent their local area at the annual National Youth Parliament (Dáil na nÓg)

Country	Type of forum	Founded	Age groups	Coverage
			distinction	
LT	Youth Councils	-	-	59 out of 60) local authorities have Youth Councils operating as advisory body.
LU	No prescribed structure ⁷²	-	12-26	-
LV	Youth Councils Pupil's councils	1993 ⁷³	All children	Municipal level
MT	No prescribed structure	2003 ⁷⁴		
NL	No prescribed structure	2001 ⁷⁵	Mainly >12 years	-
PL	Youth Advisory Boards	1990 ⁷⁶		100 boards within PL, situated in communes, municipalities or districts
	Youth Councils	-	-	Partial – mainly local, but some provincial and regional youth councils exist
PT	Youth Municipal Councils Youth Assemblies	-	-	Regional structure ⁷⁷ - Local level, providing representation to the National Youth Assembly ⁷⁸
RO	Child Councils	-	-	-
SE	Youth Councils	-	0-17 years	Every municipality regulates its own work and services
SI	Association of Friends of Youth	1953	0-18	Regional (and national) coverage
	Children's Parliaments	1990	7-14 years	Regional coverage
	Youth Councils		15-29	Regional coverage
SK	-	-	-	-
UK	Youth Councils ⁷⁹	-	-	-

⁷¹ The National Childhood and Adolescence Fund (L. 285/97) used to be the key funding source for childhood-related projects, including on participation, until the devolution of powers to Regions. Now, regional social action plans envisaged by Social Service Framework Law 328/2000 are expected to cover this area

⁷² In LU, student school councils have been the main participatory structures at a local or municipal level, following the bill on School Councils (1997).

⁷³ The Law on Local Governments states that municipal councils should support children, and youth organisations. This covers all groups of children. Each town municipality also has a youth policy strategy

⁷⁴ There are no specific councils or forums at a local level within Malta, but there is a national Children Council (Kunsill tat-Tfal), which was created under the Commissioner for Children Act of 5th December, 2003: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8928&l=1>. At a local level most organised activities take place via school student councils, which are often run in conjunction with other local organisations.

⁷⁵ Since 2001, the Dutch Government has funded a national umbrella organisation for youth participation called the Dutch Youth Council (NJR), which has performed a consultative role in relation to policy changes regarding children. Between 2012 and 2015, the responsibility and budget will be transferred to municipal government. Municipal governments have indicated they will focus on prevention, early support and the self-empowerment of child and family.

⁷⁶ Legally constituted within article 5b, section 2 and 3 of Local Government Act of 8 March 1990 (Dz. U. z 2001r. Nr 142, poz. 1592).

⁷⁷ The purpose of Youth Municipal Councils is to ensure the right of participation and involvement of young citizens, through their associations, and to gather and incorporate the contributions of youth structures in the of Youth municipal policies (<http://dre.pt/pdf1sdip/2012/02/03000/0066100666.pdf>)

⁷⁸ Operates under the Escolhas (Choices) programme: <http://www.programaescolhas.pt/aje>

⁷⁹ Local youth councils operate across the UK, with the aim of "giving young people a voice and enable them to make their views heard in the decision-making process". There are currently over 620 active youth councils, which form a 'Local Youth Council Network' and are further supported by the British Youth Council at a national level. Online: <http://www.byc.org.uk/uk-work/local-youth-council-network.aspx>

As the table shows, the arrangements differ between MS along the following lines:

- Well-established children and youth councils or forums exist at a **regional level** within AT, BE and DE; reflecting the devolved governance structure in these Member States. The children's parliaments in SI also have regional coverage⁸⁰, as do some of the youth councils in PL (which vary in their geographical scale and scope).
- Equivalent structures are also found at a **municipal or local level** within AT, BE, BG, CY, DK, EE, EL, FI, FR, HR, IE, IT, PL, PT, RO and SE. Their coverage varies considerably, however, with fewer Member States having a youth council or forum in every municipality. The exceptions to this are where Member States have passed specific legislation requiring a structure to be put in place; as is the case for some of the more longstanding structures like the children's town councils in France⁸¹.
- **No prescribed structure** was identified for children and youth forums in LT, LU, LV, MT, and NL. In the case of NL, LU and LV, it would seem that this is because children's participation has traditionally focused on consultation activities, centring on a 'Youth Plan' rather than on membership of representative organisations (see also Local and Regional Government, in Chapter 3). For LT, MT and RO, the main youth forums exist at a national level, with arrangements being less well developed at a municipal level. In the case of Latvia, the highest level of activity at a local level is carried out by schools rather than municipalities, under the coordination of the Schoolchildren Parliament and School Children Union (2000).

Furthermore, these structures are sometimes – but not always – differentiated on the basis of age. Children's councils generally provide an opportunity for children in the pre-teenage years to gain experience and opportunities to participate in civic and political life; including meetings with mayors or city councillors, and collaborative projects with a focus on specific issues within the local community. Youth councils tend to cater for older age groups; often including young people in their '20s (up to 30 years old in Belgium and Greece). They are more likely to have a statutory (legal) basis, and act in an advisory capacity to adult forums.

In Croatia, there is continuity for children and young people, who can join a children's council at the age of 9-14 years, and progress to youth council membership if they wish to do so. In Estonia, however, the absence of a formalised **children's** council system means that children do not qualify for membership until their teenage years, and are more reliant on school-based associations up until this time.

The interview evidence shows that children and youth councils can provide a direct access route for children to engage in local decision-making processes, on the condition that they are adequately resourced and supported. This view was widely expressed by stakeholders interviewed for AT, BE, EE and IE. In countries where these structures are now well established, one of the main success factors was thought to be their 'strong' legislative basis or their introduction as part of a national strategy, to assist with some degree of uniformity or minimum standards country-wide (Estonia and Ireland). This has sometimes been achieved through a series of reforms, to progressively extend the powers of the councils. In the French Community of Belgium, for example, the decree of Dec 15th 2006 extended the requirement for children and young people to be involved in the design of local youth policy plans, to their active participation "*when executing the actions*". This step extended child participation from policy development to policy implementation.

⁸⁰ Parliaments start every year in each Slovenian primary schools (age 6-15), continue at a regional level, and finish at a national level.

⁸¹ The children's town councils (Conseils communaux d'enfants et de jeunes) in FR are another distinctive participatory structure. Founded in 1979 during the International Year of the Child at the City of Schiltigheim, an extended network now includes 2,500 children's town councils in France involving 7 to 25 year olds.

Two examples of particularly well established networks of municipal children and youth councils can be found in Estonia and Ireland:

- In Estonia, the municipal youth councils have had very close ties with the equivalent adult structures, and are reported to have “...engaged young people concretely in issues that are relevant for them” (Estonian expert). A recent study found that the engagement of children and young people was identified as a distinct goal within half of Estonian municipal development plans. There has also been a widespread cultural acceptance of young people’s municipal engagement, which comes with responsibility – they are expected to actively participate.
- Similarly in Ireland, the local youth councils (Comhairle na nÓg⁸²) have become synonymous with children and young people’s municipal participation. One Irish expert study described them as “... the bedrock of child participation in Ireland”. In 2011, an independent evaluation of the participation goal in the National Children’s Strategy was conducted on behalf of the Department for Children and Youth Affairs (DYCA)⁸³. The evaluation reached the following conclusions with regard to the Comhairle:

“The vast majority of organisations and young people involved in the Inclusion Programme would not have had access to participation structures without this targeted support, demonstrating the need for a dedicated support programme in this area.”
(2011, p.115)

The country mapping shows that few Member States have been able to achieve this level of success. As with other aspects of child participation, one of the main challenges has been translating legislation into practice:

- In Greece, despite having a firm legal basis for local youth councils⁸⁴, many difficulties arose during the implementation phase, and only a very few councils have been activated. At present, the General Secretariat for Youth has opened a discussion for restructuring the legal framework.
- In Croatia, many cities and local municipalities have not established youth councils even though they are obliged to by the law. According to one national expert, the main problem is the fact that there are no sanctions for failing to meet the legal requirements. There have also been varying interpretations of the conditions for establishing councils; selecting members, and running activities. This has resulted in some municipal councils being organised and run by political parties for their own objectives. Furthermore, a 2011 survey of council members revealed that children had concerns about not being taken seriously by adults, and felt that their suggestions were rarely taken into account.⁸⁵

⁸² <http://www.comhairlenanog.ie/>

⁸³ Department of Children and Youth Affairs, ‘National Consultation with Children and Young People on the New National Children’s Strategy (2012-2017)’, [online], <http://www.dcy.gov.ie/viewdoc.asp?DocID=1528> [accessed 11 September 2013].

⁸⁴ Local Youth Councils-Law 3443/2006

⁸⁵ Žižak, A., Koller-Trbović, N., Jeđud Borić, I., Maurović, I., Miroslavljević, A., Ratkajec Gašević, G. (2012): Što nam djeca govore o udomiteljstvu- istraživanje dječje perspektive udomiteljstva s preporukama za unapređenje. (What are children telling us about foster care- research of children’s perspective of foster care with recommendation for improvement). UNICEF, http://www.unicef.hr/upload/file/370/185386/FILENAME/Sto_nam_djeca_govore_o_udomiteljstvu.pdf

A further challenge for children and youth forums is to ensure that they attract young people from diverse cultural and socio-economic backgrounds, and that they are representative of the local communities that they serve. The evaluation report of the Comhairle in Ireland concluded that more targeted work is needed:

"[There is a need for] more specific information provision for organisations; practical presentations to make the participation structures more understandable and tangible to organisations working with marginalised children; inclusion of a broader range of organisations". (DYCA, 2011, p.115)

The mapping data also highlights the difficulties presented by a devolved governance structure, which has made it challenging to maintain a coherent national framework (Austria). Different levels of municipal and popular support have also resulted in patchy coverage in some Member States (CZ, EL, FI, DK, HR, and IT).

2.3.3 Mechanisms and processes to support children's participation

Drawing upon the framework developed by Lansdown (2011⁸⁶); the country mapping sought to examine different types of participation using the following categories (see Section 1.3.3 for a further description):

1. Consultation
2. Collaboration
3. Child-led activity

2.3.4 Consultation

There was a clear trend across countries for forms of child participation that involve 'consultation' and the gathering of children's views. It was common that consultation activities were pursued as singular or time limited activities relating to a specific policy or project initiative. Consultation was most evident in numerous participation initiatives pursued in children's local surroundings where children's views or opinions were sought in relation to the planning of a particular development that had the potential to impact strongly on children's everyday lives. One common example cited in various countries was consultation on the planning of new or adaptation of existing playgrounds to allow children's views to influence the design or location. Another example, from Luxembourg, was the creation of an information point with feedback boxes to allow young people to provide their views on the local Youth Action Plan⁸⁷ and to determine issues to be tackled in subsequent annual plans. Equally there were some examples of on-going processes that allowed consultation. Most commonly the numerous examples of councils, fora or parliaments operating at local, regional and national level were used as a consultation mechanism by a range of adult agencies. In other examples, consultation is more ad hoc. For example, the Children's Commissioner in Cyprus has developed a programme of visits to schools entitled "Voice your Opinion⁸⁸", aiming at informing educators and children on the role of the Commissioner and at exchanging views with children.

⁸⁶ Available at: <http://resourcecentre.savethechildren.se/library/framework-monitoring-and-evaluating-childrens-participation-preparatory-draft-piloting>

⁸⁷ Local youth action plans were created to respond to the needs for a knowledge-based and process-oriented tool for the local and regional youth policy.

⁸⁸ Commissioner for the Rights of the Child, Annual Reports 2009, 2010, 2011
http://www.childcom.org.cy/ccr/ccr.nsf/DMLannualRep_qr/DMLannualRep_qr?OpenDocument

A common mode of participation is the design and implementation of **research with children**, to elicit their views and opinions on issues affecting them. There were numerous examples of this; either as a stand-alone activity or a mechanism used to broaden the reach of existing structures as a regular or one-off activity. Some examples are described in the following table.

Table 2.6 Children's participation in research

- In Italy, the NGO 'For the Rights of the Child' (Per i diritti dell'infanzia e dell'adolescenza, or 'PIDIDA') conducted a one-off **survey of 22,000 children** in 2010⁸⁹. The survey sought to explore the concept of participation with children, and covered all aspects of CRC.
- In Denmark, the national Children's Council maintains a **Children's Panel** of 1000 children. The panel is surveyed four times a year to gather views on a range of issues. The results are used to produce reports on relevant topics, which are subsequently made public⁹⁰.
- The **Austrian Youth Monitor** (*Jugendmonitor*)⁹¹ is a representative opinion survey, which is part of the Austrian Youth Strategy and regularly (since 2010) collects children's and young people's opinions on different topics (800 respondents aged 14 to 24). In October 2012, children's and young people's opinions towards participation were in the focus of this survey.
- In England young researcher networks exist to promote and support children's role in research. Two of the most prolific of these are **The Young Researcher Network** at the National Youth Agency⁹², which has developed a toolkit for other organisations seeking to promote child or youth-led research, and the **Children's Research Centre**⁹³ at the Open University. The Centre was formed in 2004 and is run by a multidisciplinary academic team, who support children and young people to design and implement their own research projects, and also undertake evaluation to establish the benefits of child-led research.
- In Cyprus, the Ombudsperson for the Protection of Children's Rights launched an action plan and campaign in 2008 entitled "**Children have a Voice**". This provided a focal point for a large number of activities including workshops, meetings and research focussed on the participation rights of children.
- In Luxembourg, the General Conference of the Luxembourg Youth (Conférence Générale de la Jeunesse Luxembourgeoise)⁹⁴ convenes a **Youth Convention** (Jugendkonvent) every two years, to gauge the opinions of attitudes of young people regarding politics and society. The event is supported by the Ministry of Family Affairs and Migration, and features moderated workshops, and research activities which seek to gather children's views, which are in turn discussed with national parliamentarians and party representatives.

⁸⁹ PIDIDA (2010) *Un mondo a nostra misura. La parola alle bambine, ai bambini, alle ragazze e ai ragazzi che vivono in Italia. Rapporto di ricerca* (A world fit for us. The voice of children, boys and girls who live in Italy. Research report). Available online: http://www.infanziaediritti.net/web/pdf/rapporti/rapporto_pilota/III.%20Risultati13_17011C.pdf

⁹⁰ <http://www.boerneraadet.dk/files/Brd.dk%20Filbibliotek/Børneinddragelse/Børneogungepanelet.pdf>

⁹¹ Jugendmonitor (Austrian Youth Monitor) <http://www.bmwfj.gv.at/Jugend/Forschung/Seiten/Jugendmonitor.aspx>

⁹² <http://www.nya.org.uk/catalogue/youth-policy/young-researcher-network-toolkit>

⁹³ <http://www.open.ac.uk/researchprojects/childrens-research-centre/>

⁹⁴ <http://www.cgjl.lu/>

2.3.4.1 Collaboration

Emerging from the mapping were some examples of more **collaborative** participation activities. It was most common for children to be involved collaboratively at the design and planning stage of the policy or programme cycle, but to a lesser extent in subsequent stages of decision making, implementation and evaluation. One example of involvement at the planning stage from Cyprus was a small group of young people recruited to act as Youth Advisors⁹⁵ to work alongside the Children's Commissioner in determining priorities and activity for the subsequent year. Similarly, UNICEF Slovenia has trained younger children as Junior Ambassadors within their schools, to work with teachers; to make suggestions on activities to be pursued within the school, and to be actively involved in their delivery. As an indicative example of input at the later implementation stage of the cycle, one municipality in Luxembourg recruited young people to sit alongside adults on the steering group overseeing the implementation of the local youth action plan. In another example from Romania, one national stakeholder described the collaborative work of NGOs and children, in the context of the IMPACT programme⁹⁶:

"When carrying out an IMPACT project by a team [consisting of children aged 12 to 18, coordinated by one or two teachers or student leaders], children are asked by leaders in what field they want to develop their next project, according to the needs of the community that can benefit. Children are the ones who identify the problem and come up with solutions/actions, but discussions are coordinated and moderated by the leader. Therefore, both listening to children and working with adults is important."

(Country Expert, Romania)

As illustrated by these examples, most collaborative participation was found within the context of work undertaken by specific child and youth institutions or projects, rather than within everyday life.

2.3.4.2 Child-led

A handful of potential examples of child-led participation were found within the study. Some local youth movements were identified as being almost entirely child-initiated and run, and operating outside of an adult-led structure. According to one national expert, for example youth groups in BE are typically "...well-anchored within their local communities, and... can be quite 'child-led' in their formation". The same qualities apply to some youth movements in HR, BG and HU, and to the 'child welfare groups' in Finland:

"These initiatives are coming more from the children themselves, because 'older' children take the lead, and because they have different ways of working... they can invite adults to the meeting and they have invited the President, who is interested to listen to them."

(Country Expert, Finland)

⁹⁵ For further information on Youth Advisors, view the Commissioner for the Rights of the Child, Annual Reports 2009, 2010, 2011. http://www.childcom.org.cy/ccr/ccr.nsf/DMLannualRep_gr/DMLannualRep_gr?OpenDocument

⁹⁶ <http://impactromania.com/>

2.3.5 Training and professional development

The country mapping found that child-rights training and development is generally most widespread amongst professions with a child-centred role, such as **kindergarten and school teachers, youth workers and social workers**. There were mixed views on the sufficiency of this training, however, with some stakeholders (from AT, EL, EE, FI and UK) expressing concerns that UNCRC and Article 12 do not feature prominently within initial teacher training, that the inclusion of child rights within school curricula is too ad hoc⁹⁷, and that a greater focus is needed on acquiring the practical skills to facilitate participation. These issues are also documented to a varying degree within UNICEF country reports.⁹⁸

A number of Member States are taking practical steps to strengthen training amongst professionals who work with children in a variety of contexts, in recognition of these issues. According to one NGO stakeholder in Romania, the Ministry of Education has launched a programme the "Education Campaign on Child Rights", which includes awareness-raising materials and the development of a new child rights module to be delivered by Teacher Training Houses as part of in-service training for teachers. In Finland, the Ministry of Education and Culture has established a working group to develop a national communications strategy on children's rights. Amongst their priorities is reviewing how education on children's rights and participation can be arranged for professionals in various fields as part of their basic education and as a continuing education⁹⁹. A similar working group has been established in Austria (*ARGE Partizipation*¹⁰⁰). This work has received greater impetus following the creation of a number of transnational networks aiming to share knowledge in the field of child rights. These networks included the European Network of Masters in Children's Rights (ENMCR), which was founded in 2004 and includes a membership of 28 Universities covering BE, EL, ES, HR, LT, NL, PT, DE, SE, IT, RO, UK¹⁰¹, and the Children's Rights Erasmus Academic Network (CREAN), which aims to develop interdisciplinary approaches for studying child rights. The latter includes 29 Universities within its membership, covering AT, BE, CY, DE, DK, EE, EL, ES, FR, HR, HU, IE, IT, LT, LV, NL, PL, PO, RO, SE and UK¹⁰².

Research undertaken for another recent EU-wide study (2013)¹⁰³ found that mandatory training is provided to **professionals working with children in the criminal justice system** in 20 Member States. Of these professionals, police who are in regular contact with children were the most likely to receive some form of training in child friendly justice (14 Member States¹⁰⁴), followed by judges (12 Member States¹⁰⁵), public prosecutors (11 Member States¹⁰⁶), and defence lawyers (7 Member States¹⁰⁷). Mandatory training is delivered to all four key professional groups in CZ, EE, FR and IT. This mandatory training is typically provided by Ministries (Justice or Social Affairs).

⁹⁷ In Finland, one Non-Governmental stakeholder described how the levels of awareness of child rights differ amongst teachers on a regional basis, with a more established tradition of pupil education on UNCRC within Northern Finland.

⁹⁸ Including FR and ES. UNICEF in Spain has reported that 88% of child professionals lack a basic knowledge of UNCRC.

⁹⁹ Council of Europe (2011) 'Child and Youth Participation in Finland: A Council of Europe policy review', Strasbourg.

¹⁰⁰ ARGE Partizipation Österreich: Evaluierung in der Kinder- und Jugendbeteiligung. Tipps und Methoden (Evaluation in the Participation of Children and Young People. Hints and Methods)

<http://www.mitbestimmung-wien.at/pdf/evaluierung.pdf>

¹⁰¹ <http://www.enmcr.net/who-we-are/staff/>

¹⁰² <http://www.crean-home.net/who-we-are/partners/>

¹⁰³ European Commission Directorate-General Justice (2013) *Summary of contextual overviews on children's involvement in criminal judicial proceedings in the 28 Member States of the European Union* LINK (http://bookshop.europa.eu/is-bin/INTERSHOP.enfinity/WFS/EU-Bookshop-Site/en_GB/-/EUR/ViewPublication-Start?PublicationKey=DS0313659)

¹⁰⁴ BE, BG, CZ, EE, EL, ES, FR, HR, IT, LT, LU, LV, NL and PT

¹⁰⁵ AT, BE, BG, CZ, DE, EE, EL, ES, FR, HU, IE, IT, LU, NL, PT, SI, UK-E&W and UK-NI

¹⁰⁶ BE, CZ, EE, ES, FR, HR, HU, IT, LV, PT and UK-E&W

¹⁰⁷ BE, CZ, EE, FR, IT, LV and SI

Training is also provided in some Member States for **public officials** to raise awareness of child rights within national and municipal government. In the UK (Wales and Northern Ireland), this training was provided until recently through a central coordinating mechanism, but in each case funding was time-limited and has now expired:

- In Wales (UK), a central Participation Unit was established in 2004 with funding from the Welsh Government Children and Family Grants Scheme and the European Social Fund. The Unit was run by Save the Children Cymru to oversee the development of national participation standards and to provide training to organisations and public officials¹⁰⁸. The Unit closed in 2013, but a smaller training function has been retained to ensure that all government departments have sufficient knowledge of UNCRC to implement the mandatory Children's Rights Impact Assessments.
- The Northern Ireland Government (UK) funded a Participation Network between 2007 and 2012 to undertake capacity-building for child participation within the public sector, working closely with NGOs. Other options are being considered to train public officials following the closure of the unit, such as matching individual NGOs with specific policy areas.
- According to one national stakeholder in Estonia, a smaller scale project exists where the Department of Youth Affairs and National Youth Council have jointly developed the 'Participation Café'. The project offers special meetings and events for public officials to learn about youth participation.

NGOs and Ombudsmen have taken a prominent role in delivering training around child rights and the UNCRC, often supplementing the training provided by national government, or being directly commissioned to deliver aspects of this training. This is particularly the case in BG, CY and PL, where the stakeholder interviews indicate that NGOs are the main source of rights-based training for professionals. In CY, the Commissioner provides annual training to groups of professionals on UNCRC and child rights, which has subsequently been included within the curriculum of the Police Academy as part of their core training for officers. In BG, there has been very significant NGO involvement in the delivery of professional training. The following case study example describes the role that has been played by one such NGO.

Table 2.7 Good practice example – championing of child-friendly standards and training (Bulgaria)

In Bulgaria, an NGO called the Social Activities and Practices Institute (SAPI¹⁰⁹) has played a major role in developing child-friendly standards and practices for the justice sector since 2009. This has included a programme of specialized training for social workers and psychologists on how to prepare and accompany a child in hearing procedures, alongside guidance for judges, investigative officers and prosecutors. Standards were introduced for child-friendly interviewing procedures in 2012, which extend to the use of customized interviewing rooms and recording equipment for children. The work of SAPI was reported to have helped gone some way towards rectifying the overall low levels of professional awareness of child participation in the justice sector in Bulgaria, which are documented in Section 2.2.6.2.

The country mapping highlighted challenges for ensuring that knowledge and awareness of UNCRC is embedded at a **municipal level**. This is a particular issue for Member States with a devolved governance structure, but has been a consideration for all Member States in ensuring sufficient access to training country-wide. A lack of systematic training for municipal officials was identified in BG, DK, EE, SE and PL, with stakeholders raising concerns about gaps in coverage. In Sweden, the Ombudsman for Children has received Government funding to support each local authority with delivering training to professionals and to meet their commitments under Municipality Law.

¹⁰⁸ <http://www.participationworkerswales.org.uk/consortium-unit.aspx>

¹⁰⁹ www.sapibg.org/

Government funding is also provided in Ireland to support practitioners who are involved in Comhairle na nÓg (Youth Councils); in Italy for adults working with Youth Municipal Councils and in Croatia for adult mentors in Children's Forums and Children's Councils¹¹⁰. Some individual municipal authorities have also taken the initiative to develop their own training. The province of Vorarlberg (AT) was cited as one such example, where all professionals who work with children and young people benefit from a very comprehensive local training programme supported by the municipal authority (*"Kinder an die Macht"*)

Table 2.8 Good practice example – delivering child participation training at a municipal level (CZ)

The 'Keys for Life' project was a major four-year venture (2009-13) led by the Ministry of Education, Youth and Sports (MEYS) and the National Institute of Children and Youth (NICY), with the aim of Developing Key Competences in Leisure-Time and Non Formal Education¹¹¹. One of the topics of the national project covered the themes of children and youth participation and active citizenship. Within this theme, a training course on children and youth participation was developed for the regional coordinators who manage child and youth participation activities. The Czech Republic is divided into 14 regions, and each region has its representative who attended the course in 2010. In the period from 2010-2011 a total of 106 youth workers from leisure centres and youth NGOs were trained in this course. Finally, from August 2011 to June 2012, 42 selected projects on youth participation and active citizenship were piloted in selected leisure centres and youth NGOs across the country. Although the project has not been independently evaluated, the activities were thought to have achieved an impact on policy and strategy development:

"Thanks to to our cooperation with the Ministry of Education, Sports and Youth, the project outputs are reflected back to the strategic documents which significantly influence leisure-time and non-formal education of children and youth in the Czech Republic as well as the professional training of educators who work with them"

(Project Manager, Keys for LIfe)

Finally, a number of examples were found of **training for children** to build skills and competences for effective participation. These examples tended to relate to time-limited projects with additional funding, such as action research (Italy and the UK), although there was some evidence of on-going training. In the Netherlands, for example, the Youth Council has established a 'trainers' pool', which includes specific training for children and young people on participation, alongside training for public and private organisations. There has also been a strong tradition of participation training for children within the UK, including the accredited Act by Right¹¹² programme (England, UK), which aims to develop research and advocacy skills; and a toolkit developed by Education Scotland working with the Scottish Youth Parliament to strengthen pupil councils: "V3 Vote, Voice, Valued"¹¹³ (Scotland, UK).

¹¹⁰ This training is provided centrally by the Union of Association of Our Children (Savez društava Naša djeca), and takes place on a continuous basis for all adults who work as mentors for Children's Forums and Children's Councils.

¹¹¹ <http://www.nidm.cz/projekty/realizace-projektu/klice-pro-zivot/klice-pro-zivot-2009/project-keys-for-life-2009>

¹¹² <http://www.actbyright.org.uk/>

¹¹³ Scottish Pupil Councils, V3 (Vote, Voice, Valued) Training materials <http://www.syp.org.uk/v3-pupil-council-training-W21page-193->

In conclusion, the country mapping found a diverse range of training and development programmes in place across the EU to support child participation. Whilst steps are being taken in many Member States to ensure that practitioners have access to resources, however, the visibility of child rights training remains low within training programmes for professionals working with children in different contexts. In particular, the country evidence suggests that there is ***too often an implicit assumption that teachers and social workers are knowledgeable about the UNCRC*** without this knowledge being systematically applied or tested. NGOs and Ombudsmen play an important role in raising levels of knowledge and awareness, but coverage remains patchy at a municipal level in many Member States and there is a reliance on time-limited funding. Affording a legal basis to local forums and councils would appear to have been effective in helping to access funding and support from government. In turn, this has helped to ensure that municipalities are able to retain sufficient numbers of trained adults to sustain these structures. Training for children to develop the skills to participate is a comparatively overlooked area of practice, and warrants closer attention.

3.0 Child participation within key sectors, settings, and in relation to vulnerable groups of children

Key findings

Participation in different sectors and settings

- Coverage of Article 12 and its interpretation is varied across the EU at a sector level. Legislation relating to child participation is the most visible within the education, care, and justice sectors, including asylum and immigration, where Article 12 is covered in all 28 Member States. The child's right to be heard is the most clearly defined in decisions affecting their immediate welfare – through adoption, custody or, care proceedings. Implementation has often proven challenging, however, and the arrangements for child participation are found to vary significantly in practice between individual Member States.
- Within the health sector, the most widespread examples of legislation relate to children's consent to individual medical procedures and treatments. Provisions within Member States differ according to the qualification criteria for consent, with some imposing a de facto age limit and others determining eligibility in accordance with the maturity or competence of the child. Children generally have fewer opportunities to participate in developing, planning and reviewing healthcare services.
- The education sector shows the most widespread evidence for legislation relating to Article 12. All Member States include some degree of provision for child participation within their general Education Act or Code. In many countries, children's participation is instituted through school councils. These structures are the most widespread for students of secondary school age, but are less evident for primary school students. The participation of younger children is highly variable, but some good practices exist.
- Beyond participation in student councils, the mapping showed a more worrying picture with regard to "everyday" mechanisms for children's participation in their education. Children are rarely consulted on curriculum development, and fewer mechanisms were identified to support children's individual participation in relation to subject choices, learner support, assessment, and making complaints.
- Child participation was less clearly defined in national legislation for recreation, culture and local planning decisions. However, an abundance of "everyday" examples of practice were found at a local level. Many of the strongest examples of children's participation in their 'everyday lives' are initiated through school, family, and community where interactions take place with their peers and adults.

Participation of vulnerable groups of children

- The participation rights of Roma children, migrant children, and children with disabilities were consistently found to have been overlooked or under-valued, across a wide range of sectors and settings:
 - *Social exclusion, discrimination and low levels of participation in education have had a direct impact on the opportunities for Roma children and their families to participate more widely in society;*
 - *There are also limited provisions in many countries to meet the needs of migrant children, for whom difficulties with legal status, stigma and access to resources present additional barriers to being heard, and having views and opinions taken into account; and,*
 - *Significant barriers to participation exist for children growing up in institutional care.*
 - *Approaches to improve the situation for vulnerable groups of children have included legislative change; to ensure parity of rights with other children; the provision of individual coaching and mentoring services, and training for other professionals to meet these children's social, cultural and educational needs.*

3.1 Introduction

This chapter examines the situation for children's participation within specific sectors of public policy, and the settings where adults' interactions with children take place. It first presents the evidence from the country mapping with regard to whether Article 12 UNCRC is evident within key national legislation for each sector within the EU28, and whether General Comment No 12 has been applied. It then goes on to examine in further detail the situation for children within these different settings, and to compare and contrast how participation has been implemented in different countries. Finally, the chapter examines the participation rights of vulnerable groups of children across Europe, and some of the good practices that exist.

3.2 Sector coverage of policy and legislation

The country mapping sought to establish the situation for child participation for the main sectors of public and social policy. In particular, it sought to establish how or whether Member States have introduced legislation corresponding with Article 12 of UNCRC. During the first phase of the mapping, the situation was explored across nine **sectors**, drawing upon the headings used in the *Implementation Handbook for the Convention on the Rights of the Child*¹¹⁴, and supplemented with those identified by the European Commission in the ToR. Table 3.1 below provides a breakdown of this coverage. The sectors are shown in bold, with further settings listed underneath.

¹¹⁴ United Nations Children's Fund, 2007. *Implementation Handbook for the Convention on the Rights of the Child*. UNICEF, Geneva. See: http://www.unicef.org/publications/files/Implementation_Handbook_for_the_Convention_on_the_Rights_of_the_Child_Part_1_of_3.pdf

Table 3.1 Classification of sectors and settings	
Government (national and regional) and overall policy and law-making	Health <ul style="list-style-type: none"> • Health services and institutions • Individual health decisions
Local and regional government and services <ul style="list-style-type: none"> • Planning • Housing • The environment and sustainable development 	Justice <ul style="list-style-type: none"> • Criminal justice • Civil justice • Administrative justice¹¹⁵
Care <ul style="list-style-type: none"> • Child protection • Custody decisions and alternative care • Adoption 	Recreation <ul style="list-style-type: none"> • Play • Sport • Cultural activities
Asylum and Immigration <ul style="list-style-type: none"> • All immigration and asylum procedures 	Child employment
Education <ul style="list-style-type: none"> • Schools and education services • Complementary education settings • Vocational training 	Media

Source: *The Implementation Handbook for the Convention on the Rights of the Child*

During the second phase, the individual country experts went on to examine the situation for children's participation in a sample of more specific **settings**. The sampling criteria for the settings included whether there was evidence of: a) specific challenges facing children's participation warranting further exploration, and/or b) specific good practice. This approach allowed for a deeper level of analysis, and to compare and contrast the situation in different Member States. The findings are further explored within this chapter.

3.3 Evidence for UNCRC Article 12 within sector legislation

The table below presents a summary of the situation for child participation the nine main sectors that were reviewed for each of the 28 Member States. The table shows those countries for which there was clear and direct evidence that Article 12 UNCRC is reflected within the relevant sector legislation.

¹¹⁵ To provide consistency with the separate study to collect data on children's involvement in judicial proceedings in the EU, these three categories were proposed by the Commission at the inception meeting.

Table 3.2 Sector coverage of relevant legislation

Sector	Countries where Article 12 is Clearly Reflected in Relevant Sector Legislation			No. of Countries
National Government & overall policy-making	AT BG DE DK EE EL ES	FI HR HU LU LV NL PL	PT RO SE SI UK	19
Local and regional government & services	AT BE BG DE EE EL	ES HR IT LU LV NL	PL PT SE SI UK (Wales)	17
Care	AT BE BG CY CZ DE DK EE EL ES	FI FR HR HU IE IT LU LV LT MT	NL PL PT RO SE SI SK UK	28
Asylum and immigration	AT BE BG CY CZ DE DK EE EL ES	FI FR HR HU IE IT LU LV LT MT	NL PL PT RO SE SI SK UK	28
Education	AT BE BG CY CZ DE DK EE EL ES	FI FR HR HU IE IT LU LV LT MT	NL PL PT RO SE SI SK UK	28
Health	AT BE BG CZ DE DK EL	FI FR HU IE LT LV NL	PL PT RO SI UK	19
Justice	AT BE BG CY CZ DE DK EE	FI FR HR HU IE IT LU LV	NL PL PT RO SE SI SK UK	28

Sector	Countries where Article 12 is Clearly Reflected in Relevant Sector Legislation			No. of Countries
	EL ES	LT MT		
Recreation	AT BG EE EL	ES HU LV PL	SE SI	10
Child employment	AT BE BG DE DK	EE EL FI LV NL	PL RO SI	13
Media	SI	BG	-	2

The table shows that there is variation in the coverage of Article 12 across sectors and countries. Legislation was almost universal within the education, care, and justice sectors (including asylum and immigration), where Article 12 is covered in legislation in all 28 Member States. The specific arrangements vary according to criminal, civil and administrative law. A comprehensive study was recently published by the European Commission, which provides a full breakdown of children's involvement in criminal, civil and administrative justice proceedings across the EU28¹¹⁶. The analysis also clearly identified some sectors where legislation specifically promoting participation is lacking. There were very few examples of specific *legislation* covering Article 12 within the media, although examples of good practices for children's participation in this sector were identified. Likewise legislation promoting participation that covered the recreation and play sectors was less comprehensive. This is in contrast, however, to some good examples of participation activity on the ground that were identified in other parts of the mapping exercise.

3.4 Implementation in practice within key sectors and settings

The following provides a summary narrative for each sector, with reference to examples from specific settings within them.

3.4.1 National government and overall policy and law-making

The situation with regard to National Government was found to be a mixed one across the EU28. As discussed in [Section 2.1](#), the position of Article 12 UNCRC relative to the Constitution of individual countries is a key factor in the visibility afforded to children's participation within overall **policy and law-making**. This has inevitably affected the degree of influence exerted on other areas of social policy.

¹¹⁶ European Commission Directorate-General Justice (2013) *Summary of contextual overviews on children's involvement in criminal judicial proceedings in the 28 Member States of the European Union* [LINK \(http://bookshop.europa.eu/is-bin/INTERSHOP.enfinity/WFS/EU-Bookshop-Site/en_GB/-/EUR/ViewPublication-Start?PublicationKey=DS0313659\)](http://bookshop.europa.eu/is-bin/INTERSHOP.enfinity/WFS/EU-Bookshop-Site/en_GB/-/EUR/ViewPublication-Start?PublicationKey=DS0313659)

The study underlined that children and young people's participation in political processes remains significantly under-developed across the EU. This is particularly demonstrated with reference to the voting age. Austria is the only EU Member State that has legislated to lower the voting age to 16, although other Member States have watched with interest and shown some intentions to follow suit¹¹⁷. The evidence from the Austrian case suggests that this has largely been successful, with a relatively high turnout amongst younger voters¹¹⁸. The move is also linked to a raised level of awareness and interest in politics amongst young people¹¹⁹. The 2013 Flash Eurobarometer report on young people's participation in democratic life provides a further insight to political participation across the EU¹²⁰. A total of 12,927 young people between the ages of 15-30 were interviewed, of whom over half reported having voted in a political election at the local, regional or national level in the past three years (56%). Whilst the Eurobarometer extends beyond the age range of interest for the present study, it is perhaps significant that young people at the lower end of the age range within the survey (16-19 year olds) were the most likely to indicate their intentions to vote at the 2014 European elections¹²¹. This indicates potentially unmet demand for political enfranchisement from young people who are not currently eligible to vote in national elections on the grounds of their age.

A number of mechanisms were identified through the country mapping, to promote levels of engagement of children and young people in politics. Youth debates provide one such example. In the Netherlands, the National Youth Debate (*Nationaal Jeugddebat*)¹²² brings together young people who have won several rounds of a competition and politicians. The debate covers subjects important to youth, and is widely disseminated in the media. This approach was highlighted within the country study as being one of the most visible and widely acknowledged forms of youth participation in the Government sector.

3.4.2 *Local and regional government and services*

The legislative situation with regard to regional and local government is strongly influenced by the internal governance structure of individual Member States:

- Article 12 is evident within the constitutions of individual regions within some devolved or federal countries, including AT and DE, thereby affording a strong legislative basis to child participation.
- In Germany, a number of Länder have introduced further regional laws lowering the voting age to 16¹²³ in district elections, whilst Scotland (UK) has also lowered the voting age to 16 years for the forthcoming referendum on independence¹²⁴.
- Arrangements at a local level are generally driven by the status of children within the Acts of Local Government or their equivalent, and / or through supplementary guidance surrounding youth councils or parliaments. In Estonia, the Local Government Organisation states that youth work is the responsibility of local government, but the conditions of youth work and youth participation at local level are specified in Youth Work Act¹²⁵.

¹¹⁷ See for example in the UK: <http://www.telegraph.co.uk/news/politics/labour/10250506/Labours-pledge-to-lower-voting-age-makes-coalition-more-likely-Lib-Dems-say.html>

¹¹⁸ AUTNES (Austrian National Election Study) <http://www.autnes.at>

¹¹⁹ Zeglovits, E. (2011): Voting at 16: Turnout of the youngest voters. Paper presented at the ÖGPW Conference "Tag der Politikwissenschaft", Salzburg, December 2.

¹²⁰ European Commission, Directorate-General for Education and Culture (2013). *European Youth: Participation in Democratic Life*. Flash Eurobarometer 375. Online: http://ec.europa.eu/public_opinion/flash/fl_375_en.pdf

¹²¹ 68% of 16-19 year olds, compared to 65% of those aged 20-24 and 62% of those aged 25-30 (Ibid., p.23)

¹²² <http://www.njr.nl/projecten/nationaal-jeugddebate/informatie/nationaal-jeugddebate.html>

¹²³ This is the case in Lower Saxony, Berlin, Mecklenburg-Western Pomerania, North Rhine -Westphalia, Saxony-Anhalt and Schleswig-Holstein

¹²⁴ <http://www.scotreferendum.com/>

¹²⁵ Youth Work Act 2010, <https://www.riigiteataja.ee/en/eli/ee/520122013004/consolide/current>

3.4.2.1 Municipal planning and governance

Legislation relating to municipal planning can be distinguished to some extent on the basis of whether child participation is made implicit or explicit. According to one national expert in the Netherlands, the new Social Support Act (*Wet Maatschappelijke Ondersteuning*¹²⁶) obliges each municipal authority to ensure the full participation of all of its residents. There is no special mention of child participation or the UNCRC within this legislation. In Germany, Law § 47 f *Gemeindeordnung*¹²⁷ in Schleswig-Holstein is rather more unambiguous, and states that children must be included in the planning and decision making in all cases where their interests are affected. Thus the onus falls on municipalities to make this participation possible.

Nevertheless, the Dutch Youth Council (NJR) has worked closely with 95% of municipalities in NL to set in place a 'Participation Plan'. This has been managed as a consultative exercise, involving children and young people, planners and municipal officials:

"In terms of political participation at municipal level; one third of the municipalities provide youth with an opportunity to voice their opinion on changes through a consultation, or stimulate them to come up with ideas themselves. Rather than providing 'unwanted' advice, nearly two thirds of the municipalities support the development of new initiatives developed by children. This is especially the case in large municipalities."

(Country Expert, Netherlands)

A further area of child or youth-led planning relates to accountability for public funding. In PT, a *Children's and Youth Participatory Budget* has been established, with the aim of giving children a more tangible influence over public spending decisions. Since the fund was introduced, participatory budgeting has taken place between children and adults for a number of local projects¹²⁸. National youth legislation typically provides the main basis for ensuring that children and young people have a say regarding youth services budgets and expenditure. In LU, for example, the Youth Act (2008)¹²⁹ requires municipalities to secure the participation of children and young people in drafting a Local Youth Action Plan (Plan Communal Jeunesse) before it is possible to secure financial support for public youth institutions.

At a more practical level, we have already considered how youth councils and children's parliaments have provided one of the most well established mechanisms for children's participation in municipal decision-making within the EU (refer to [Section 2.3](#)). These structures have played an important role in giving children experience of civic and political life, and have sometimes 'mirrored' adult decision-making structures.

3.4.2.2 Sustainable urban development

A significant amount of child participation has taken place in relation to sustainable development, and the expansion of cities and towns in particular. The UNESCO Growing Up in Cities (GUIC¹³⁰) project tackled some of these issues during the 1990s, and has been a source of good practice. In the EU, however, the Child Friendly Cities Initiative (CFCI) is one of the more widely known programmes. Table 3.3 gives an overview.

¹²⁶ http://www.scp.nl/english/Publications/Summaries_by_year/Summaries_2010/The_Social_Support_Act_the_story_so_far

¹²⁷ <http://www.gesetze-rechtsprechung.sh.juris.de/jportal/?quelle=jlink&query=GemO+SH+%C2%A7+47f&psml=bssshoprod.psml&max=true>

¹²⁸ Including: Câmara Municipal de Oliveira do Hospital; Câmara Municipal da Trofa; Câmara Municipal de Condeixa; Câmara Municipal de Odivelas; Câmara Municipal da Lousã, São Brás de Aportel (Algarve), and Carnide (Lisbon).

¹²⁹ Journal Officiel du Grand-Duché de Luxembourg (2008) : Loi du 4 juillet 2008 sur la jeunesse. (Youth law) 25 July 2008.

<http://eli.legilux.public.lu/eli/etat/leg/loi/2008/07/04/n1>

¹³⁰ <http://www.unesco.org/most/guic/quicmain.htm>

Table 3.3 Good practice example – Child Friendly Cities Initiative within the EU

The Child Friendly Cities Initiative (CFCI¹³¹) was launched in 1996 in response to the resolution passed during the second United Nations Conference on Human Settlements (Habitat II¹³²), to make cities “liveable places for all”. Habitat II identified children’s wellbeing as a key indicator for healthy and democratic urban life. The CFCI ‘movement’ has gathered momentum since then through an international network of local and national government bodies and civil society organisations. An International Secretariat of CFCI was established at the UNICEF Innocenti Research Centre in 2002.

The Secretariat has supported the development of a CFC Framework for Action, which sets out the criteria for awarding Child Friendly City status, grounded in UNCRC. The Framework outlines 9 ‘building blocks’¹³³ for a Child Friendly City, each of which includes a checklist to assist with monitoring progress:

1. Ensure children’s participation
2. Have a child friendly legal framework
3. Develop a city-wide children’s rights strategy
4. Create a children’s rights unit or have a coordinating mechanism
5. Ensure a child impact assessment and evaluation
6. Have an appropriate children’s budget
7. Ensure a regular state of the city’s children report
8. Make children’s rights known among adults and children
9. Support independent advocacy for children

The Secretariat lists examples of CFCI programmes operating within 10 EU Member States¹³⁴, but does not claim to be exhaustive. The evidence from the country mapping indicates that CFCI has become particularly well established in France, Spain, and Italy, with examples of CFC activities also reported in Belgium, Denmark, Portugal and Slovenia. Examples include the following:

- In France, some 246 towns and cities in FR have been awarded child friendly city status following a national launch by UNCEF France and the Association of French Mayors¹³⁵. Participating towns must engage with children and young people, through structures to listen to their views, as well as improving access to education and facilities for this age group.
- In Spain, CFC operates under the banner of the Child Friendly Municipalities programme (Ciudades Amigas de la Infancia¹³⁶) a total of 62 municipalities have achieved the CFC status. The programme is overseen by the Ministry of Labour and Social Affairs, the Spanish Federation of Municipalities and Provinces and the Local Network for Children’s Rights and uses a child rights-based certification scheme modelled on the CFC Framework.
- In Italy, the CFC movement has also achieved wide coverage at a municipal level, including examples where children have been actively involved in urban development. In one such example, children were involved in the re-design of city pedestrian routes, as a collaborative project with city planners¹³⁷.

¹³¹ <http://childfriendlycities.org/>

¹³² <http://www.unhabitat.org/categories.asp?catid=9>

¹³³ <http://childfriendlycities.org/building-a-cfc/checklist/>

¹³⁴ Including BE, FR, DE, HU, IE, IT, NL, ES, SE, and the UK

¹³⁵ www.villesamiesdesenfants.com

¹³⁶ www.ciudadesamigas.org

¹³⁷ <http://www.cittasostenibili.minori.it/>

3.4.2.3 Construction and housing

A further main area of children's participation relates to construction and housing. The most commonly cited approach found within the study was that of children being consulted on small-scale recreation schemes, such as the location or layout of a local play area. These forms of consultation are usually initiated and overseen by adults. A further approach is where children inform decisions about planning and development on a larger scale. Examples include the 'Kinderforum' in Stuttgart (Germany), which involves an annual consultation exercise with children aged 5-13 from across the city to decide how the city should look and how to renovate and build. The forum is supported via schools, with children presenting their ideas to town planners and officials. A review of the project showed that around 80% of children's ideas were carried forward into local planning decisions. The "Capital of Children"¹³⁸ project in the city of Billund (Germany) has a similar focus, with a child panel contributing their ideas towards an on-going regeneration project, alongside adult planners. Two further examples of good/effective practices are described below.

Table 3.4 Good practice example – Children's participation in urban planning (Sweden)

Trafikverket (The Swedish Transport Administration), Boverket (The Swedish National Board of Housing, Building and Planning) and Folkhälsoinstitutet (The Swedish National Institute of Public Health) have worked closely to improve the level of child participation in urban planning.

From 2010 – 2012 they launched the '*It Gets Important When It's for Real Project*'¹³⁹, aiming to develop processes of child participation in daily urban planning.



This project worked especially well in the municipality of Bolänge, including the redevelopment of an area with up to 40% children living there. The redevelopment included regular meetings between children aged 6–15 and urban planners and architects. Some children worked with photos, others with drama and others with models. The children played a key role in shaping the area, and results included environmental improvements and a park for small children.

¹³⁸ <http://www.capitalofchildren.com/>

¹³⁹ Det är viktigt när det blir på riktigt" (It's important when it's for real) project by Trafikverket – The Swedish Transport Administration, Boverket – The Swedish National Board of Housing, Building and Planning. Several documents to be found at: <http://www.trafikverket.se/Foretag/Planera-och-utreda/Samhallsplanering/Tatort/Barn-och-unga-i-samhallsplaneringen/Hant-i-projektet/Det-blir-viktigt-nar-det-ar-pa-riktigt---redovisning-av-slutrapport-23-januari/>

Table 3.5 Good practice example – Children’s participation in renewing a City Master Plan (Italy)

Municipal authorities in Empoli (Italy) undertook a consultation exercise, to assist with updating the City Master Plan¹⁴⁰. Surveys were carried out with school pupils across the city to establish their views, and this was followed-up with workshops with children from two local neighbourhoods. The findings resulted in specific changes to the original Master Plan, with the inclusion of additional green spaces and pedestrianised access areas; two new public meeting spaces, and a restoration project to convert a historic building into an “urban farm” for children.

One criticism of youth projects relying on the goodwill of municipal leaders is that they are vulnerable to changes in the political or funding climate. In Slovakia, one stakeholder described a public participation project involving a large number of children aged 15-18 years, who had worked alongside officials to develop a ‘shadow’ plan. Following a change of Mayoralty, the project was set aside and the proposals went no further. In Germany, a new federal law on construction has been implemented, which obliges organisations to consult with children for new public projects. This is subject to differences in implementation by individual Lander, but adds a further potential strengthening mechanism for upholding children’s rights in this area.

Examples were also found where a lack of participation in planning or redevelopment decisions has had a negative impact on children. In Romania, the stakeholder interviews highlighted concerns about policies relating to construction and social housing. These policies were thought to have disproportionality impacted upon families in poverty and Roma communities, who have very limited participation rights¹⁴¹.

3.4.3 Care

Legislative provisions relating to Article 12 were found to be widespread within the care sector across the EU28, due to the immediacy of decisions affecting individual children (i.e. relating to custody and guardianship). Specific legislation of some kind was found in all Member States, outlining a principle that children should be consulted and their views heard in decisions and processes affecting their care. However, there was variation in the extent to which this legislative framework covered specific care settings and processes (e.g. child protection, alternative care, custody, and adoption decisions) as opposed to a general principle of participation. The latter was most common where the relevant legislation was an overarching children’s act or code, for example the Children’s Act¹⁴² in the UK or the Child Welfare Act¹⁴³ in Finland. In Croatia, for example, more specific legislation existed in the form of the Foster Care Act, which addressed this specific setting.

The age at which legislation specified that children were to be consulted also differed across Member States from 10 years (Romania) to 15 years (Sweden). In Greece and Spain it was reported by national stakeholders that while existing legislation provides only a weak reference to child participation rights in the care sector, it is expected that children’s opinions and feelings would be discussed between the child and their social worker or legal representative as part of the processes involved.

¹⁴⁰ Francis, M. and Lorenzo, R. (2002) Seven Realms of Children's Participation. *Journal of Environmental Psychology*, 22, pp.157-169

¹⁴¹ <http://www.errc.org/cms/upload/file/romania-pata-rat-17-january-2011.pdf>

¹⁴² Children’s Act 1989. www.legislation.gov.uk/ukpga/1989/41/introduction

¹⁴³ Children’s Act in Finland <http://www.finlex.fi/en/laki/kaannokset/2007/en20070417.pdf>

3.4.3.1 Child protection and alternative care

Child protection is the process of protecting individual children identified as either suffering, or likely to suffer, significant harm as a result of abuse or neglect. Across Member States measures and structures exist to prevent and respond to such abuse and neglect. This often results in the removal of children from the home environment and their placement in an alternative care setting such as family-based care (fostering) or residential/institutional care.

In well over half of Member States (AT, BE, BG, CY, DK, FI, HR, HU, IE, IT, LT, LU, PT, RO, SE, SI, SK and the UK), specific legislation outlines a requirement for children to be heard in cases of child protection. For example:

- Austria, where the new Federal Child and Youth Welfare Act (*Bundes- Kinder und Jugendhilfegesetz*), adopted in March 2013, states that children's and young people's views have to be considered with regard to clarification of the presumed endangerment of child welfare, before decisions for out-of-home-care are taken¹⁴⁴.
- Slovenia, where Article 410 of the *Act Amending the Civil Procedure Act*¹⁴⁵ states that any child who is capable of understanding the proceedings and the consequences of their decisions, has the right to express his/her opinion about their care. Depending on age and other circumstances, a judge invites the child to have an informal interview in court or with a mediator present. The child may select a trusted adult to attend the interview to assist with expressing his/her opinion.
- In Bulgaria, the Child Protection Act 2000 obligates the court and the administrative body - the Child Protection Department - to hear the child before announcing a child protection measure¹⁴⁶.
- In Croatia the Foster Care Law prescribes that a "child in foster care has the right to be informed of all phases of removal from their family."¹⁴⁷
- In the UK, the 1989 Children's Act outlines that during child protection processes "a court shall have regard in particular to ... the ascertainable wishes and feelings of the child concerned."¹⁴⁸

Despite the general principle of child participation promoted through legislation covering the care sector and these specific legislative frameworks, the implementation of child participation in child protection cases is generally poor. In practice, in AT, BG, EL, ES, HR, HU, IE and PL national stakeholders reported that children's views are typically either not taken into account or they are informed once the decision has already been made to remove a child from the home environment due to child protection issues. This is because most child placements in alternative care due to child protection concerns are carried out in cases of abuse requiring urgent removal, and so participation regarding alternative placement is essentially nominal as the state has a duty to act. Stakeholders in CY, EL, and HU also highlight a lack of training - both of judges to implement participation within the law, and experts involved in the process.

One good example of a child participation structure within the child protection context, however, is the Children's Counsellor in custody proceedings in Austria. In proceedings and custody visitation rights, a representative is appointed for the child if the case is highly controversial. The Counsellor follows proceedings with the child, and communicates the child's opinions and concerns to the court. Evaluation shows that in more than half of cases, the child's wishes were taken into account in the judge's decision¹⁴⁹.

¹⁴⁴ Bundes- Kinder und Jugendhilfegesetz (Federal Child and Youth Welfare Act) 2013 www.parlament.gv.at/PAKT/VHG/XXIV/BNR/BNR_00709/fname_295630.pdf

¹⁴⁵ Zakon o spremembah in dopolnitvah Zakona o pravdnem postopku (ZPP-D), Act Amending the Civil Procedure Act, Retrieved August, 15, 2014, from <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5040>

¹⁴⁶ Child Protection Act (2000, last amd. 2013). www.lex.bg/bg/laws/ldoc/2134925825

¹⁴⁷ Foster Care Act, Official Gazette, 99/11, narodne-novine.nn.hr/clanci/sluzbeni/2011_08_90_1921.html

¹⁴⁸ Children's Act 1989. www.legislation.gov.uk/ukpga/1989/41/introduction

¹⁴⁹ Krucsay, Brita; Pelikan, Brita (2008) „Bericht der Begleitforschung zum Modellprojekt „Kinderbeistand“. Vienna: Institute of Legal and Criminal Sociology. <http://www.irks.at/legacy/downloads/Kinderbeistand%20Endbericht.pdf>

Other structures exist, before the decision of placement, such as the Committee for Special Youth Care in Flanders (Belgium), which supports the child or young person and allows for mediation involving the parents. Consent is sought if the child or young person is at least 12 years old. However, the children must be heard even if they are younger.

Once in alternative care, children's participation tends to involve inputs into their own care plans (BG, EE, IE, LT) or they have options for different forms of participation by influencing decisions that concern their life in an institution (AT, BE, DE, DK, NL, SK, and the UK). Examples include decision-making with regard to the improvement of services, new activities, and the purchase of certain things. In Germany, the *Bundeskinderschutzgesetz* (2002) introduced the obligation for care institutions to introduce a complaints and participation procedure. All new care institutions are required to have this measure in place before approval is granted. In Greece, there is no legal provision for child participation in residential care, but the rules of public residential institutions allow for the formation of "children's groups" to take a more active role in decision-making.

There are countries with examples of individual institutions demonstrating a good level of child participation, for example in DK, NL and the UK. In Northern Ireland, children are supported to peer-review children's homes and in the Slovak Republic, the majority (60%) of children with experiences of care felt listened to and that their views were taken seriously, suggesting evidence of effective participation, although the specific structures for participation were not detailed in the study¹⁵⁰. Systematic and formalised examples of children's participation in the monitoring and inspection of alternative care arrangements can also be found in the UK (Young Inspectors in Scotland) and Sweden. The Swedish case is further explained below.

Table 3.6 Good Practice Example for Child Participation in Care: 'Focus on Children's Needs', Sweden¹⁵¹

In Sweden, a voluntary system of monitoring and evaluating children in care has been developed. The Barns Behov I Centrum (BBIC) (Focus on Children's Needs) system was developed by the National Board of Health and Welfare in the early 1990's and is now used by almost all of Sweden's 290 municipalities.

BBIC advocates a holistic view of the child as a competent individual and highlights for those agencies adopting the method an obligation to listen to the child in the care process and to make the child the centre of the intervention. It is a quality system that contains methods for research, planning and evaluation of children in social care, by providing prompts for social workers to ask a child if she/he wants to state their opinion at all meetings or contacts as well as templates for interviewing the child to establish their opinion at relevant stages of the process.

Elsewhere, however, despite legally obligatory, the level of children's involvement in decision-making or influencing has been found to be limited (e.g. BG, DK, EL, FI, HR, IE, and PL). In Denmark, for example, there is an overall statute stating that before making any decisions on care plans, an interview with the child must take place¹⁵². However, in practice stakeholders reported there are large variations on how these interviews and the involvement of children are assured. In other countries (for example Bulgaria and Finland) despite the legislative framework it was reported that child welfare workers do not have sufficient time to support children to participate in determining the direction of their care.

¹⁵⁰ 'Child and Youth Participation in the Slovak Republic: A Council of Europe policy review', Council of Europe, Strasbourg, 2012

¹⁵¹ www.socialstyrelsen.se/barnochfamilj/bbic

¹⁵² Law on Social Services LBK nr 810. 19/07/2012

A lack of a participatory culture was often cited as a key barrier to implementation of participation at the level of institutions.

Regarding wider participation, in AT, BG, HR, CZ, DK, FI, IE and the UK there are specific structures to ensure children in alternative care are able to participate at a national or local level to support developments in the setting as a whole. These are as follows:

- In the Czech Republic, **Young Circle**¹⁵³ (Kruh mladých) is an informal group of young people from foster care which aims to engage young people in decision-making and influence change at the regional and national levels. In several regions they have successfully established cooperation with the statutory agencies involved in the protection of children and representatives from one group has on occasion met representatives from the Ministry of Labour and Social Affairs demonstrating potential national influence.
- The Irish organisation **Empowering People in Care (EPIC)**¹⁵⁴ is an independent organisation enabling young people who are in care to speak out and be heard in relation to their own lives.
- In the UK (Northern Ireland), **Voice of Young People in Care (VOYPIC)**¹⁵⁵ is an independent regional children's charity that seeks to empower and enable children and young people with experiences of care to participate fully in decisions affecting their lives. Within VOYPIC, looked after children have the opportunity to play an active role via formal e-consultations, completing the 'Our Life in Care' survey, via the young people's blog and as Young Reps, a group of young people living in care aged 16 to 25 from across Northern Ireland. **Voices from Care Wales**¹⁵⁶ (Wales, UK) also focuses on involving young people living in care in the decision making process.
- The **Young Developers Group**¹⁵⁷ in Finland consists of working groups of children with experience of child welfare services and social workers, who meet twice per month to discuss care issues. The results are positive, and the young people report no longer seeing themselves as just child protection clients, but as experts by experience.
- More widely the youth parliaments in Ireland, UK, Finland and Sweden have places specifically reserved for children in care as a further opportunity for children from this setting to participate.

In other examples, adult led forums or organisations facilitate participation for children living in alternative care settings. In Croatia, for example, youth representatives who sit on the Forum for quality foster care¹⁵⁸ are acknowledged as promoting participation for children in care. In the Netherlands, the state agency responsible for overseeing alternative care supports the production of a newspaper targeted at young people aged 12-18 living in care to provide information on their rights.

In Bulgaria, Finland, Ireland and the UK one-off events or consultation activities have successfully promoted and fostered the participation of children in alternative care. The '*We believe in you – so should you Tour*' was organised by the Children's Ombudsman across Finland in 2011, to consult with children in care through seven forum meetings and where services for children in care were evaluated with the purpose of developing alternative care services.

¹⁵³ www.kruhmladych.cz

¹⁵⁴ www.epiconline.ie

¹⁵⁵ www.voypic.org

¹⁵⁶ www.voicesfromcarecymru.org.uk

¹⁵⁷ "Young developers – a new method to increase participation", Presentation in the 3rd European Conference for Social Work Research (ECSWR 2013) by Kati Palsanen

¹⁵⁸ www.udomiteljizadjecu.hr

It resulted in clear messages which have been used as a main starting point for change. This includes investment in professional training¹⁵⁹. The Irish Department of Children and Youth Affairs carried out a national consultation in 2011 with 220 children living in care, ranging in age from eight years to young adults, and published the findings in a publication entitled *Listen to Our Voices!*¹⁶⁰. In early 2012, the Teenagers and Children Talking in Care (TACTIC) group – comprising 13 children and young people who are in or have been in care – was formed to act on the recommendations of the report. In Bulgaria, the process to develop a national strategy to deinstitutionalise care setting gave a central role to child and youth organisations which included children from specialised institutions.

3.4.3.2 Custody decisions and adoption

In other aspects of care, such as parental custody proceedings, specific legislation or structures exist (in AT, HR, DK, DE, EE, ES, HU, SE, and the UK) to bolster the general legal framework for participation. In Croatia, for example, the Family Law Act prescribes consultation with children in the legal proceedings in divorce cases. In practice, however, the existence of a legal framework does not guarantee that the child's right to be heard is respected in all instances or taken into account in the final custody decision. This is at the discretion of the individual judge hearing the custody case. Further information on participation in respect of this care setting is provided in [chapter 3.4.5](#) examining it in the context of the civil justice setting.

The participation of children in adoption cases was explicitly articulated in legislation and process documents in all Member States, with a clear focus on gaining the child's consent for the adoption. The age at which it is considered appropriate for child to give their consent varies, as shown in Table 3.7.

Table 3.7 Age of consent for adoption decisions

Age of child	Member States
5 years	AT ¹⁶¹
7 years	IE ¹⁶²
10 years	EE, LT, RO, SL
12 years	BE, DK, EL, ES, FI, HR, LV, NL, SE, UK (Scotland)
13 years	FR, PL
14 years	BG, DE, HU, IT, MT
15 years	LU
No age stated	CY ¹⁶³ , CZ, SK, UK (ex. Scotland)

¹⁵⁹ "We believe in you – so should you" guidelines for life and strengths for coping. A Handbook of alternative care by young people for young people; Pesäpuu ry & Central Union for Child Welfare, October 2011: http://www.lskl.fi/tiedot/julkaisut/we_believe_in_you_so_should_you.1030.shtml

¹⁶⁰ Department of Children and Youth Affairs (2011) Listen to our Voices http://www.dcy.gov.ie/documents/publications/LTOV_report_LR.pdf

¹⁶¹ "the court is obliged to hear any child chosen for adoption who has reached the age of five and does not have the capacity to act; if, according to its personal status, the child's agreement is required, that right shall also prevail." http://www.unicef-irc.org/portfolios/documents/95_austria.htm

¹⁶² Legal requirement to give due consideration to the wishes of the child, having regard to his/her age and understanding (from 7 years of age)

¹⁶³ Consent only required when the identity of the applicant is known to the adopted person

As the table illustrates, the age at which children's consent is obtained for adoption decisions ranges from five years of age in Austria, to 15 years of age in Luxembourg¹⁶⁴. In Austria, policy makers were heavily involved in developing standards for the new European Convention on the Adoption of Children. These were subsequently integrated into Austrian legislation in the Family Law Amendment Act (*Familienrechts-Änderungsgesetz* 2009¹⁶⁵). In Ireland, under law when an adoption order is being made in relation to a child who is over the age of seven years, the Adoption Authority must "*give due consideration to the wishes of the child, having regard to his or her age and understanding*"¹⁶⁶. In Bulgaria, the law supposes not only child participation in the judicial adoption process, but also the child's full consent in the final placement decision.

As confirmed by a Bulgarian national stakeholder:

"It is mandatory to conduct informational meetings between adoption candidates and the child in order to assess the level of the established emotional connection between the two parties; before the child's full consent is attained."

(Legal Expert, Bulgaria)

Four Member States (CY, CZ, SK, and UK excluding Scotland) do not mention any age of consent. Some Member States also impose specific conditions upon whether the child's views are heard and taken into account. In Cyprus, the consent of the child should be asked "*...if his/her age or spiritual capability permits that.*"¹⁶⁷ In the case of Spain, the law requires that the child be heard from 12 years, but consent is not mandatory within adoption decisions.

3.4.4 Asylum and immigration

Asylum and migration was a further area where relevant legislation has restrictions in its coverage. The provisions relating to participation were almost exclusively concerned with recognising the right of unaccompanied children to be heard. Many countries had only weak provisions; mainly because children in most countries have few rights, and limited opportunities for participation.

The **right to be heard** is enshrined in EU law through a series of Directives and Regulations¹⁶⁸ which cover all aspects of the asylum process for children, with provisions made that all action should be in the best interests of the child. Specific asylum and migration legislation is evident in a number of countries (BE, ES, FI, IT, SP, SE, and SK). For example, in Finland the Section 6 of the Aliens Act¹⁶⁹ (301/2004) contains provisions on migrant and asylum seeking children; it states that the best interests of the child should be paid attention to before a decision is made concerning a child who is at least twelve years old, and that the child shall be heard unless such hearing is manifestly unnecessary. In Belgium, an unaccompanied child is heard, as soon as they are deemed competent, for the purpose of asylum¹⁷⁰.

¹⁶⁴ http://ec.europa.eu/civiljustice/news/docs/study_adoption_synthesis_report_en.pdf -

¹⁶⁵ Familienrechts-Änderungsgesetz (Family Law Amendment Act) 2009
http://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2009_I_75/BGBLA_2009_I_75.html

¹⁶⁶ Adoption Act 2010 section 24(2) <http://www.irishstatutebook.ie/2010/en/act/pub/0021/sec0024.html>

¹⁶⁷ Law 19(I)/1995 - Law to Provide for the Adoption 1995, paragraph 4.
[http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/B96F1BC34B2419FBC2256E820032FA73/\\$file/Law%20to%20Provide%20for%20the%20Adoption%20Law%201995.pdf?OpenElement](http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/B96F1BC34B2419FBC2256E820032FA73/$file/Law%20to%20Provide%20for%20the%20Adoption%20Law%201995.pdf?OpenElement)

¹⁶⁸ DG Justice (2014) EU *acquis* and policy documents on the rights of the child

¹⁶⁹ <http://www.finlex.fi/en/laki/kaannokset/2004/en20040301.pdf>

¹⁷⁰ Derde Periodiek rapport van België betreffende het internationaal verdrag inzake de rechten van het kind, (Juli 2008):
http://www.kinderrechtencommissariaat.be/sites/default/files/bestanden/belgisch_derde_en_vierde_periodiek_rapport_kinderrechten.pdf

The main limitations with regard to child participation in this sector concern the following:

- Implementation - in Spain, although the law recognises the right for unaccompanied children to be heard, this is not systematically implemented according to experts interviewed for the study.
- Conditionality - in Sweden, the Aliens Act (2005:716), states that a child should be heard, "if it [Sic.] is not found improperly"¹⁷¹. The same restriction is found for the election or suspension of a representative¹⁷², which has been criticised by the UN¹⁷³ and the Ombudsman for children in Sweden.
- The status of the child - in the Slovak Republic, according to the Asylum Act No. 480/2002¹⁷⁴, children have the opportunity to be heard in asylum-seeking cases only when they are unaccompanied. In other cases, their parents or legal representatives are heard.

Slightly fewer than half of Member States provide **guardianship or a legal representative** for children seeking asylum (AT, BG, CY, DK, FI, FR, IE, RO, SE, SI and SK). The legal basis differs between Member States, and is sometimes based on legislation related to care (Ireland is one example), whereas in other cases this derives from specific asylum and immigration laws (AT, FI, FR, SE, and SK). The function of guardianship also varies. In Bulgaria, unaccompanied migrant children's participation is to some extent enshrined in legislation via their guardian and the orientation centre (OOC¹⁷⁵). Each child receives a guardian, who performs an advocacy role, which includes listening to the child's story and their aspirations¹⁷⁶. Whilst there is no legal basis for the participation of unaccompanied children in Bulgaria, they do receive a coach (a social worker) upon arrival. Officials who were interviewed for the study considered that real efforts were being made to engage with these children, but that practice can vary depending on the individual social worker assigned to them. In Finland, some young asylum seekers are supported through peer-to-peer counselling, in addition to having a legal representative¹⁷⁷.

Table 3.8 Good Practice Example for Children Seeking Asylum: Peer-to-Peer Counsellors in Finland

The project, run by the Finish Refugee Council and funded by the EU, provides young asylum seekers (12-18) with counsellors at two reception centres. The counsellors provide information and social support to the children, including what their options are and what they can tell the police.

The counsellors have different backgrounds, gender, ages (20-55); they are migrants and/or former asylum seekers. They receive a specific training, including on health and mental health and on the organisation of activities (leisure) with asylum seeking children. Specific attention is given to the fact that counsellors speak the language of children, so they do not need translators.

In the first year, 200 young asylum seekers were supported by 20 counsellors. The feedback from the children is that the group is very useful for them. They value the support they get, but also the practical and social activities (drama, cooking together and sports).

¹⁷¹ <http://www.government.se/sb/d/5805/a/66122/dictionary/true>.

¹⁷² Law for a special representative for unaccompanied asylum seeking children (2005:429).

¹⁷³ UNCRC (2009). Advance Unedited Version. Committee on the Right of the Child. Concluding observations for Sweden: <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-SWE-CO-4.pdf>

¹⁷⁴ Council of Europe (2012) 'Child and Youth Participation in the Slovak Republic: A Council of Europe policy review', Strasbourg, Council of Europe, http://www.coe.int/t/dg3/children/participation/PolicyReview_en.pdf

¹⁷⁵ <http://www.lex.bg/bg/laws/ldoc/2134925825>

¹⁷⁶ <http://www.lex.bg/bg/laws/ldoc/2134925825>

¹⁷⁷ Annika Parsons, "The best interests of the child in asylum and refugee procedures in Finland", Publication 6 (Ombudsman for Minorities, National Rapporteur on Trafficking and Human Beings); Helsinki 2010

In practice, however, being assigned a representative does not guarantee that children will be able to participate. The main reasons are as follows:

- Legal representatives are not always specifically trained to work with children (for example, AT, FR, FI). In Finland, the skills of representatives and police officers to use child-friendly interview techniques were reported to vary considerably, and training is not compulsory.
- Children are not always assigned a representative. In Cyprus, for example, this process is non-systematic and is limited to the legal representation of unaccompanied children during the hearing of the case by the competent authorities. In France, according to one official stakeholder's views, the waiting period for the appointment of a guardian can be very long. As a result, children who are not taken in charge by Department of Social Welfare are unable to fully exercise their rights as they are not deemed competent in law to do so.
- The rights of asylum seeking children can sometimes be over-ridden by legislation, policy and practice regarding asylum seekers. In Sweden, for example, several legal experts and civil society organisations consulted for this study cited the practice of asylum seeking children being taken into foster care and then being expelled from Sweden together with their biological parents. This is also an issue highlighted by the National Ombudsman for Children, and has reportedly arisen due to the problem with combining the Aliens Act¹⁷⁸ and Social Security Act¹⁷⁹ in Sweden.

Children seeking asylum are often detained in administrative detention centres (this practice was reported within, but not exclusive to: CZ, HU, MT, and NL). As a result, in the Czech Republic, as reported by stakeholders, only little participation, if any, can happen. The case of children maintained in centres, when accompanying their families, has been investigated in 2012 by the Ombudsman in Hungary. Conversely, in the Netherlands, as one in three asylum seekers is under the age of 18, all centres have facilities in place for education, child care services and pre-school activities. Activities for children can be organised in close cooperation with foundations and volunteers, although these are very dependent on local arrangements and the governorship of individual centres. Recently, there has been a more centralised effort of the Central Agency for Asylum seekers (COA), which cited UNCRC Article 12 as a basis of its work with children.

In 2015, the Commission will publish the results of a separate study on children's involvement in administrative judicial proceedings, covering also the child's right to be heard in asylum and migration judicial proceedings. The criminal justice results were published in June 2014¹⁸⁰

3.4.5 Justice

Legislation including provisions for Article 12 UNCRC in the justice sector was found in the areas of **criminal, civil and administrative justice**; and specifically covering processes such as custody, visitation, and child protection proceedings. As reported above, legal provisions exist in many countries that allow children to express their views in civil legal proceedings (AT, BG, CY, DE, DK, EE, ES, FR, GR, HR, HU, IE, MT, SE, SI and the UK). In the main, the legislation establishes a general principle of child participation but there are examples (see Austrian example below) where legislation results in specific structures or process to promote child participation in justice settings. In 2015, the Commission will publish the results of a separate study on children's involvement in civil and administrative judicial proceedings, covering also the child's right to be heard. The criminal justice results were published in June 2014¹⁸¹

¹⁷⁸ "Utlänningslag SFS 2005:716" (The Aliens Act): <http://www.government.se/content/1/c6/06/61/22/bfb61014.pdf>

¹⁷⁹ "Socialtjänstlag SFS 2001:453" (The Social Security Act) and the complimentary Law (SFS 2012:776) http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Socialtjanstlag-2001453_sfs-2001-453/

¹⁸⁰ http://ec.europa.eu/justice/fundamental-rights/rights-child/friendly-justice/index_en.htm

¹⁸¹ http://ec.europa.eu/justice/fundamental-rights/rights-child/friendly-justice/index_en.htm

Table 3.9 Good Practice Example for Child Participation in Justice: 'Children's Counsellors in Austria'¹⁸²

The practice of children's counsellors in Austria is enshrined in law through the Children's Counsellors Act¹⁸³. The counsellor is available for children aged 5-14 in proceedings regarding custody in parental divorce; an area where children need particular support in participating due to the difficulty of expressing their views, when their parents are in conflict. The counsellor gives the child a voice, supporting them legally by explaining their rights and the judicial processes that are to be followed, and emotionally through the provision of psychological support. The process was reported to have worked well, and an evaluation found that in over half of cases the children's requests were incorporated into the judicial decisions.

A comprehensive study was recently published by the European Commission, on children's involvement in criminal, civil and administrative judicial proceedings in EU28. The first phase mapped all aspects of the **criminal justice** system relating to children in the role of suspects/offenders, victims and witnesses¹⁸⁴. Key findings from the first phase relating to child participation in criminal judicial proceedings¹⁸⁵ are summarised here. Full details and summaries for each Member State can be found within the published report.

The study identified that legislative provisions exist in all countries to provide children who are suspects or offenders with an explicit right to be heard during the course of criminal judicial proceedings. The nature of this participation varies, however, and in only AT, CZ, EE, LV, PT do children have the right to participate in all stages, for example the right to consult the court files at any stage of the proceedings and the right to interrogate witnesses and experts themselves. In other Member States, the opportunity to participate is more limited. For example in Italy, the right of suspects to be heard only exists in the 'investigation' stage of the proceedings. In Romania, child suspects only have the right to be heard by the judge on one occasion.

Where children are involved in criminal proceedings as victims, many Member States (AT, BE, CZ, EE, EL, ES, FL, HR, HU, LT, LU, LV, MT, NL, PL, PT, RO, SE and SK) likewise have legal provisions covering participation during criminal judicial proceedings. In other Member States the participation of child victims is at the discretion of the police and prosecuting authorities. Legislation in several Member States (BE, EE, EL, ES, FI, FR, HR, LT, LU, PT, RO and SK) specifies that children who have witnessed a crime, but who are not victims themselves, also have a right to be heard in criminal proceedings. More common, in other Member States, is that children may be obliged to testify in a court but they do not have an automatic right to be heard by the judge if they are not called to testify. In Italy, for example, the child's right to be heard under Article 12 only applies during the preliminary investigation, but following the commencement of the trial the child does not have an automatic right to be heard and the public prosecutor can decline this request. In Romania, the right to be heard is limited to a single hearing by the judge. This constitutes *"....a limitation which does not exist in the case of adults"*¹⁸⁶.

¹⁸² Krucsay, Brita; Pelikan, Brita (2008): Bericht der Begleitforschung zum Modellprojekt „Kinderbeistand“. Vienna: Institute of Legal and Criminal Sociology:

<http://www.irks.at/legacy/downloads/Kinderbeistand%20Endbericht.pdf>

¹⁸³ Children's Counselors Act / Kinderbeistand-Gesetz:

http://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2009_I_137/BGBLA_2009_I_137.pdf

¹⁸⁴ European Commission Directorate-General Justice (2013) *Summary of contextual overviews on children's involvement in criminal judicial proceedings in the 28 Member States of the European Union* LINK (http://bookshop.europa.eu/is-bin/INTERSHOP.enfinity/WFS/EU-Bookshop-Site/en_GB/-EUR/ViewPublication-Start?PublicationKey=DS0313659)

¹⁸⁵ At the time of writing, the civil and administrative phases were not yet finalised.

¹⁸⁶ Ibid. (2014), p.34).

Further limitations regarding child participation in justice proceedings include the following:

- *"In some MS, the statements made by child victims below a certain age do not qualify as formal evidence but rather as information that can be used to put other evidence into context (e.g. in BE, for children under 15).*
- *In nine MS (BE, BG, CZ, FR, HU, IT, LT, LV and PL), child victims do not have legal capacity to exercise the right to be heard directly, and must do so through a legal representative, unless there is a conflict of interests between the child and their legal representative in which case a special representative or guardian ad litem is appointed to act and speak on behalf of the child.*
- *The right of a child victim to be heard in their own right is often dependant on their age. In FI, for example, children below 15 years of age must be legally represented by their parents, whereas children above 15 have independent or parallel legal rights with their parents to participate in the proceedings. In BE, it is at the court's discretion whether to hear children below 12 years of age.*
- *The right for very young children to be heard is often dependent on an assessment of the maturity and discernment of the child victim by the judges, or by a specially appointed expert, but in some MS (e.g. BG) this applies to all children.*
- *A number of countries provide an opportunity for child victims to strengthen their right to be heard and to participate in the proceedings by applying to become civil parties (e.g. BE, BG and EL), "auxiliary prosecutors" (IT) or "asistentes" to the prosecutor (PT)."*

Source: European Commission (2014)

The European Commission study found that even though legislative frameworks exist that cover the participation of children in criminal justice processes:

*"This right may be compromised if parallel efforts are not made to ensure that the conditions in which the child is questioned or gives testimony are child-friendly."*¹⁸⁷

In Bulgaria, the NGO Social Activities and Practices Institute (SAPI) is running a pilot, 'Listen to the Child', to overcome this issue (see below).

Table 3.10 Good Practice Example for Child Participation in Justice: 'Listen to the Child', Bulgaria¹⁸⁸

'Listen to the Child' is a pilot project run by the Social Activities and Practices Institute (SAPI). It aims to develop a model for participation in legal proceedings for children who are victims or witnesses of crime, which to a greatest extent guarantees their rights. It aims to:

- Build professional capacity of the specialists who conduct hearings/interviewing for children - the magistrates, police, social workers, psychologists
- Form a specialised mobile team for hearing child participants in legal proceedings
- Reduce the negative consequences for child participants in legal proceedings by creating suitable conditions for the hearing/interrogation

This has involved the following developments:

- Collaborative work between social workers of the child protection system, the social services, and prosecutors on the cases the child is involved in
- Opening 11 specialised interviewing rooms for children, which provide the needed material resources for guaranteeing the child's rights and protecting their best interest
- Forming a specially trained mobile team, which implements child hearing according to special methodology, based on leading world practices for child participation in legal procedures
- Developing the standards for hearing child participants in legal procedures.

¹⁸⁷ Ibid. (2014), p. 36

¹⁸⁸ www.sapibg.org/en/projects/deteto-svidetel/141-news/1287-standarti-za-razpit-na-maloletni-i-nepulnoletni-lica-uchastnici-v-pravni-procduri

In practice, child friendly provisions evident in some Member States include limitations to the number of interviews that children participate in and the use of video-recording so children do not have to appear in court directly. Adaptations to the physical environment of court for example, presence of screens, separate rooms and/or audio-visual facilities were common. In many Member States (AT, BE, CZ, DE, DK, EL, ES, FR, HU, IE, IT, LU, MT, NL, PL, PT, RO, SI, and the UK) there are specialist courts dealing with child offenders.¹⁸⁹

Isolated examples exist of participation opportunities where child suspects or offenders are held in secure facilities during proceedings or as part of their sentence. In the Slovak Republic, juvenile justice institutions have 'boxes of confidence' which allow residents to provide feedback, complaints or other information anonymously by leaving a written comment in a secure box.¹⁹⁰ The contents are gathered and checked by staff of the concerned institution and information is handed to legal representatives where appropriate. A special report was presented by the Swedish Ombudsman in March 2013 based on interviews and surveys with children and young people who were detained in police cells and remand prisons. One of the recommendations specifically related to Article 12 of the UNCRC suggesting a system where an obligatory and neutral "child representative" be appointed to support the child during each stage of the process¹⁹¹. This recommendation is potentially being taken forward in the European Commission's proposed Directive to set common minimum standards throughout the European Union on the rights of children who are suspected or accused in criminal proceedings.¹⁹²

3.4.6 Health

Child participation within the health sector focuses primarily on two areas: **child participation in individual health decisions** (usually in giving consent to medical procedures and treatments); and structures for child participation and **wider engagement in health services and institutions** (for example in terms of policy development). Regarding the first area, legislation within Member States is predominantly concerned with safeguarding the ability of children to **give informed consent to medical procedures**. The arrangements are set out within Table 3.11 and are described further described beneath the table.

¹⁸⁹ Ibid. (2014)

¹⁹⁰ Council of Europe (2012) 'Child and Youth Participation in the Slovak Republic: A Council of Europe policy review', Strasbourg, Council of Europe, www.coe.int/t/dg3/children/participation/PolicyReview_en.pdf

¹⁹¹ The Ombudsman for Children in Sweden (2013) *From the inside: children and young people on life in police cells and in remand prisons*: <http://www.barnombudsmannen.se/Global/Publikationer/From%20the%20inside.pdf>

¹⁹² This Directive is one of several new measures published by the European Commission in November 2013 to establish minimum fair trial standards across the EU. http://ec.europa.eu/justice/criminal/criminal-rights/index_en.htm

Table 3.11 Legal provisions for children's consent to medical procedures and medical research

Typology	Countries	Age of consent
No provision identified on child consent	CY, CZ, EE, ES, HR, IT, LU, LV, MT, PL, SE, and UK	<ul style="list-style-type: none"> N/A
Provision for child consent	AT	<ul style="list-style-type: none"> The Parent Child Relation and Naming Rights Amendment Act / <i>Kindschafts- und Namensrechts-Änderungsgesetz</i> 2013¹⁹³ stipulates the consent arrangements to medical treatment for children aged 14 years and above
	BE	<ul style="list-style-type: none"> A doctor is permitted to overrule the opinions of parents if the child "<i>possesses sufficient capacity of discernment</i>". Terminally and incurably ill children of all ages are able to request euthanasia if they are near death, and suffering "constant and unbearable physical" pain with no available treatment. Parental consent, as well as the agreement of doctors and psychiatrists, is required.
	BG	<ul style="list-style-type: none"> The right for the child to be informed and to express personal views and consent for medical treatment is regulated by the Health Act¹⁹⁴. A person aged 16 years or older can conduct health consultations, prophylactic check-ups and examinations. For other examinations and for children under the age of 16 years, the informed consent is expressed by a legal representative or parents.
	DE	<ul style="list-style-type: none"> The Pharmaceutical Law¹⁹⁵ provides the option for the child's participation <i>if it is possible to raise the child's awareness and understanding of the situation</i>.
	DK	<ul style="list-style-type: none"> According to one country expert, there are special rules of informed consent. After 15 years of age, children have autonomy in relation to health treatment.
	EL	<ul style="list-style-type: none"> The consent is given by those who exercise parental authority, under the Code of Medical Ethics (Law 3418/2005)¹⁹⁶. However, the written consent of children over 12 years of age is sufficient for participation in medical research.
	FI	<ul style="list-style-type: none"> The Mental health Act (1116/1990¹⁹⁷) gives a child over 12 years of age and independent right of appeal against a medical decision ordering treatment. The Medical Research Act (488/1999¹⁹⁸) requires that consent is sought from children over the age of 5 years for medical research

¹⁹³ § 146 c ABGB, §146 d ABGB, § 154 b ABGB and § 282 Abs. 3 ABGB

¹⁹⁴ http://www.parlament.gv.at/PAKT/VHG/XXIV/I/I_02004/index.shtml

¹⁹⁵ § 40 Absatz 4 Number 3

¹⁹⁶ <http://europatientrights.eu/countries/ratified/greece/greece.html>

¹⁹⁷ <http://www.finlex.fi/en/laki/kaannokset/1990/19901116>

¹⁹⁸

<http://www.finlex.fi/en/laki/kaannokset/1999/en19990488?search%5Btype%5D=pika&search%5Bpika%5D=488%2F1999>

Typology	Countries	Age of consent
	FR	<ul style="list-style-type: none"> Art. 1111-4 of the Code of Public Health¹⁹⁹: states that “no medical procedure and treatment can be carried out without free and informed consent” and that the child’s consent should be systematically sought if (s)he “is able to express his/her will and participate in the decision.”
	HU	<ul style="list-style-type: none"> The Health Care Act (Act CLIV. of 1997)²⁰⁰ legislates for the self-determination of children aged over 14 years to participate in medical treatment.
	IE	<ul style="list-style-type: none"> Non-Fatal Offences Against the Person Act 1997 provides that a child over 16 years of age can consent to “surgical, medical or dental treatment” including any treatment necessary for diagnosis (Section. 23(1))
	LT	<ul style="list-style-type: none"> Provision regarding biomedical research only²⁰¹: children must be informed about their participation in the research and provide their consent they are capable of expressing their opinion.
	NL	<ul style="list-style-type: none"> Under the Medical Contract Bill (WGBO)²⁰², the patient’s consent is needed for any medical intervention. From 0-12 years, a child has the right to be informed; between 12-15 years, children are allowed to co-decide along with their parents, from 16 years old, they may choose their treatment without adults having consented.
	PT	<ul style="list-style-type: none"> The Penal Code²⁰³ (Art. 38) states that consent is effective on when the individual is over 14 years old. It also requires a measure of competence, requiring that the individual “...has the necessary discernment to judge its meaning and range, at the moment it is given.” (p.11)
	RO	<ul style="list-style-type: none"> The child’s right to be heard applies to all children of 10 years of age or older in all legal proceedings regarding his/her person, and younger than 10 years if he/she is considered to be mature enough to have a pertinent opinion²⁰⁴.
	SI	<ul style="list-style-type: none"> A child has the right to have his/ her opinion taken into account if is capable of expressing it, and if he/she is able to understand its meaning and implications in situations relating to medical care²⁰⁵.
	SK	<ul style="list-style-type: none"> Provision relates to biomedical research only: Act No. 576/2004²⁰⁶ Coll. On health care, Art. 26-34, regulates that the child must provide informed consent to participate in biomedical research. The informed consent to medical procedures of a child below 18 years is provided by their statutory representative.

¹⁹⁹ http://europatientrights.eu/countries/signed/france/france_right_to_information_about_his_or_her_health.html

²⁰⁰ http://ec.europa.eu/research/science-society/pdf/hu_enq_lr.pdf

²⁰¹ <http://www.irishstatutebook.ie/1997/en/act/pub/0026/>

²⁰² http://europatientrights.eu/countries/signed/netherlands/netherlands_right_to_informed_consent_minors.html

²⁰³ <http://www.verbojuridico.com/download/portuguesepenalcode.pdf>

²⁰⁴ Stakeholder interview, Romanian country expert

²⁰⁵ Zakon o pacientovih pravicah, Law on Patients Rights, Retrieved October, 5, 2013, from <http://www.uradni-list.si/1/objava.jsp?stevilka=455&urlid=200815>

²⁰⁶ http://www.privireal.org/content/rec/documents/Slovakia_ActNo576_Healthcare_2004.pdf

The mapping further identified the following issues with regard to participation in 'health':

- Legal provision fixing an age limit for consent to medical treatment was identified in nine Member States (AT, BE, DK, FI, FR, HU, IE, NL, and PT). The legal provisions include either a de facto age threshold, or this threshold is determined along with the degree of maturity (Belgium) and/or the child's competence or ability to participate (France). In the case of divergence between children and their parents or legal representative, a judge can intervene (Belgium, Austria) or the decision can be taken by the medical authorities.
- In some Member States, the possibility exists for children to give their consent, but this is restricted by their parents' approval. For example, parental or guardian consent is also needed in the Netherlands for children aged 12-15 years. Elsewhere there are restrictions enabling adults to define at what age a child is capable to consent (as in Germany and Slovak Republic).
- Legal provisions differ considerably across medical areas. This is especially true for biomedical research, which sometimes operates different age restrictions to other forms of medical consent (FI, EL, LT, and SK). In Finland, for example, the age of consent to participate in biomedical research is 5 years, rather than 12 years old. In Bulgaria, the Ministry of Health has set up a list of examinations and procedures to which children can provide their consent from the age of 16.
- Another example concerns sexuality, and in particular abortion (IT, DK, and PT). In Italy, for example, Law 194/78 on the interruption of pregnancy²⁰⁷ states that a judge can intervene to allow the interruption of pregnancy if the child has requested an abortion, if this is deemed to be in the best interests of the child. This judge can over-rule the opinions of the parents on this basis, or decide not to hear the parents' views if necessary. The UK's policy guidance the 'Fraser Guidelines' rule that children under 16 can consent and make decisions regarding contraception if they show suitable signs of maturity²⁰⁸.
- In some countries, whilst legislation often covers the right to be informed about health decisions, it does not specifically indicate that children have a right to participate in the making of the decision itself (as in SE, EL, IT, and ES). However, policy guidance might still exist (Sweden²⁰⁹). In some countries, children were just covered by the general legislation (as in EE, LV).

Despite the existence of relevant legislation regulating consents for medical treatments and participation in biomedical research, the interview evidence suggests that arrangements vary in the ***effectiveness with which they are implemented***. For example:

- In Denmark, a national stakeholder interviewed for this study noted that much is done in order to make children co-responsible for decisions about their own health. However concerns remained that too often their participation is ultimately decided by adults.
- Clarity of the supporting guidance for children's participation was thought to be lacking in some Member States, according to the interviews with country experts (for example in SE, FI, NL). This is also supported by previous research. For example, several observation studies conducted in Sweden illustrate how healthcare appointments can shift from being child-focused to becoming a dialogue between a parent/carer and professional²¹⁰. In Finland, despite progressive legislation, a number of the interview respondents for this

²⁰⁷ Osservatorio nazionale per l'infanzia e l'adolescenza, Relazione sulla condizione dell'infanzia e dell'adolescenza in Italia 2008-2009. Firenze, Istituto degli Innocenti, 2009.

²⁰⁸ See: http://www.nspcc.org.uk/inform/research/questions/gillick_wda61289.html

²⁰⁹ The Swedish Law for Health and Health-care (Hälsö- och sjukvårdslagen 1982:763) do not specifically indicate that children have the right to participate. However, paragraph 2g of the Law for Health and Health-care states that the child's need for information, support and advice should be respected and fulfilled by the healthcare services in those cases a parent or other carer is incapable of doing so. At the time of writing, a New Patient Law was at drafting stage, with Article 3 and Article 12 UNCRC explicitly mentioned.

²¹⁰ Stakeholder evidence (country expert for Sweden)

study perceived that there is still not a culture of child participation within hospitals and that child friendly information is also not widely available²¹¹.

- One legal adviser who was interviewed claimed that Romanian physicians rarely inform children and listen to their opinion on treatment. It is common to deal with parents as legal representatives who, in their turn, prefer not to involve children in decision-making. Similar observations were made by interview respondents in SK, MT, HU, and EL.

Numerous initiatives and protocols were found to exist at an *individual institutional level*, referring to children's rights, and serving to reinforce child participation in medical treatment. Such examples were reported in ES, IE, IT, and FR. In Spain, for example, a number of hospitals have been awarded "Friendly Hospitals" status and children are informed about their diseases in a more child-friendly and understandable way²¹². Charters such as the "Manifesto for the rights of sick children (le Manifeste des droits des enfants malades)"²¹³ in France and the "Charter of Rights of the Child in Hospital"²¹⁴ in Italy, cover the rights of the child to be informed and participative practices. The potential drawbacks of these examples are that they rely on the initiative of individual institutions and are voluntary in nature rather than drawing their remit from legislation. As such, they tend to be restricted in terms of their geographical coverage. In France, for example, the Manifesto was published by a union of children's associations (COFRADE²¹⁵), who lobbied for its introduction in all French hospitals, but the actual take-up was reported to have been disappointing. In Slovenia, a specific NGO has been established to champion child rights in respect of their healthcare, as the following example serves to illustrate.

Table 3.12 Good Practice Example for Child Participation in Health: Association for the Rights of Sick Children (Slovenia)

Founded in June 2006, the Association for the Rights of Sick Children is a voluntary, independent and non-profit association of individuals who have come together in order to resolve technical, professional and socio-humanitarian problems in the field of child care before, during and after the treatment at home and/ or in the hospital²¹⁶. Their aim is to improve the living conditions of sick and / or hospitalised children.

The Association monitors and evaluates the situation of sick children at home and in hospitals, regarding medical and psycho-social aspects of their care. Child rights are central to this role, including the child's right to have the parents with them; to stay in special rooms separate from adults; to have appropriate information; and have an opportunity for decision-making about treatment options and to control the pain.

Regarding the second area, of **wider engagement in health services**, examples of legislation are more limited. The legislation rarely covers the right for children to give feedback on the healthcare they receive, although there are a few exceptions to this. For instance, in the UK, the Patient Rights (Scotland) Act 2011²¹⁷ sets out that every patient has the right to "give feedback or comments, or raise concerns or complaints about health care received." This legislation applies to children although they are not explicitly identified.

²¹¹ Council of Europe (2011). 'Child and Youth Participation in Finland: A Council of Europe policy review', p.89

²¹² Country expert stakeholder evidence; example cited is the Infant Jesus Hospital of Madrid

²¹³ <http://cofrade.fr/2012/04/17/le-manifeste-des-droits-des-enfants-malades-article-le-monde-17-avril-2012/>

²¹⁴ The largest paediatric hospitals in Italy have adopted the Charter of Rights of the Child in Hospital, structured in 14 articles, of which article 7 states that the child has to be informed and heard.

²¹⁵ Conseil Français des Associations pour les Droits de l'Enfant (French Council of Associations for the Rights of the Child)

²¹⁶ Združenje za pravice bolnih otrok. Retrieved October, 5, 2013, from: http://www.pravicebolnihotrok.si/UserFiles/File/each_listina.pdf

²¹⁷ <http://www.legislation.gov.uk/asp/2011/5/contents>

While child participation is not commonly enforced by law, there are good practice examples, which usually come from policy or practice rather than legislation. Good practice examples of child participation in the healthcare sector include:

- Children's psychiatry practice in Greece, places great emphasis on the importance of child participation, where the "child's words" are crucial to psychiatric treatment.²¹⁸
- In Estonia, the National Institute of Health Development organises different programmes to promote healthy conduct of children and young people, and children are also engaged in developing and implementing those programmes through different participation methods (e.g. competitions, events, games).
- In Croatia, the National Plan of Activities for the Rights and Interests of Children²¹⁹ is a policy aimed to encourage all forms of active participation of children in creation, implementation and monitoring of health programmes.

In some countries individual institutions also operate good practices, such as in Ireland where some hospitals have youth panels for ongoing consultation. In other countries, many healthcare sector professionals have had no specific training regarding the rights of children, and how these rights could affect their working practices (Greece) and child participation and wider engagement in health services is limited or not existent (Malta).

In summary, there is very little evidence of legislation underpinning the overall importance of child participation in the health sector and where it does exist, it tends to focus on issues around consent to medical procedures and treatment. The area of child participation and wider engagement in health services and institutions (for example in terms of policy development) is rarely underpinned by legislation, although examples do exist of policy and practice in this area.

3.4.7 Education

The education sector shows the most widespread evidence for legislation relating to Article 12 UNCRC across the EU28. All Member States include some degree of provision for child participation within their general Education Act or Code. The main Act is usually supplemented with further provisions for specific settings, including complementary or alternative education; pre-school education, and Vocational Education and Training. In Estonia, for example, five separate Acts combine to provide the legal framework for the education sector, spanning all age groups and settings²²⁰.

In many countries, including BE, CY, CZ, EL, FI, HU, LU, NL, PL, RO, SI, and SK, children's participation is instituted within schools through formal mechanisms, such as school councils, communities, and cooperatives. In most of these countries, the decision to establish a school council is voluntary, and is at the discretion of individual schools. In a few countries, however, student bodies are required by law. This is the case in BE, EL, HU, SK²²¹, the UK (Wales), and FI (at upper secondary level only²²²).

²¹⁸ Country expert stakeholder evidence; example cited is for the Child Psychiatric Unit of the P. and A. Kyriakou Child Hospital.

²¹⁹ National Plan of Activities for the Rights and Interests of Children, 2006–2012, http://www.mvep.hr/custompages/static/hrv/files/Programme_of_the_Government_of_the_Republic_of_Croatia_for_the_adoption_and_implementation_of_the_acquis_for_2012.pdf

²²⁰ These include: the Pre-school Child Care Institutions Act; Primary Schools and Upper Secondary Schools Act; Vocational Schools Act; Private Schools Act, and Hobby Schools Act,

²²¹ School councils are obligatory and are bodies representing secondary school students and their interests in relation to the headmaster and management of the school, according to the Slovak Act No. 596/2003 Coll.

²²² Sect. 31 of the General Upper Secondary Schools Act places a duty on schools to create student bodies, but these structures are only "recommended" in comprehensive schools. Source: 'Child and Youth Participation in the Slovak Republic: A Council of Europe policy review', Council of Europe, Strasbourg, 2012.

In Greece, student bodies of various kinds are guided by the institution of 'school communities', which have a legal basis and apply to all types of schools at a secondary level. Article 2 of the operational framework of school communities, which is based on Law 1566/1985 (Article 45), states that:

"[The communities] are the cell of democratic life, where with dialogue and participation the school children with a collaborative spirit exercise themselves in democratic processes and in participation in common life, examining and proposing solutions to the problems that concern them".

In contrast, there is no rights/legal framework for student councils in the Netherlands. To influence school policy, all students within secondary school are allowed to join the Council for Co-Decision, which has its own legal framework for consultation. However, students can (and do) still form local student bodies.

The age of the child was found to be quite significant for educational settings, with many provisions being restricted to older children. In particular, there are marked differences between primary and secondary schools in this respect. In the Netherlands and Greece,

Opportunities for participation in student bodies and associations were found to vary quite considerably according to age and ability. Two main groups of countries emerge from the mapping:

- In a first set of Member States, opportunities are **more or less 'universal'** and age restrictions do not apply for membership (DE, FI, LU, PO, PT and SK). As a result, pupils of all ages are able to join school councils, although this infrastructure is generally better developed in secondary schools. For example, a major study of Finnish schools conducted by the National Board of Education (2009) found that whilst 98% of secondary schools had active student bodies, this figure dropped to just 40% where primary schools are concerned²²³. In Germany, the specific arrangements differ between individual Lander, but follow a similar pattern of being more established for older students (especially at upper secondary stage).
- In a further set of Member States, the membership of student bodies **follows specific age restrictions**. In Spain, education laws do not allow minors to participate in the school council until they reach mid primary stage, and their right to elect directors begins when they reach the second grade of "*Bachiller*"²²⁴ (age of 16). In Greece, the 'school communities' are implemented at the level of secondary schools, and child participation is less systematic at primary stage. However, school cooperatives can be formed by schoolchildren of the upper three grades. At this level, the rationale is that children should enhance their participatory skills and their engagement within school life. In the Netherlands, membership of the Council for Co-Decision is reserved for secondary school pupils, who can elect and be elected from the age of 13 years. Children in primary education do not participate in formal consultation structures. Their parents are however, able to participate in the Council.

Arrangements for children with disabilities are more varied, and in many individual Member States special schools have distinct institutional arrangements from mainstream schools. In some instances, this can mean that children with disabilities have more restricted opportunities for representation on student bodies. In the Netherlands, for example, there is an exception that special schools can elect members of the Council for Co-Decision exclusively via staff and parents. The participation rights of children with disabilities are further discussed at [Section 3.5.3](#).

²²³ *Child and Youth Participation in the Slovak Republic: A Council of Europe policy review* Council of Europe, Strasbourg, 2012

²²⁴ Organic Law of Education 2/2006, 3rd May (Ley Orgánica de Educación LOE 2006)

The situation for **younger children** was found to be very mixed across Europe, with many Member States reporting more limited provisions for child participation in nurseries and kindergartens, and decision-making tending to focus on interactions between teachers and parents. This situation was found in Finland, Luxembourg, Netherlands, and Poland. A number of study respondents pointed towards the fact that Early Childhood Education and Care (ECEC) has only recently emerged as a policy agenda at an EU level²²⁵, and awareness of good practices is gradually improving.

This evolving situation is evident from a recent academic study of pre-school settings in Germany. The study identified three main classifications: "democratic" – showing a high level of on-going participation by children in everyday decision-making; "Aufbrechende" (or "awakening") where some forms of participation are starting to be introduced, and "non-participative"²²⁶. Around half of pre-school settings were estimated to fall into the middle category, but with residual poor practices also found²²⁷.

A number of countries have made more rapid progress with instituting child participation in pre-school settings. They include the following:

- Sweden - all children have the right to participate under the Education Act (2010²²⁸). The legislation is very strongly in favour of children's participation within pre-school settings
- Slovenia – pre-school children can routinely participate in decisions about their education and care; making choices and expressing their views about planned activities²²⁹, although scope has been identified to improve the monitoring and evaluation of these practices²³⁰.
- Italy – the 'Reggio Emilia Approach' has become synonymous with high quality early childhood education, based on a model of critical enquiry, experimentation and research by young children²³¹. Reggio Emilia preschools are "... *part of a public system that strives to serve children's welfare and the social needs of families while supporting children's fundamental right to grow and learn in favourable environments*". The approach has inspired more recent methods of participatory action research with young children²³²

The country mapping also provided insights to the scale at which student councils and representative bodies have been instituted across the EU. Based on the available data from individual Member States, the overall coverage is generally high. In the Netherlands, some 99% of secondary school students are represented in the Council for Co-decision²³³, whilst 98% of secondary schools in Finland have an operating council (based on nationally representative data)²³⁴.

²²⁵ Council conclusions on early childhood education and care: providing all our children with the best start for the world of tomorrow (2011/C 175/03). Online: [http://eur-lex.europa.eu/legal-content/EN/ALL/?isessionid=2kVKT01B2KjykTmr6kDP9n58LRkkSS3ZFQDYJSCNylhK2lxfnD9j!-1990418966?uri=CELEX:52011XG0615\(04\)](http://eur-lex.europa.eu/legal-content/EN/ALL/?isessionid=2kVKT01B2KjykTmr6kDP9n58LRkkSS3ZFQDYJSCNylhK2lxfnD9j!-1990418966?uri=CELEX:52011XG0615(04))

²²⁶ Lutz, Ronald: Studie über die positiven Auswirkungen von Kinderbeteiligung in Kindertagesstätten

²²⁷ Liebel, Manfred: Kinder- und Jugendpartizipation in Deutschland – Mehr Schein als Sein?

²²⁸ Education Act (SFS 2010:800)

²²⁹ Batistič Zorec, M. (2010). Participacija otrok v slovenskih vrtcih z vidika stališč in izkušenj vzgojiteljev. V: devjak, T; Batistič Zorec, M.; Vogrinc, J.; Skubic, D. and Berčnik, S. (ed). *Pedagoški concept Reggio Emilia in Kurikulum za vrtce: podobnosti v različnosti*. Ljubljana: Pedagoška fakulteta, p. 67-86.

²³⁰ Rutar, S. (2012). *Participacija otrok v procesu predšolske vzgoje v vrtcu*. Doktorska disertacija. Ljubljana: Filozofska fakulteta, Oddelek za pedagogiko in andragogiko.

²³¹ Edwards, C., et. al. (1998) *The Hundred Languages of Children: the Reggio Emilia approach to early childhood education*. New Jersey: Ablex Publishing Corporation.

²³² <http://earlychildhood.educ.ubc.ca/community/research-practice-reggio-emilia>

²³³ Bokdam, J., Bal, J. & Jonge, de, J. (2012). *Evaluatie Wet medezeggenschap op scholen. Eindrapport*. Zoetermeer: Research voor Beleid.

²³⁴ *Child and Youth Participation in the Slovak Republic: A Council of Europe policy review* Council of Europe, Strasbourg, 2012

The coverage of student councils is lower in Slovakia, at around two thirds of secondary schools at a national level, and is estimated at around half of secondary schools in Ireland, based on unpublished figures quoted by the Irish Secondary Students Union. This is despite legislation requiring the board of management of all Irish secondary schools to “encourage” the formation of student councils²³⁵.

The extent of coverage only provides a partial view of the situation, however, and the mapping identified the central importance of the *quality* of opportunities afforded to children through school councils. In both Sweden and Hungary, the highly decentralized nature of the education system was identified as a main challenge to implementation (although this trend has been reversed in recent years within Hungary). Without having stronger guidance for implementation, significant differences have been documented in the quality and effectiveness of student bodies between individual schools.

In Greece, some of the most effective examples of children’s councils are thought to include those with a stronger inter-generational dimension, so that the children participate in “*social solidarity and environmental activities... [such as] food collection and distribution for poor families, tree planting*”²³⁶ rather than focusing exclusively on the mechanics of decision-making within the school.

A number of specific barriers and **challenges** were also identified (refer also to Chapter Six for a consideration of the over-arching barriers to child participation):

- A common problem encountered for school councils is tendencies towards over-representation from more academically able pupils who are already actively involved in school activities and do not necessarily reflect the diversity of the school community. In an effort to address this problem, school councils in Luxembourg are required to include at least three students from lower sets and at least four from upper sets. The pupils then work together collaboratively, playing a role in school decision-making, and initiating child-led projects
- The levels of awareness and professional training for teachers and other educational professionals in child rights and child participation were also identified as a main area for attention (mentioned in BG, EL, FI, HR, PL and the UK). Professional networks and NGOs have provided additional specialist training over-and-above what is available through initial teacher training in some countries. In Finland, The Centre for School Clubs²³⁷ mentors school councils in basic education and provides training courses for teachers. In Slovenia, the progress that has been made in pre-school education has been greatly assisted by the development of professional networks that support teacher development and implementation of the curriculum²³⁸. The main drawback of these approaches has been one of scale. For example the Centre for School Clubs is a relatively small organisation and can reach only a finite number of teachers, and has called for the Board of Education to assume greater responsibilities in this area. Similarly, in Cyprus, a successful one-day conference was organised for head-teachers by the Commissioner for Children’s Rights, within the Programme of Priorities for 2010 with an emphasis on child rights and child participation specifically²³⁹, but this was ad hoc and has not translated into ongoing investment.

²³⁵ Section 27 of Education Act 1998 provides the board of management of second level schools shall encourage the students to establish a Student Council. The Student Council shall promote the interests of the school and the involvement of students in the affairs of the school, in co-operation with the board, parents and teachers: <http://www.irishstatutebook.ie/1998/en/act/pub/0051/>.

²³⁶ Expert stakeholder viewpoint

²³⁷ ‘*Child and Youth Participation in Finland: A Council of Europe policy review*’, Council of Europe, Strasbourg, 2011 (p.61-62)

²³⁸ Pedagoški inštitut, Razvojno.raziskovalni center pedagoških iniciativ Korak za korakom Research institute, Developmental Research Center of pedagogical Initiatives Step by Step

²³⁹ Ministry of Education, Official Circular (2012)

Beyond participation in student councils and associations, the mapping study showed a more concerning picture with regard to the “everyday” mechanisms for children’s participation in their education (AT, BE, ES, FI, HR, SE, PL, and PT). This includes both *collective participation* in the development of curricula, and the day-to-day running of schools, and *individual participation* in decisions relating to subject choices, student assessment and learning support.

Levels of participation in **curriculum development** were generally reported to be low, but with some examples of good practice found within individual Member States. In Hungary, Malta and Slovakia, there is no requirement to consult children in curriculum development and the design of school programmes. In Malta, the consultation on reforms to the national minimum curriculum did not involve children, and there was no child friendly information. More positive steps had been taken in Bulgaria, Greece and Spain, but primarily in the sphere of “extra-curricular” activities that fall outside of the National Curriculum, rather than in the context of assessed schoolwork. In Spain, for example, child participation has been more prominent in recent healthy schools campaigns. Stronger participation of both pupils and parents was identified in Finland, with a more established culture of decision-making in relation to school curricula and activities; both individually and via parent’s associations²⁴⁰. This activity culminated in a successful example of children’s participation in national policy-making, as the following example illustrates.

Table 3.13 Case study example: Children’s participation in national curriculum reforms (Finland)

In Finland, an extensive consultation exercise was undertaken with children and young people by the National Board of Education to inform a redesign of the national education curriculum in 2009-10. Nearly 60,000 children and young people from across Finland took part in an online interview, offering their views on how teaching methods might be improved and how the curriculum might be strengthened. The findings directly informed the re-drafting of the curriculum guidelines.

The Ministry of Education and Culture subsequently drew-up a set of basic education quality criteria, and has provided support with implementation. According to the criteria, education providers must ensure that appropriate procedures exist to enable children to participate in discussions about their educational provision, and to participate in the evaluation of further provision arising from those discussions. These procedures must also be regularly assessed. Schools must have an open and interactive operating culture that appreciates the participation of pupils and their parents or guardians²⁴¹.

Children’s level of actual ***influence over school policies and decision-making*** was found to be low, based on existing research undertaken with children at a country level. In Croatia, one quarter of secondary school pupils participating in a major national survey thought that their opinions were not routinely taken into account²⁴². A study in Austria elicited a similar response, finding that one third of students did not identify regular opportunities to participate in school life. Levels of satisfaction were lowest amongst children from migrant families²⁴³. In Finland, too, just one third of basic education students responding to a national survey felt that they were able to influence school decisions.

²⁴⁰ Ibid. (2011), p.193.

²⁴¹ *Child and Youth Participation in Finland: A Council of Europe policy review*, Council of Europe, Strasbourg, 2011 (p.94)

²⁴² Miharija M. i Kuridža B. (2011): Mišljenja i stavovi djece i mladih u Hrvatskoj. Istraživanje o dječjim pravima među djecom osnovnoškolskog uzrasta – rezultati. (Opinions and attitudes of children and youth in Croatia. Research of child’s rights among elementary school children- results). UNICEF, Zagreb.

²⁴³ Feedback 1. Kinder- und Jugendbericht zur Umsetzung der Kinderrechte in Österreich (p.9)
http://www.kinderhabenrechte.at/fileadmin/download/Kinder- und_Jugend-Bericht_screen.pdf

A study carried out among 1130 students from six upper secondary schools in 2009 found that 44% of the young people felt that they are not sufficiently consulted on matters concerning them.

The most positive attitudes to participation opportunities came from upper secondary school students in municipalities with an active youth council²⁴⁴. Overall, students felt that they were more likely to be listened to in terms of preferences for school trips, breaks, and leisure activities, but had very little influence over 'whole school' issues such as school food, timetables, or curricula, although a dialogue has emerged in recent years. Despite these concerns, just over half of the children responding to the same survey felt that teachers and college lecturers took their views seriously "*always or most of the time*", indicating that children's experiences of participation were quite varied at an individual level. Elsewhere, research undertaken by Stokking en Sol underlines the significance of variations between individual schools and individual teachers in influencing children's right to be heard. The study identified a correlation between the existence of school policies to support participation and children's satisfaction that their views are heard and taken into account²⁴⁵.

Particular gaps in legislation, policy and practice were found within the country study for individual participation relating to subject choices, learner support and assessment. There was a consensus amongst respondents from across the EU that children are often addressed "*as a group*", and that individual children find it more difficult to be heard and to have their opinions taken into account. Some more promising good practice examples were found, however, in relation to bullying individual learner assessment and personalisation and participatory forms of education, such as the *Transparent and Participative School* programme²⁴⁶ (Poland) and the *Escola da Ponte*²⁴⁷ school (Portugal), which follow an alternative education curriculum and are based on principles of democratic school life and "mutual learning" between students and teachers. Educational good practices are examined in further detail at [Chapter 4.6](#).

3.4.8 Recreation

The country mapping identified few examples of legislation relating to children's participation in recreational activities, such as **play, sport and cultural activities**. Despite this relative lack of a legislative framework, however, recreation was reported to be one of the main sectors within which participation takes place on a day-to-day basis, overlapping as it does with the family, school and community.

Recreational activities are more clearly defined in legislation, within the following contexts:

- leisure activities **provided through local youth services**, and which fall under the main laws and codes of practice for youth work – in Estonia, the Youth Work Act of 2010 underpins many regulated youth work activities, and place an emphasis on children's participation in setting and monitoring 'quality' in youth work practice.
- sports and physical education **provided through schools and kindergartens**, which fall under the relevant educational laws and regulations within each Member State. According to

²⁴⁴ Ibid., (2011) p.96

²⁴⁵ Stokking, K. & Sol, Y. (2010). *Van participatie naar dialoog. Voorwaarden voor het realiseren van meer leerlingbetrokkenheid*. Utrecht: Universiteit Utrecht

²⁴⁶ The objective of this programme is the promotion of cooperation between students, teachers and Head Teachers in Polish secondary schools. The programme seeks to create an open and flexible institution, where students participate in community life through certain democratic processes. Once this relationship is established, the students are able to play a more active role in debating school policies and curricula, and initiating child-led projects. Online; <http://www.civispolonus.org.pl/>

²⁴⁷ Portugal: Escola da Ponte is organized according to a very unique logic of pedagogic and institutional organization, involving projects and team work. The regular student-teacher relationship is replaced by work in heterogeneous groups of students, with a focus on active citizenship, human rights, and the interpersonal and moral development of each student.

one national expert in Bulgaria, the Law on Physical Education and Sport regulates that children participate in sporting activities voluntarily.

- legislation regulating the **membership of organised clubs and associations** – in Spain, the Associations Law²⁴⁸ permits children over the age of 14 to join associations, with parental consent, and to hold a position of responsibility within an association at 16 (again, with parental consent). This right is restricted in some Autonomous Communities. Similarly in France, children over the age of 16 have the right to form an association, inside or outside of school²⁴⁹.

Children's play is a distinct area where participation has taken place across the EU; with a focus on projects to engage children in designing playgrounds or recreation areas (see also [Chapter 3.4.2: Local Government](#)).

Examples of play policies and strategies were identified in IT, IE, and the UK; all of which make explicit reference to children's play rights as defined under Article 31 UNCRC²⁵⁰. This right is also enshrined within the Preschool Curriculum in Sweden²⁵¹. In Italy, projects on the right to play, culture and socialisation were initially funded by Law 285/1997²⁵², and have continued to be supported on a smaller scale by the Regions following devolution. In the UK, the National Play Strategy²⁵³ was launched in England in 2008, backed by significant investment, with the aim of widening access to children's play and supporting the development of child-friendly communities. Specifically one key strand of the strategy is that "*children and young people and their families take an active role in the development of local play spaces.*" A non-statutory guidance document was also issued to local authorities with recommended planning guidance, along with a new national indicator to measure children's satisfaction with local parks and play areas.

More recently, the national UK body for the protection of the English countryside has initiated a project to re-engage children and young people's interest in nature and the outdoors (see below).

²⁴⁸ Ley Orgánica 1/2002, de 22 de marzo reguladora del Derecho de Asociación (Organic Law 1/2002, of March 22 on Association's Right regulations)

<http://www.boe.es/buscar/doc.php?id=BOE-A-2002-5852>

²⁴⁹ Loi du 1er juillet 1901 relative au contrat d'association (Bill of 1st July 1901 on the right of association)

<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006069570&dateTexte=20090506>

²⁵⁰ Article 31:

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.

Online: http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC_PRESS200910web.pdf (p.10)

²⁵¹ [http://www.skolverket.se/om-skolverket/visa-enskild-](http://www.skolverket.se/om-skolverket/visa-enskild-publikation?_xurl=http%3A%2F%2Fwww5.skolverket.se%2Fwtpub%2Fws%2Fskolbok%2Fwtpubext%2Ftrycksak%2FRecord%3Fk%3D2704)

[publikation?_xurl=http%3A%2F%2Fwww5.skolverket.se%2Fwtpub%2Fws%2Fskolbok%2Fwtpubext%2Ftrycksak%2FRecord%3Fk%3D2704](http://www.skolverket.se/om-skolverket/visa-enskild-publikation?_xurl=http%3A%2F%2Fwww5.skolverket.se%2Fwtpub%2Fws%2Fskolbok%2Fwtpubext%2Ftrycksak%2FRecord%3Fk%3D2704)

²⁵² I. Barachini, Diritto al gioco e alla socializzazione, in E. Pellicano', R. Poli, Esperienze e buone pratiche oltre la legge 285/1997. Dalla ricognizione alla segnalazione (Right to play and socialising, in E. Pellicano', R. Poli, Experiences and good practices beyond Law 285/1997). Questioni e documenti 45. Quaderni del Centro nazionale di documentazione e analisi per l'infanzia e l'adolescenza, Firenze, Istituto degli Innocenti, 2007.

²⁵³ Department for Education (2008) The National Play Strategy

Table 3.14 Good practice example – Supporting children’s engagement with the natural world (UK)

In 2012, the National Trust published the Natural Childhood Report, which highlighted that children in the UK do not actively engage with nature and the outdoors²⁵⁴. In responding to the report findings, the National Trust established the “Kid’s Council” in November 2012. The Council is formed by a group of 10 children who provide advice on how to encourage their peers to enjoy the outdoors. The Kid’s Council have helped to develop the National Trust campaign: “50 things to do before you are 11 $\frac{3}{4}$ ” developed a scrapbook and co-designed the accompanying website²⁵⁵. They also participated in testing the activities.

Many of the examples of child participation in culture and recreation provided by country experts related to children “taking part” in a wider sense, rather than specifically to their views being heard and exercising a decision-making influence. However, some exceptions were found within the area of **community arts, theatre and performance**. In Slovakia, for example, one country expert described a number of child-led events organised by the National Edification Centre (NEC²⁵⁶), in which children are not only participants, but also co-organisers, co-authors, and evaluators. One such event is called ‘The Golden Spinner’:

“Children participate in opening and closing the event. They play the instruments, and also act as presenters. Each day in the afternoon, the children’s jury meets to evaluate the event. This evaluation is solely taken part in [Sic.] by children, without adult leaders, or directors... the children and young people create their “future programmes” according to their interests and in response to prior feedback given by the children when they evaluated their activity”

(Country Expert, Slovakia)

Other examples found within the mapping and relating to arts and cultural projects were as follows:

- The Children’s University²⁵⁷ (*Kinderuni*) projects have been run at several Austrian universities since 2003. These projects are open to children aged seven and upwards, and widen access to university campuses and their facilities for the local community. There is evidence that children are able to make decisions on what activities to undertake and are involved in evaluating the projects on completion; and,
- In Finland, there are good practice examples within the community arts sector, including the ‘Aladdin’s Lamp’ network²⁵⁸ of 11 art centres, which organise cultural activities for children and use child-oriented methods to encourage self-expression. Using the methods, children have the opportunity to input into the final pieces developed and again are provided opportunities to feedback and evaluate the activities.

Some of the main challenges for achieving child participation in the recreation sector include the lower profile and availability of ‘cultural’ activities compared with youth and sports clubs and a tendency towards time-limited funding. This leads to more ad hoc activities undermining the ongoing participation of children to have a greater role in the design and development of activities.

²⁵⁴ Moss, S. (2012) *Natural Childhood Report*, for The National Trust. Online: <http://www.nationaltrust.org.uk/document-1355766991839/>

²⁵⁵ <http://www.nationaltrust.org.uk/what-we-do/big-issues/nature-and-outdoors/the-great-outdoors/our-kids-council/>

²⁵⁶ This is a Slovak cultural institution. Further information can be found at: <http://www.nocka.sk/>.

²⁵⁷ Kinderuni Wien (Children’s University Vienna). Online: <http://www.kinderuni.at/>

²⁵⁸ Ibid., 2001 (p.99)

3.4.9 *Child employment and child workers*

There is little evidence of participation in this sector and no tangible evidence for children's participation having an impact on policy and practice arising from this study. This may be because this is a more marginal issue for many EU countries than for example education which affects almost all children.

There are, however, examples where child participation has been utilised to research this area. In Italy, child participation has helped to refine information on child labour in that country; an important addition as robust statistical information on child labour in Italy is rare. This has been achieved through peer research and interviews; conducted by the NGO Save the Children Italia²⁵⁹. Their investigation used six young people to act as peer researchers, collecting information from their own working experiences and interviewing other child labourers²⁶⁰.

The peer researchers were also able to add solutions and fresh, child-centred approaches to the issues faced by child labourers in Italy.

3.4.10 *Media*

Examples of legislation specifically regulating child participation in the media were not generally found to exist in Member States. Legislation generally tended to focus on protection of children for example against exploitation, violence or pornography (as in Slovenia or the UK). Legislation in Bulgaria was relatively unique in legislating for the observance of child rights by media outlets, including, the child's right to participate²⁶¹.

Policies to reinforce child participation in media were also rarely identified, although some media organisations did have policies covering other dimensions such as child protection policies (as in the UK) and the provision of special programmes to develop and educate children, but which did not go as far as covering participation explicitly (as in Hungary) that occasionally addressed participation.

Child participation in media largely exists across the EU at the practice level, rather than at legislative or policy levels. The study located many good practice examples of child participation in a variety of forms of media (for example in BE, HU, IT, NL, UK). Examples include:

- In Hungary, the reformed national public broadcasting channel, M2, provides televised content which is not only designed for children, but has consulted children when considering its programming. Channel M2 produces some of its content with significant involvement from children. Young people take on specific professional media roles, for example, operating cameras, editing and presenting. The chief editor advocates communication and involvement of its young audience via social media and events run at over 200 Hungarian schools. M2 is one of the highest viewing-rated channels in Hungary.
- In Belgium, ***StampMedia***²⁶² is a press agency totally run by young people aged 16 -26, aimed at expressing the view of young people on the latest news in the world. The young people focus on issues where their opinion is important and is not reflected in the mainstream channels.

²⁵⁹ <http://www.savethechildren.it/>

²⁶⁰ Save the Children Italia, Io Partecipo Tu Partecipi. Un'analisi dei metodi di lavoro e delle buone pratiche di partecipazione di bambini e adolescenti realizzate da Save the Children Italia, Rome, Save the Children, 2010.

²⁶¹ In 2012 an agreement was signed by the chairs of the SACP, the Council of electronic media services and representatives of 78 media service providers" pledging to protect children against potentially harmful content²⁶¹. The children are the main participants by realizing their own projects in these areas. Furthermore, the Law on Radio and Television refers to the Child Protection Act, regarding the observance of child rights by media, including, the right to participate. *Child Protection Act* (2000, last amd. 2013). Online: <http://www.lex.bg/bg/laws/ldoc/2134925825>

²⁶² <http://www.stampmedia.be/>

- In Slovenia, **Infodrom**²⁶³ is a daily programme on national public Television. It aims to inform children about the issues which affect their lives. Children propose, suggest broadcast content, prepare scenarios, reports, interviews, comment and express their views. They also report about results of child participation around children's initiatives.
- In the UK, content targeted at children also often involves children as producers and presenters of the content and the public service broadcaster in England (the BBC) does make a commitment to "*maximise opportunities for children to participate*". In Wales, the **Participation Workers' Network** ran a year-long 'Youth in the Media' project aiming to engage children and young people in schools across the country in debate about the role and presentation of children and young people in the media. The findings were presented to the Children's Commissioner for Wales, with recommendations on how to improve the fairness and accuracy of children and young people's portrayal in newspaper and television coverage²⁶⁴.

Safer internet initiatives were commonly identified in the country analyses (as in UK, IT, EL, and ES), often led by NGOs. For example:

- In Italy, Save the Children have been particularly proactive in ensuring children are safe when using media, particularly relating to online media. One project involved consulting 50 children on media safety, which was effective in bringing different perspectives and highlighting issues never noticed by adults, politicians or NGOs (for example inappropriate advertisements on social network platforms)²⁶⁵. The NGO Save the Children in Italy has also run participatory class discussions with children aged 10-14 reflecting on their use of the media, accompanied by training of teachers and meetings with parents.
- The **Greek Centre for Safer Internet** uses child participation to elicit children's views on a safer internet. The University of Athens also runs a helpline for children and adolescents on safer use of internet, mobile phones and electronic games (covering topics like harassment, addiction, and pedophilia.)
- In Spain, the **Cibercorresponsales** project²⁶⁶ is an NGO-led aimed at promoting child participation among journalists under 18. It promotes the safe participation of children and adolescents in information and communication technologies.

Finally, good practice examples also exist where organisations have used media as a channel through which to increase children's participation (as in NL and SE). The boxes below illustrate.

Table 3.15 Good practice example of child participation through media: "OneMinutesJr", The Netherlands

The **OneMinutesJr** project, run by UNICEF, is an international initiative that aims to increase children and young people's skills, and to provide an outlet through which to communicate more about their lives and views. In one example from the Netherlands, a five day workshop was run by UNICEF and partners during which 20 children and teenagers were trained in film-making, including script-writing, filming, acting and editing. The films portray the children's lives, including their fears, hopes and dreams. The films can be seen here: www.theoneminutesjr.org.

²⁶³ <http://www.rtvsllo.si/infodrom/>

²⁶⁴ <http://www.participationworkerswales.org.uk/news/YouthintheMediaLaunch.aspx>

²⁶⁵ Save the Children Italia, Io Partecipo Tu Partecipi. Un'analisi dei metodi di lavoro e delle buone pratiche di partecipazione di bambini e adolescenti realizzate da Save the Children Italia, Rome, Save the Children, 2010.

²⁶⁶ www.cibercorresponsales.org

Table 3.16 Good practice example of child participation through media: "Fanzingo", Sweden

Fanzingo is a media association organised for and by children and young people. Children can develop film, video and other forms of journalism in their own way and on their own terms. The children get help broadcasting it (with some being broadcast on public television). The Stockholm based project got started with a three year project financed by the Swedish Inheritance Fund. www.fanzingo.se

Radio Fri ("Radio Free"²⁶⁷) is a radio programme supported by Fanzingo, produced by young persons with experience in prison and with crime and addiction. Radio Fri aims to strengthen young people as individuals as well as make their voices heard in society. Radio Fri provides another perspective to what is usually reported in the mainstream news and other media. One of the long-term goals of Radio Fri is to ensure that the opinions of young people with experience of imprisonment are heard when issues concerning their situation are discussed and debated in wider society.

While the countries outlined above had reasonable evidence of child participation in the production of media, in other countries (AT, DK, PL, and RO) the study found only evidence of media consumed by children, rather than where children had actively participated. Here, media content is tailored to children but children do not seem to actively participate in its production. In France, one stakeholder consulted for this study commented child participation in the media is low and the situation was similar in Croatia²⁶⁸. In other Member States, evidence of legislation, policy and practice linked to child participation was not found through the country mapping (BE, CZ, DE, EE, FI, IE, LT, LU, LV, MT, PT, and SK).

²⁶⁷ www.radiofri.se

²⁶⁸ Outline of the new strategic document for children in Croatia (new policy document - 2013-2020), unpublished material, offline

3.5 Vulnerable groups of children

A further important dimension of the study was to examine the participation rights of children in many different situations of vulnerability, while recognising that 'vulnerability' can also be contextually specific. The country research therefore distinguished primarily between: a) vulnerable groups that reflect a current Europe-wide interest, and b) other vulnerable groups that are more likely to reflect interest in specific individual countries. The following table provides a summary.

Table 3.17 Categories of vulnerable groups of children	
Europe Wide	Specific to individual countries
<ul style="list-style-type: none"> • Roma • Migrant children irrespective of their legal status • Children with disabilities (including children with intellectual disabilities) • Children of imprisoned parents • Young carers 	<ul style="list-style-type: none"> • Children in institutional care settings • Children experiencing domestic violence • Indigenous and ethnic minority groups • Asylum seekers/refugees • Homeless/street children • Child workers • Early school leavers/Children experiencing educational disadvantage • Lesbian/Gay/Bisexual/Transgender

As with the coverage of 'settings' in the previous section the individual country experts examined the situation for children's participation among a sample of vulnerable groups. The sampling criteria included whether there was evidence of: a) specific challenges for these groups relating to children's participation warranting further exploration, and/or b) specific good practice relating to these groups. As such the coverage was not exhaustive, but instead served to allow analysis of specific grassroots examples of work with these groups from different Member States.

Good practice in child participation should be inclusive of vulnerable groups, for example, as in the case of the Child Friendly Cities initiative, according to UNICEF Slovenia:

*"A Child Friendly City is actively engaged in fulfilling the right of every young citizen to: [become] an equal citizen of their city with access to every service, regardless of ethnic origin, religion, income, gender or disability"*²⁶⁹

As well as participation in practice that integrates vulnerable groups alongside their peers, many of the examples below include projects that have targeted vulnerable groups specifically in order to increase their representation. The findings on each group are further explored within the section below, except in the case of children in institutional or alternative care, whose experiences of child participation were closely linked to specific settings, and therefore were covered in [Chapter 3.4](#). Children from indigenous and ethnic minority groups are also not examined as a separate group, with the exception of children from Roma families, as the country mapping work revealed that this is typically a cross cutting characteristic. The participation of these children is examined in relation to groups that they also belong to e.g. migrant children and those facing educational disadvantage.

²⁶⁹ www.unicef.si/projekti-v-sloveniji/otrokom-prijazna-unicef-ova-mesta

3.5.1 Europe-wide

Roma

Children from Roma²⁷⁰ families are identified as a group experiencing low levels of participation, based on evidence from the country fiches in BE, CZ, EL, FR, HU, IE, IT, and RO. Social exclusion, discrimination and low levels of participation in education are reported to have a direct impact on Roma children's opportunities to participate more widely in society and in decision-making. For example, in the case of Ireland, the UN Committee on the Rights of the Child has repeatedly expressed concern about the lack of adequate recognition, action and positive measures taken by Ireland to enhance the rights and life opportunities for Traveller children²⁷¹. A recent NGO report on the condition of Roma children in Italy denounced violations of children's rights to health and safety, education and play²⁷². Specifically, one of the main problems is Roma children's participation in school, such as non-enrolment, Early School Leaving (ESL), school segregation, and the absence of intercultural elements in the school curricula. For example, in Romania, 80% of Roma children aged between 3 and 6 years have not been to pre-school.

There are multiple reasons for this low participation, which go beyond the scope of this study. In France, some municipalities still refuse to enrol Roma children in schools, for fear this could 'validate' or favour the creation or expansion of shanty towns, where many Roma families live. The dismantling of slums where Roma families often reside creates continuous movement for them, creating practical consequences for children's attendance and participation at school. Furthermore, once at school Roma children face further hurdles to participation, including the multiple prejudices faced by Roma people and, for some, the limited ability to speak the native language.

In Romania, the country study identified that some of the main participatory mechanisms for children – the Students' School Council, and the County and National Student's Councils have struggled to secure the engagement of the Roma community. As one national expert who was interviewed commented:

"It's not enough to create a framework for the student council. There should be measures to require from schools to involve children in council according to the percentage of Roma pupils in the school. The same for parents' councils. Good practice examples should be shared at European level"

Specific legislation, strategies or institutions have been created to support Roma children's participation in a number of countries, including France, Greece, and Romania. For example, in Greece and Hungary a range of strategic objectives linked to Roma participation have been created through the Integrated Action Programme for the Social Integration of the Greek Roma (2012), and Hungary's 'National Social Inclusion Strategy – Extreme Poverty, Child Poverty, The Roma²⁷³' (2011-2012). Also in Hungary, the Equal Treatment and the Promotion of Equal Opportunities Act 2003 defines that municipalities of cities, towns and districts of Budapest have to prepare and adopt a local programme on equal chances every five years. This programme requires an analysis of the situation of disadvantaged groups, including the Roma, and local measures to manage problems identified by the analysis. Finally, the 2011 Act on the Rights of Nationalities (national minorities) defines that a child belonging to a national minority has the right to choose the language through which they are taught in education settings. In the case of Roma children the language of national education can be Hungarian, Romani or Beás'.

²⁷⁰ For the purposes of this study, this group includes Roma, Sinti and Traveler children.

²⁷¹ Children's Rights Alliance, 2013. *Report Card 2013*. See: <http://www.childrensrights.ie/resources/report-card-2013>

²⁷² Rom(a) underground. Libro bianco sulla condizione dell'infanzia Rom in Italia. Associazione 21 luglio,

²⁷³ Ministry of Public Administration and Justice - State Secretariat for Social Inclusion (2011) National Social Inclusion Strategy – Extreme Poverty, Child Poverty, The Roma – (2011-2020). Online: <http://romagov.kormany.hu/download/5/58/20000/Strategy%20-%20HU%20-%20EN.PDF>

In a few countries (including the UK, Ireland and Romania) there have been specific research projects involving Roma and Traveller children. Typically, these projects typically have a wider focus on what it is like to be part of the Traveller community in general and focus on the discrimination faced by this community. For example the Article 12 organisation in Scotland has a *Gypsy Travellers' Lives* project the steering group, which includes Traveller children, have looked into discrimination and online media concerning travellers²⁷⁴. Further successful initiatives are highlighted in the boxes below; however in most cases they were time-limited projects and evidence of the longer term impact of projects is limited.

Table 3.18 Good Practice Example of participation by Traveller children, Save the Children peer research in the UK

Several projects in the UK have sought to gather the views of Traveller children with the purpose to feed into wider inquiries or information resources on Traveller communities.

- Save the Children in Scotland worked with 14 Traveller children through the *Having Our Say*²⁷⁵ project. This peer research project aimed to enable them to gather opinions from Traveller children living in their local areas. This exercise was launched to enable additional information to be included in Save the Children's response to the Scottish Parliament's Equal Opportunities Committee enquiry on the way Traveller communities are treated by public bodies. The children were supported to produce and administer a brief questionnaire to their peers. The exercise included production of videos allowing children to speak directly about their experiences
- The *All about You*²⁷⁶ project was a Save the Children project in England which asked Traveller children aged 5-13 living in Birmingham what would make their lives better. The children expressed their views through talking, painting, clay modelling work and photographs. The final report from the project was disseminated by the Education Service for Travelling Children and presented to the City Council's Education Committee.
- The *Travelling Ahead* project²⁷⁷ was set up by Save the Children Cymru to support children from the travelling community to have their say. The website has a forum for children and young people as well as information for parents and tools for professionals.

There are also examples where Roma children are empowered to participate in decision making in the context of their education (see boxed example).

²⁷⁴ www.article12.org/gypsytraveller.html

²⁷⁵ Save the Children, *Having Our Say Research Report*, www.gypsy-traveller.org/cyberpilots/pdfs/having_our_say.pdf

²⁷⁶ Save the Children, *All About You Final Report*, www.gypsy-traveller.org/cyberpilots/pdfs/all_about_us.pdf

²⁷⁷ www.travellingahead.org.uk/

Table 3.19 Good Practice Example of participation by Roma children, Associazione 21 luglio, Italy²⁷⁸

This advocacy group working with Roma children (and adults) recently became member of the PIDIDA network of NGOs working on raising awareness of the UNCRC in Italy. Associazione 21 luglio implements awareness-raising meetings with teachers and social workers, with the aim of challenging prejudices and stereotypes about Roma children in education settings. Roma children are reported to be highly segregated in schools, and often put in special classes or groups requiring support together with children with disabilities. Participatory activities are also delivered with Roma children including the use of art-therapy workshops with younger children, aimed at gathering views of how they would like their city to be. Associazione 21 luglio also organises training of young human right activists, especially girls of 16 years upwards with the aim that they themselves can become advocates for the community.

In other examples, the focus is on building leadership skills to support older children to participate in the field of rights. In Greece, the “Integrated Action Programme for the Social Integration of the Greek Roma 2012-2020”, aims to develop Roma youth leadership and the involvement of Roma young people in the field of rights. The objective is to train five groups of Roma youth across three regions, and involve them in the implementation of the national Roma strategy, albeit with the ultimate aim of improving school enrolment and attendance, and reduce early school leaving.

The Empowering Children Project in Romania is a programme for youth civic engagement and dialogue led by NGO Romanicriss.²⁷⁹ The project brings together Roma and Romanian students from Romania and Moldova with the aim of initiating and implementing community development projects which seek to enhance community cohesion. Activities include a summer camp for Roma and non Roma (14-17 year olds) to develop leadership qualities to initiate and deliver community development projects.

3.5.2 Migrant children, irrespective of their legal status

Children from migrant families are identified as a group experiencing low levels of participation, based on evidence from the country reports in AT, BE, CY, DK, DE, EL, HR, LU, NL and MT, as are asylum seekers in CY, DE, FR, HR and MT. Children’s opportunities for participation depend on having the time, economic and intellectual resources available, and are affected by power relations, and feeling comfortable in the setting and relationships. The 2011 “*Audit of Children and Young People’s Participation in Decision-Making*”²⁸⁰ in Ireland found that two thirds of respondents agreed they found it hard to reach specific groups, with children and young people from ethnic or migrant minorities identified as the hardest groups to reach.

One difficulty with involving these groups is because they may have been excluded from services in the past and often do not see the point of engaging. However, despite these barriers, organisations report a significant involvement of certain ‘seldom-heard’ children and young people.²⁸¹ In Ireland, a number of NGOs provide direct support to migrant children, including in relation to child participation. These include the Irish Refugee Council²⁸² and the Dun Laoighaire Refugee Project.²⁸³ Elsewhere, there are examples of local activities, such as

²⁷⁸ www.21luglio.org/associazione-21-luglio/

²⁷⁹ www.romanicriss.org

²⁸⁰ http://www.dcy.gov.ie/documents/publications/childrenandyp_DecisionMaking.pdf

²⁸¹ Department of Children and Youth Affairs (2011), *An Audit of Children and Young People’s Participation in Decision-Making*, Dublin: Department of Children and Youth Affairs
www.dcy.gov.ie/documents/publications/childrenandyp_DecisionMaking.pdf

²⁸² www.irishrefugeecouncil.ie/

²⁸³ www.drpf.ie/

the Children's Parliament in the Austrian city of Graz, that are reported to be successful in involving increasing numbers of children with a migrant background. In Portugal, the **Project@Ventura**²⁸⁴ aims to promote active citizenship and solidarity among children and youth aged 6 to 24, from vulnerable families, who have difficulties with integration, which include also the descendants of immigrants. An example activity was participatory budgeting with children and young people. In the Netherlands, The Urban Family²⁸⁵ is an NGO led project in a district of Rotterdam that supports four prominent groups of (migrant) youth. The project supports children to articulate their priorities through a series of consultation exercises and seeks funding for creating projects that helps young people to build a better life.

Member States across Europe have taken steps to improve the process of reception for asylum-seeking unaccompanied children:

- In Germany, unaccompanied and separated children are accommodated in special reception centres for three months. During this time the child's health, educational and protection needs are checked in a "clearing procedure" in cooperation with the guardian and the youth welfare office.²⁸⁶ The need to train people involved in this process has been recognized and is being offered by the Federal Association for Unaccompanied Minor Refugees (B-UMF).²⁸⁷ Such a procedure, based on an approved and standardised model and oriented towards the individual requirements of each unaccompanied child, would make possible a transparent procedure that took full account of the interests of the child. The "clearing procedure" is carried out before any subsequent asylum procedure that may eventually follow.
- In Italy, when the child has consented to and requested voluntary repatriation, planning is done with the child and the child's family with the involvement of child social services and IOM.²⁸⁸
- In Austria, the care provided by the NGO *Verein.Menschen.Leben* in the Initial Reception Centre for asylum applicants provides activities such as psychological care, escorts to doctoral visits, German language courses, and legal advice.²⁸⁹
- The UK Border Agency approach is to work with local authorities in the UK to ensure that the asylum screening unit is child-friendly and that essential child protection services are in place with a team of social workers *in situ*, supported by special funding arrangements.²⁹⁰ However, in England, for example, children of asylum seekers and refugees appear to have a low level of participation (for instance, in choice of schools).²⁹¹
- Finally, in Belgium, a specific co-ordinator or tutor for unaccompanied children is appointed who is in contact with the different stakeholders. The Guardianship Act (2002) states that the tutors "interact with the minor in order to develop a relationship of trust and to know the view of the minors on the decision he[she] intends to take. The guardian explains the

²⁸⁴ <http://proj-aventura.blogspot.pt>

²⁸⁵ <http://theurbanfamily.nl/>

²⁸⁶ The clearing phase ("Clearingverfahren") is not laid down in the German law, but has proven to be a successful practice and is therefore being increasingly implemented in the 16 German Federal States. Several clearing centres have been opened under the Youth Welfare Act and in some federal states, guidelines have been developed by the responsible ministries, youth welfare offices or NGOs, where such a clearing phase is an inherent part of the reception concept.

²⁸⁷ See Bundesfachverband Unbegleitete Minderjährige Flüchtlinge (Federal Association for Unaccompanied Minor Refugees), www.b-umf.de

²⁸⁸ *ibid*, p.46

²⁸⁹ See <http://www.menschen-leben.at/>

²⁹⁰ European Migration Network, Unaccompanied Minors –an EU comparative study, September 2010, p.101, [http://www.emn.fi/files/288/0.EMN_Synthesis_Report_Unaccompanied_Minors_Publication_\(Sept10\)_1.pdf](http://www.emn.fi/files/288/0.EMN_Synthesis_Report_Unaccompanied_Minors_Publication_(Sept10)_1.pdf)

²⁹¹ United Nations Convention on the Rights of the Child (UNCRC): How legislation underpins implementation in England, Department for Education, 2010 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296368/uncrc_how_legislation_underpins_implementation_in_england_march_2010.pdf

*decisions made by the authorities competent on asylum, access to the territory, residence permits and return, as well as other authorities".*²⁹² Interviews are also adapted to the degree of mental development, level of trauma and maturity of the child.²⁹³

The revised *EU Directive on Reception Conditions*²⁹⁴, which seeks to establish minimum standards for the reception of asylum applicants, also includes special provisions for the views of the child to be heard in accordance with their age and maturity. There is also an obligation to conduct an individual assessment in order to identify the special needs of vulnerable persons, including unaccompanied children.

In practice, the EU asylum legislation was found to have been subject to varying implementation. The feedback from the country research indicated that, when a child arrives in a Member State with their family, their rights tend to be subsumed within their parents' rights. There were isolated examples of additional support available in practice to enhance participation. For example, in France, GISTI (*Groupe d'information et de soutien des immigrés*²⁹⁵) a human rights NGO set up a free legal advice service to enable young immigrants to ask for judicial help, seek advice on their rights and obligations and be kept informed about their participation in decisions concerning their requests for asylum or residence on French territory.

In Cyprus, the Social Welfare Services of the Ministry of Labour and Social Insurance may act on behalf of unaccompanied children seeking asylum by providing legal representation during the hearing of their case by the competent authorities (Law 122(1)2009). One national expert reported that:

*"Not enough has been done to tackle the plight of immigrant and unaccompanied children. Although the government insists that its existing regulatory framework is sufficient to encompass these children and reinforce their rights, most stakeholders agree that the particular needs of these children cannot be subsumed within those of local children, which are not only more affluent but are generally supported by the system, speak the language and are fully integrated."*²⁹⁶

In the UK, while legislation strongly outlines child participation rights in general, in practice child friendly measures are not always implemented at all stages of the asylum process for unaccompanied children. For example, the appeal process involving a specialist Tribunal does not require child welfare ticketed judges to sit on children's appeals. NGO stakeholders are of the view that insufficient procedural powers are in place to ensure that the voice of the child and their best interests are at the heart of the judicial process. For example, the Tribunal lacks any power to appoint a guardian. In Croatia, social workers from the Centres for Social Welfare act as guardians, but were viewed by some NGO stakeholders as ineffective, with participation further hampered by unaccompanied children being placed in secure institutions. Similarly, stakeholders from Bulgaria, France and Cyprus called for more training for professional working with unaccompanied children and young refugees.

²⁹² The Guardianship Act, 24 December 2002, http://www.etaamb.be/fr/loiprogramme-du-24-decembre-2002_n2002021488.html

²⁹³ European Migration Network, Unaccompanied Minors –an EU comparative study, September 2010, p.101, [http://www.emn.fi/files/288/0.EMN_Synthesis_Report_Unaccompanied_Minors_Publication_\(Sept10\)_1_.pdf](http://www.emn.fi/files/288/0.EMN_Synthesis_Report_Unaccompanied_Minors_Publication_(Sept10)_1_.pdf), p.102

²⁹⁴ Directive 2013/33/EU of the European Parliament and of the council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast)

²⁹⁵ <http://www.gisti.org/index.php>

²⁹⁶ Hope for Children (2012) *Recommendation to the UN Committee on the rights of the child*-www2.ohchr.org/english/bodies/crc/crcs60.htm

Despite the existence of several agencies offering assistance and underpinning EU legislation, a number of French interviewees for this study felt that many unaccompanied migrant children had difficulties in accessing their rights. They felt that many of their rights were not fulfilled, with public authorities avoiding the problem, due to issues linked to responsibility and capacity. In France, institutions responsible for taking care of unaccompanied migrant children include *French Child Welfare* (FCW), which is charged with the care of children who have been declared to be 'in danger' by the Juvenile Court Judge, and the organisation should, in principle, be almost systematically designated as guardian for unaccompanied migrant children. There are also a large number of networks in assisting and supporting unaccompanied migrant children.²⁹⁷

Due to these limitations in legislative and administrative protection, there were few reported examples from country experts where child migrants or asylum seekers had opportunities to participate in decisions affecting their individual circumstances. Occasional projects (such as the example below from Finland) seek to involve them as a group in wider participation projects, to compensate their perceived under-representation.

Table 3.20 Good Practice Example of participation by asylum seeking children, Safety Net, Finnish Refugee Council, Finland²⁹⁸

The Finnish Refugee Council 'Safety Net' project (2012-14) offers peer-to-peer counselling and social support to the asylum seeking children in two reception centres in Finland. Some 23 counsellors, who speak 12 different languages and all of whom have experienced the asylum process have received training, manuals and guidelines to in turn provide support to younger children currently going through the process. The counsellors use participative methods or social activities to provide space for children to talk about their experiences and for the counsellors to provide advice based on their own experience of arriving in a new country and claiming asylum. Being provided with opportunities for participation may also be a new experience for some children because they come from cultures where children are not usually afforded such opportunities.

Thus it can feel more comfortable to be invited to engage in consultation and participation exercises with peers. The project feedback from the children is that the group is very useful, they feel that the older counsellors are like parents.

3.5.3 *Children with disabilities (including children with intellectual disabilities)*

Children with disabilities are identified as a group experiencing low levels of participation. Research into this group by Inclusion Europe and evidence from the country reports (BG, EE, EL, ES, LT, LV, NL, PL, RO, SK, SE, and the UK) did not find legislation that explicitly focuses on children with disabilities as a distinct group in relation to participation²⁹⁹. Instead, where legislation did exist it focused on the rights of children or children with disabilities as distinct groups.

²⁹⁷ For example: DEI France, Gisti, Cimade, Education sans Frontières, Forum Réfugiés, Collectif des Exilés du XXème, France Terre d'Asile

Publication 6 (Ombudsman for Minorities, National Rapporteur on Trafficking and Human Beings); Helsinki

²⁹⁸ "Children's Rights for All"

inclusion-europe.org/images/stories/documents/Project_CRC/Results/European_Report/EN.pdf

²⁹⁸ www.uradni-list.si/1/objava.jsp?urlid=201158&stevilka=2714 ²⁹⁸ Parsons, A. (2010), "The best interests of the child in asylum and refugee procedures in Finland", Publication 6 (Ombudsman for Minorities, National Rapporteur on Trafficking and Human Beings); Helsinki

²⁹⁹ "Children's Rights for All"

inclusion-europe.org/images/stories/documents/Project_CRC/Results/European_Report/EN.pdf

One example to the contrary was found in Slovenia, where The Law for Children with Special Needs³⁰⁰, 2011, (*Zakon o usmerjanju otrok s posebnimi potrebami*) explicitly states that a child with special needs must be involved in preparing and monitoring their Individualised Programme in Education, depending on the child's age and maturity. Slovenian interviewees felt that this law was leading to a cultural change in how children with disabilities are perceived, as it set out, for the first time, that children with disabilities were seen as capable of making decisions about their education. This example is typical of other Member States where instead of referring to the participation of children with disabilities explicitly, legislation refers to a concept of the 'maturity' of the individual when it comes to care proceedings and court processes. The definition of maturity is not clearly defined in any of the legislation examined and therefore relies on the subjective judgement of the professional to ensure participation, which therefore may not happen due to poor judgement or lack of understanding of the legislation.

Although there were few examples of legislation explicitly referring to children with disabilities and their participation, there are examples of countries marrying up legislation in relation to disabilities and legislation in relation to children to form a coherent policy framework in relation to children with disabilities. The example of Bulgaria is illustrated overleaf.

Table 3.21 Good Practice Example of strategic framework on children with disabilities' participation rights, Bulgaria

The Child Protection Act³⁰¹ requires the state to undertake special measures to fulfill the rights of children, who may have difficulty participating or expressing their views due to a disability. Children with disabilities' participation rights are included in the Bulgarian Law for Protection, Rehabilitation and Social Integration of People with Disabilities, which sets "*conditions and guarantees for an equal-level footing for people with disabilities, social integration of people with disabilities and the ability to exercise their rights*".³⁰²

This legislation is part of a wider policy framework, guaranteeing that the rights of children with disabilities are in line with the following:

- National Strategy on the Child³⁰³
- National Strategy "Vision for Deinstitutionalisation"³⁰⁴
- National Programme for Protection of the Rights of Children with Disabilities 2010- 2013³⁰⁵

The Criteria and Standards for Social Services for Children (DCSSSC)³⁰⁶ also state that when drafting a care plan, it is compulsory to investigate the child's personal needs and wishes, and ensure support for children with disabilities or communication difficulties, to include them in the decision-making process.

³⁰⁰ www.uradni-list.si/1/objava.jsp?urlid=201158&stevilka=2714

³⁰¹ Закон за закрила на детето (Child Protection Act), (2000, last amd. 2013).
<http://www.lex.bg/bg/laws/ldoc/2134925825>

³⁰² ЗАКОН ЗА ИНТЕГРАЦИЯ НА ХОРАТА С УВРЕЖДАНЯ (Law for integration of persons with disabilities) (2005, last amd.2013)- <http://lex.bg/laws/ldoc/2135491478>

³⁰³ Национална стратегия за детето 2008-2010.(National Strategy on the Child 2008-2018), 2008.
<http://www.strategy.bg/StrategicDocuments/View.aspx?lang=bq-BG&Id=464>

³⁰⁴ Национална стратегия „Визия за деинституционализация на децата в Република България“ (National Strategy " Vision for the Deinstitutionalization of Children in the Republic of Bulgaria") -
<http://www.strategy.bg/StrategicDocuments/View.aspx?lang=bq-BG&Id=601>

³⁰⁵ Националната програма за гарантиране на правата на децата с увреждания 2010-2013г. (National Program for Guaranteeing the Rights of Children with Disabilities – 2010-2013).
<http://www.strategy.bg/StrategicDocuments/View.aspx?lang=bq-BG&Id=657>

³⁰⁶ Наредба за критериите и стандартите за социални услуги за деца (Ordinance on the Criteria and Standards for Social Services for Children), 2013. SACP, <http://sacp.government.bg/normativna-uredba/podzakonovi/kriterii-standarti-soc-uslugi/>

The reasons for the lack of a distinction of children with disabilities as a specific group is due to a number of factors that are present, to differing degrees, across Member States. The concept of 'special needs' can be a difficult one to define. Special needs children are an extensive and heterogeneous group comprising physical, mental, emotional and developmental needs and not all children who have special educational needs are children with disabilities. It has been suggested that countries' estimates of the number of children with disabilities within the country may be largely inaccurate, with the case of Lithuania cited by the NGO Algojimasas as underestimating by around half the number of children with disabilities due to the government basing their estimate on social support payments and not taking into account a lack of take-up. In addition, a disproportionate number of children with disabilities do not access formal education, especially those who live in remote areas.

Nevertheless the main barrier is that children with special needs are seen as not able to participate in decision making. In Europe, and particularly East European Member States, evidence from stakeholders in these countries suggests that there is still significant stigma associated with special needs, and the "paternalistic" culture towards children is even more evident towards children of minority groups, including those with special needs and/or disabilities. The challenge therefore is to develop the culture of child participation within this specific group.

At the national level, children with disabilities experience low levels of participation often because they need special equipment and conditions, which are not provided. There was no evidence in the country reports of any Member States legislating or enforcing specialist provision or equipment for children with disabilities. Wales (UK) does, in the 2010 Children & Families Measure³⁰⁷, legislate to "facilitate participation by children in decisions", but this is only as far as local authorities "consider suitable" and there is no explicit reference to the needs of children with disabilities.

Evidence from the country reports and Pan-European research by Inclusion Europe³⁰⁸ found that professionals are often ill-equipped and lack the necessary techniques and mechanisms to fully investigate children with disabilities' opinions, relying on parents or professionals (such as teachers) to tend to children's needs (for example, converse with the child through sign language³⁰⁹) or overlook the child's right to participate due to their perception that the child with disabilities does not have the ability to participate due, or in spite of, their disability. For example, in Latvia, Netherlands and Slovenia, parent councils are seen as key organisations representing the views of children with disabilities. Also in the Netherlands, only a few secondary special needs schools have places reserved for students³¹⁰. While it is positive that at least the interests of the children with disabilities are represented, the fact this is not done first-hand, or not at all, means that representation of children with disabilities at a national level remains inconsistent.

Stakeholders report that barriers remain in terms of attitudes, since the social model of disability has only replaced the medical model a few years ago.³¹¹ They report a lack of competence among specialists to conduct individual assessments of the child's level of development, and in supporting younger children, children with disabilities or children from minority groups to create and express personal opinions. Projects that seek to remedy this are shown below.

³⁰⁷ www.legislation.gov.uk/mwa/2010/1/contents

³⁰⁸ "Children's Rights for All" inclusion-europe.org/images/stories/documents/Project_CRC/Results/European_Report/EN.pdf

³⁰⁹ 'Child and Youth Participation in the Slovak Republic: A Council of Europe policy review', Council of Europe, Strasbourg, 2012

³¹⁰ Bokdam, J., Bal, J. & Jonge, de, J. (2012). *Evaluatie Wet medezeggenschap op scholen. Eindrapport*. Zoetermeer: Research voor Beleid.

³¹¹ www.scope.org.uk/about-us/our-brand/talking-about-disability/social-model-disability

Table 3.22 Good Practice Example of participation by children with an intellectual disability: Hear our voices, Down Syndrome Foundation (Spain); Quip Association for Change (Czech Republic) and Cedar Foundation (Bulgaria).³¹²

This is an ongoing European project (1.12.2012 - 30.11.2014) funded by the European Commission's Fundamental Rights & Citizenship Programme to strengthen and increase the direct participation of children with an intellectual disability in all areas of life in the sense of Article 12 of the CRC. The partners aim to make sure that the complaints procedure introduced by the Optional Protocol to the UNCRC will also be made available for children with an intellectual disability.

This project takes place at school and in child services, where training material and model cases are being developed and tested. In order to fulfil its objective, the project develops: guidelines for teachers and young workers on how to enable participation of children with an intellectual disability involving development of a learning model programme for children at school; guidelines for non-disabled peers on how to involve children with an intellectual disability; model cases for participation of children with an intellectual disability in the format of a children's book presenting easy tips for children to interact with their disabled peers, especially when children have no verbal communication faculties. The book is based on short stories and includes drawings (like a comic book); and videos showing good practices from these model cases. Finally, this work stream includes training for children with an intellectual disability on how to participate. The project has involved conferences, seminars, trainings, events, including training seminars for children with an intellectual disability with 10-15 participants

At an **individual level**, good practice is correlated with specialist provision (e.g. specialist schools or those run by a disability foundation or charity) and NGOs. These organisations, due to their specialist nature, are more inclined to use participatory methods and have the knowledge and resources to work with children with disabilities on an equal footing. Examples include:

- Slovakia: the Association of Support to Intellectually Disadvantaged People (see below).
- Spain: the specialised education centres of the Spanish Down Syndrome Foundation (ES), where children with an intellectual disability take part in their School Council and have their own class delegate, through which they communicate their proposals to their teachers and directors.
- Netherlands: special needs schools have included children in the process of the individual development plans. They also have more opportunities through other informal channels: for example 33% of special needs schools have a student council. These are the areas in which good practices occur on a case by case (school by school) basis.
- UK: The Children with Disabilities Strategic Alliance's Manifesto outlined the need for more consideration of how to engage children / young people with disabilities in planning and designing services.
- Latvia: The National Artistic Festival of Children with disabilities and Children with Special Needs was the first attempt to publicly showcase the talents of children with disabilities.

³¹² www.inclusion-europe.org/childrights4all/

Table 3.23 Good Practice Example of Participation of Children with Disabilities: Association of Support to Intellectually Disadvantaged People, Slovakia

The Association of Support to Intellectually Disadvantaged People³¹³ runs a project in partnership with NGOs across four countries (Poland, the Czech Republic, Hungary and the Slovak Republic). The project focuses on both improving the self-advocacy skills of children and adults with mental disabilities (aged 16–55) and works with professionals to increase their ability in supporting persons with disabilities abilities to self-advocate. The project runs self-advocacy centres, in which there is a strong focus on the education of human rights for mentally disabled people. The course is accredited by the Ministry of Education in the Slovak Republic. The project also produced a brochure on self-advocacy.

Table 3.24 Good Practice Example of Participation by the Romanian Government

The Ministry for Education continues the National Strategy for Community Action (SNAC) established before Romania joined the EU in the period 2000-2004. Since 2007 it has been regulated by the Association for Children's High Level Group. The strategy is built on cooperation to mobilise the resources of the community and promotes inclusion of people/children with disabilities. It is an educational programme that brings together children from mainstream schools, special schools, placement centres and plans for action based on participation and volunteerism. Teachers and children volunteers create a space where children from different backgrounds and capacities can demonstrate their competences. SNAC has coordination in the Ministry of Education, at regional, county and institutional level. Each school has its own Community Action plan, and plans for its own budget for such actions.

Table 3.25 Good Practice Example of participation by children with an intellectual and development disability: V.I.D.A Project (Spain)³¹⁴

The V.I.D.A project is a Spanish project granted by the Ministry of Education being delivered by the FEAPS Foundation. This project strengthens the participation of children with intellectual and developmental disabilities (aged 12-18 years) who are studying in specialised educational integration centres to support the inclusion and the promotion of their rights and their self-determination. One of the aims of this programme is that children learn to make important decisions about their life and their future. To achieve this objective, the children are supported to develop their skills and competences for self-determination. This includes the following components: decision making, problem solving, relationships, and self-monitoring.

Some Member States (ES, IE, and SK) have variously held one-off consultations with children and young people in relation to important issues on disability and special needs.

- Spain: the National Organisation of Spanish Blind (ONCE) in collaboration with the Committee for Children of the World Blind Union and the International Council for Education of the Visually Impaired (ICEVI) developed an international conference with the aim of promoting the voice and inclusion of children who are visually impaired and communicating their needs. As a result the Congress edited the book "Listening to children. Direct Testimony of children around the world"³¹⁵ which is seen as a key educational tool for the participation of children who are disabled and visually impaired.

³¹³ <http://www.zpmpvsr.sk/>

³¹⁴ www.feaps.org/

³¹⁵ ONCE (2008) Listening to children. Direct Testimony of children around the world http://www.euroblind.org/media/eplca/listening_to_the_children.pdf

- Ireland: a national consultation into the experiences of children in the care of the State was undertaken in 2010. The Listen to Our Voices consultation³¹⁶ engaged with 220 children and young people who were living in State care. Because the consultations were geared towards young people themselves using their own voice to express their views and opinions, this excluded some children with disabilities. To remedy this, a parallel process was established for young people with disabilities who needed additional support to express their views. Of the nine participants, five had severe-profound intellectual and multiple disabilities, two had learning disabilities and two had physical and intellectual disabilities. The researchers conducted four direct interviews with the participants while in the other five cases proxy interviews were carried out with care-staff and supplemented with video-recordings of the children or young people themselves. Some of the key issues identified for these children and young people were the need for increased contact with families as well as improvements in the physical environment including increased supports for communication.
- Slovakia: a small scale good practice example was given by a director of a primary residential school for hearing-impaired pupils, who indicated that a multi-functional playground had been built in school. The children were informed of the project and activities planned early on and could contribute with their ideas. Children expressed their views on school educational programmes and leisure activities in discussions and informal communications with pedagogic staff.

3.5.4 *Children of imprisoned parents*

It is estimated that every day, some 800,000 children across the European Union live separated from their parents due to the latter's imprisonment.³¹⁷ The country mapping, however, identified few examples of specific legislation and practice concerning the participation of children of imprisoned parents (IT, SE, and UK). A number of dedicated NGO's do exist across Member States which focus specifically on this group, for example Families Outside³¹⁸ in Scotland, Riksbryggan³¹⁹ in Sweden and Bambinisenzasbarre in Italy³²⁰. Where practice examples do exist delivered by these organisations and others they are typically limited to the provision of child friendly information in the form of pamphlets written in child-friendly format, DVDs and e-learning packages about what to expect when visiting parents in prisons. One particular example from Sweden is an online resource³²¹ specifically targeted at children of imprisoned parents which includes stories, quizzes and a glossary to provide accessible information to children whose parent is involved in the criminal justice system or servicing a sentence in prison.

The Children of Prisoners Europe (formerly known as Eurochips) is a Europe wide network that champions and raises awareness of children of imprisoned parents' rights. The COPING project³²², funded by the EU Seventh Framework Programme, undertook interviews with more than 700 children of imprisoned parents across Sweden, Germany, Romania and the UK to explore children's experiences of having a parent in prison. The research identified that receiving information about why their parent was imprisoned was important for children of imprisoned parents' resilience and wellbeing. In each of the four countries local examples of good practice in relation to services and interventions for the children of imprisoned parents were identified.

³¹⁶ www.dcy.gov.ie/documents/publications/LTOV_report_LR.pdf

³¹⁷ The Danish Institute for Human Rights, Bambinisenzasbarre, Ulster University and European Network for Children of Imprisoned Parents, (2011) Children of Imprisoned Parents

³¹⁸ www.familiesoutside.org.uk/

³¹⁹ www.riksbryggan.se/

³²⁰ www.bambinisenzasbarre.org

³²¹ www.minfriplats.se/

³²² See: childrenofprisoners.eu/?page_id=3819

Participation was also touched upon with a recommendation emerging from the research that children's expert/advisory groups should be established in each prison to regularly evaluate the children's experience of visiting the prison and/or maintaining contact with their parents by other means and to recommend improvements in practice where necessary. At this stage there is no progress to report in terms of the adoption of this recommendation by public authorities.

A group of children with imprisoned parents from Sweden and the UK also spoke at the research's conference to policymakers in November 2012 and a key recommendation was "*children and young people receiving information about what is going on with the parent, where they are going to be or when they are coming back*"³²³. The conference was well received by policy makers present, however there has been no visible change to policy to date.

3.5.5 Young carers

Research conducted for this study found very few countries where young carers' rights to participate are covered in legislation. The only example found was in the UK, where an amendment to the Children and Families Bill 2013 was proposed in October 2013³²⁴ and was being debated in the UK parliament (in 2014). This amendment includes the right for young carers to receive an assessment alongside the person being cared for, allowing them clear opportunities to have their needs assessed and views heard.

There is particularly effective practice in ensuring young carers' participation in Scotland. In Scotland, the right to participate for all children, including young carers is covered by the Children and Young People (Scotland) Bill. Young carers' rights to participate are further supported by the Scottish Government's recent young carers' strategy: *Getting it Right for Young Carers: the Young Carers strategy for Scotland 2010-2015*³²⁵. This identified that young carers had specific needs for advocacy support to ensure that they were able to contribute to both the assessment of the person they care for and their own young carer's assessment.

In addition to this, there are various national mechanisms for young carers in Scotland to support participation, including:

- The Young Carers Network hosted by the Carers' Trust represents all young carers' services in Scotland and provides opportunities for young carers across the UK to get involved in raising the profile of young carers;
- A young carers' festival, which provides a chance for young carers to speak to their ministers and representation from the health boards and councils as well as have fun and meet other young carers³²⁶;
- A Carers Parliament to raise the issues that affect carers, which includes young carers³²⁷

³²³ See: www.coping-project.eu/final_conference.php

³²⁴ See: www.gov.uk/government/speeches/children-and-families-bill-young-carers

³²⁵ See: <http://www.scotland.gov.uk/Resource/Doc/319441/0102105.pdf>

³²⁶ See: www.carers.org/news/scottish-young-carers-festival-2010.

³²⁷ See: www.carersuk.org/policy-a-campaigns-scot/carers-parliament-scotland

3.5.6 Specific to individual countries

3.5.6.1 Children experiencing domestic violence

As is the case with other vulnerable groups, there were no examples in the Member States where this group was examined (FL, IE, SE, SK, and the UK) where the participation of children experiencing domestic violence was specifically legislated for. Research by key NGOs in the sector in the UK- Refuge³²⁸ and the NSPCC³²⁹ - found that children experiencing domestic violence are rarely given opportunities to express their own views, and professionals are typically reluctant to talk directly with children and young people and to involve them in decisions which affect them.³³⁰ This conclusion was reflected in the evidence presented from other Member States (FL, IE and SE) and as such examples of participation at an individual level were limited.

With regards to national level participation, the county mapping found examples in Scotland which has been particularly effective in ensuring children experiencing domestic violence have been able to influence national policies. The Voices against Violence (VAV) project, supported by the Scottish Government and the Convention of Scottish Local Authorities, COSLA, comprises young people with direct experience of domestic violence. They influenced the three-year national domestic abuse delivery plan for children and young people published in 2008 and its members are actively involved in the discussions on the next three-year delivery plan.³³¹ In Ireland, the Office of the Minister for Children supported a research project in 2007 with the overall aim of increasing understanding of children's experiences of living with domestic violence.³³²

3.5.6.2 Homeless children

The European Federation of Street Children targets some of the most vulnerable children in Europe, for whom, in many ways, 'participation' as generally understood is not high on the agenda:

"...These are children living in heating pipes under the roads in Romania... the idea of 'participation' is almost absurd... there is not even socialisation or basic services... their first instinct is to eat and to survive."

(European NGO stakeholder)

As a result of this context, examples of participation involving this group of children reported in the country reports (UK, SE, IE) were most commonly consultation or research focused, involving children in adult led research projects to explore the needs and experiences of these children. For example the Railway Children NGO in the UK undertook research with 103 'detached'³³³ children and young people with the aim to develop a range of policy and practice recommendations to meet the needs of this group of children and young people.³³⁴ Building on the research, the organisation developed the *Reach* model of intervention to provide services for young people before, during and after episodes of running away.³³⁵ In Ireland, The Ombudsman for Children received complaints concerning the crisis intervention and out of hours services for homeless children.

³²⁸ refuge.org.uk

³²⁹ www.nspcc.org.uk/

³³⁰ NSPCC (2011) *Meeting the needs of children living with domestic violence in London* www.nspcc.org.uk/Inform/research/findings/domestic_violence_london_pdf_wdf85830.pdf

³³¹ SCCYP, Mid term Report Participation Scotland. See: [www.voiceagainstviolence.org.uk/](http://www.voiceagainstviolence.org.uk/repository.wit.ie/873/1/Listening_to_children_childrens_stories_of_domestic_violence.pdf)

³³² repository.wit.ie/873/1/Listening_to_children_childrens_stories_of_domestic_violence.pdf

³³³ This includes children and young people who are away from home or care for lengthy periods of time; who live outside of key societal institutions, such as the family, education and other statutory services; who do not receive any formal sources of support; and are self-reliant and/or dependent upon informal support networks

³³⁴ Railway Children (2010) *Off the Radar* www.railwaychildren.org.uk/media/26592/off_the_radar_full_report.pdf

³³⁵ www.railwaychildren.org.uk/media/90288/reach_-_executive_summary.pdf

As a result the Ombudsman for Children undertook a consultation with homeless children with the aim of ensuring that homeless children's experiences and views inform both policy and practice concerning emergency care and accommodation.³³⁶

More isolated examples of participation exist at a local level in some Member States (UK, SE). For example, in Newcastle in the UK a housing association providing accommodation for homeless young people has created a **Youth Independence Forum**³³⁷. This group of young people meets monthly with the aim to create an opportunity where young people can speak to decision makers in the city to ensure that their voices are heard and they can make a difference in providing services for young people who have experienced homelessness or housing issues.

3.5.7 Early school leavers/children facing educational disadvantage

The country mapping identified that in a number of countries, children that experienced educational disadvantage, including children at risk of exclusion, were likely to have very low levels of participation (AT, BG, DK, IE, LT, LV, NL, and SK). However there were examples of projects focusing on particular sub groups of children experiencing educational disadvantage.

A study of second chance education schemes for children and young people who had left school before the compulsory leaving age found that participation in decision-making actually proved to be a highly effective way of engaging this group. For instance in the *Matosinhos Second Chance School*³³⁸ in Portugal students are able to decide on the subjects they study. Young people consulted fed back that being involved in choosing the subjects leads to them feeling more positive about their studies and helps them to engage in their learning.

Similarly a recent report on learning and wellbeing highlights importance of empowering and considering that children are competent partners to nurture personal responsibility more than compliance.³³⁹ Investing in Children³⁴⁰, an NGO in the UK is currently delivering a participation project in Scotland that seeks to explore the effect of participation in an education setting with the aim to enhance educational engagement and achievement. Throughout 2014 the project will see children and young people engaged in Agenda Days, report writing and presenting their ideas for change to head teachers and the local authority.

In terms of children's participation outside of a school setting, across a number of countries, it continues to be very challenging to involve children experiencing education disadvantage in youth parliaments and children and youth forums. However there are examples of initiatives supporting these groups. For instance in Estonia Youth in Action National Agency specifically supports young people experiencing educational and social disadvantage through support projects around youth democracy and youth initiatives.³⁴¹

In Italy, support was provided to a specific group of educationally disadvantage children as the NGO Save the Children Italia has trained child workers as peer researchers in order to explore the issues surrounding child workers.

³³⁶ Ombudsman for children and young people Ireland (2012) Homeless Truths: Children's Experiences of Homelessness in Ireland: <http://www.oco.ie/assets/files/issues/HomelessTruths/HomelessTruthsWEB.pdf>

³³⁷ youthhomelessnortheast.org.uk/regional-champions/youth-independence-forum-newcastle/

³³⁸ Day, L; Mozuraityte, N; Redgrave, K; McCoshan, A (2012) *Preventing Early School Leaving in Europe – Lessons Learned from Second Chance Education*, European Commission

³³⁹ Kickbusch I., Gordon J. and O'Toole L. (2012), *Learning for Well -being: A Policy Priority for Children and Youth in Europe*.

³⁴⁰ www.iic-uk.org/

³⁴¹ euroopa.noored.ee/en

The peer researchers and the child workers they interviewed were also able to suggest solutions to overcome these problems which were reported alongside Save the Children's recommendations.³⁴²

Peer research was considered to be an effective approach as it ensured child workers views on their situation and how they can be involved in decisions that affect them were heard. However this has not solved the problem of a lack of clear policy concerning child labour exploitation that the research findings can feed into.³⁴³

3.5.8 Lesbian/Gay/Bisexual/Transsexual (LGBT)

LGBT children and young people were examined as a potentially vulnerable group of children in a number of the individual country reports prepared for this study (CY, FI, IE, LU, and the UK). LGBT young people are reported to have some opportunities for participation in Finland and the UK, although fewer opportunities were documented within the other named countries.

Effective examples of collaboration and peer-led work in the UK include, *LGBT North West*³⁴⁴, a regional organisation that has a strong focus on involving young people in running the projects. Their support includes a peer mentoring service and running the Young Women's Group, a peer-led and peer-governed project for young lesbian, bisexual and questioning women that meets weekly. The Allsorts Youth Project³⁴⁵, in Brighton, England, also aims to empower young people who are LGBT or unsure of their sexuality. This also includes a youth peer educator project and a youth steering group. Some evidence was also found of transnational activities, with LGBT Youth Scotland developing a collaborative European Commission funded project on challenging homophobia in education with Legebitra³⁴⁶, - a Slovenian LGBT organisation working with young people and the wider LGBT community. The project aimed to encourage EU member states to tackle issues around sexual orientation and bullying in schools, with a central role for young people.

Cutting across the work of individual Member States, the *European Parliament's Intergroup on LGBT Rights*³⁴⁷ provides an informal forum for Members of the European Parliament who wish to advance and protect the fundamental rights of LGBT people. Members of the Intergroup would usually take a positive stance on LGBT issues when they draft reports or amendments, when they vote in the Parliament, or when they deal with constituency affairs. The LGBT Intergroup is the largest of the European Parliament's 27 Intergroups, currently gathering over 150 Members.

The Council of Europe's standards and mechanisms also seek to promote and ensure respect for equal rights and dignity of LGBT persons. In 2010, the Council's Committee of Ministers adopted a recommendation to member states on measures to combat discrimination on the grounds of sexual orientation and gender identity³⁴⁸. The Council of Europe provides support to member states by sharing good practices, organizing capacity building activities for government and local authorities dealing with LGBT issues, providing support and empowering LGBT rights organizations and raising public awareness on issues related to discrimination.

³⁴² Save the Children Italia (2010) Un'analisi dei metodi Di lavoro e delle buone Pratiche di partecipazione Di bambini e adolescent Realizzate da Save the children italia; A cura di Ines Biemmi
http://images.savethechildren.it/IT/f/img_publicazioni/img127_b.pdf

³⁴³ Italy, Non Government Stakeholder consultation

³⁴⁴ www.lgbtyouthnorthwest.org.uk/

³⁴⁵ www.allsortsyouth.org.uk/

³⁴⁶ <http://www.lmit.org/baza/drustvo-informacijski-center-legebitra-2.html>

³⁴⁷ <http://www.lgbt-ep.eu/>

³⁴⁸ http://www.coe.int/t/dghl/standardsetting/hrpolicy/Publications/LGBT_en.pdf

4.0 Effectiveness of participation practices

Key messages

- Effectiveness varies across different types of participation and in different sectors and settings. Some contexts emerged as being more conducive to effective participation than others. These included local level day-to-day contexts such as schools, care settings and neighbourhoods where there are more routine opportunities for interaction between children and adults.
- Effectiveness is characterised by the existence of one or more variables including: inclusivity; opportunities for dialogue and collaboration with adults; respectful relationships; whole project involvement; children taking the initiative; children developing skills of active citizenship; ongoing rather than one off involvement; integrity and consistency; tangible changes or outcomes resulting from participation; when children can provide solutions; and when participation is informal and rooted in children's lives.
- Poor practice is evidenced by: children's views not being taken into account; children not being kept informed or expected to participate without information; tokenism; when organisations/staff control the agenda; failure to use child friendly environments and practices; and lack of monitoring and evaluation to measure and review the effectiveness of activities. The act of exercising their participation rights can place children at risk of ridicule or harm from adults.
- Good practices exist at all levels and within a wide range of contexts. They extend across different types of participation, including structures and networks; consultation initiatives; participatory practices that seek to include and empower children to participate in local development as well as national decision making.
- A further set of good practice examples are concerned with actions to support or promote children's participation, including information, advice, support and advocacy, education, promotion and awareness raising, and professional training. Good practice criteria are relevant to all children regardless of situation. However some good practice initiatives are relevant to particular sectors or settings and particular groups, with examples predominantly found in education and care settings.

4.1 Introduction

This chapter examines the different forms that participation takes; their relative effectiveness, and some of the hallmarks of 'good' and characteristics of 'poor' quality participatory practices.

This evaluation has already discussed different structures, mechanisms, tools and frameworks for realising participation in practice (see [Section Two](#)). One of the frames of reference used in this evaluation to assess different forms and modes of participation involved making a distinction between consultation, collaboration and child-led initiatives. Whilst these are useful in terms of understanding the degree to which power is shared between children and adults, many of the initiatives and examples in this evaluation do not fit neatly into any of these categories. Student or youth councils can be consultative and collaborative, for example, as a respondent from a child rights organisation in Cyprus explained:

"The Commissioner [for Children] uses consultation and collaboration with children's organisations and with the Youth Advisors and is now beginning to implement child-led projects through the youth advisory panel."

It is also evident that context matters, and that different forms of participation are appropriate for different purposes. For example as one respondent from Slovenia stated:

"All kinds of levels and forms of participation are needed, because children sometimes... just want to express their opinion, but they also need protection. Sometimes they need adults to organise and help them realise their ideas."

This chapter will discuss more and less effective forms of participation in terms of a generic set of features that characterise effective participation. These elements of effective practice go beyond the scope of the standards for children's participation set out by the Council of Europe which focus on conditions and principles of participation and instead focus on the process of participation in practice.

4.2 Effective participation practices

The numerous examples and initiatives provided in the evaluation indicate that participation takes many forms and there is no one size fits all. Instead there are elements or features which characterise examples of effective practice. In particular many of these characteristics involve participation as a collaborative or intergenerational practice.

4.2.1 Inclusive

Initiatives that are most effective are those that target and involve all children rather than a small number of representatives. Similarly, where different stakeholder groups are involved, participation needs to include all groups including parents and multi stakeholder groups of professionals and/or policy makers where this is necessary. For example in the care sector in Hungary participation is seen to be most effective when different actors such as school and child care services work together. Education in Greece provides another example, as one respondent from the country mapping explains:

"Forms of participation that have proven more effective are those that involve all children irrespective of their age; adjust to children's age; involve all actors (children, parents, school); are based on interdisciplinary collaboration but a with a clear reference point for children."

4.2.2 *Dialogue, collaboration and shared processes with adults*

Many interpretations of participation are concerned solely with hearing children's views as a one off process, yet one of the features of effective participation in some of the responses in the evaluation highlight the value of co-production, dialogue and shared decision-making. In particular, having opportunities to reflect and learn together. As one practitioner who was interviewed for the country study in Portugal commented:

"...Creating moments of social analysis and discussion among children, young people and policy makers has been and continues to be provided, either in the context of the Youth Municipal Assembly, both in the context of the activity of a group of young people who participated in the Assembly and where we have sought to engage in other activities that tend to their mobilisation and civic participation. Having access to this group is referred, by themselves, as a positive experience, as it provides increased knowledge and the rapprochement with the decision-makers."

Good practice examples below that focus on dialogue and debate are important in physically bringing children and adults together. For example Have your Say and the National Children and Youth Parliament³⁴⁹ (Czech Republic) promote cooperation through round table discussions at a national level. A further example exists for Dialogue Days³⁵⁰ (Finland) and the National Youth Council National Youth Debates³⁵¹ in the Netherlands. Effective collaboration however depends on the quality of relationships between children and adults wherein children are valued and respected.

4.2.3 *Quality of relationships*

A recurring feature of good practice examples from different countries was the way in which adults engage with children. A key element that appears important in all initiatives regardless of what form participation takes is that **children are valued and respected** for their contribution and are not judged or pre-judged by professionals.

"The most effective forms of participation have been where children were given a say in a way that they were valued and treated with respect. This is when the listener shows the child that s/he is there to get in touch with what they want and need and not for anything else."

(Practitioner, Malta)

"Where professionals gain the trust of children through genuine and respectful communication, objective information and sincere interest; that are child-friendly and patient in terms of the time allowing children to relax, communicate and genuinely express their views and feelings; that give the opportunity to children to fully participate and develop a kind of a "contract" with the professionals."

(Practitioner, Greece)

³⁴⁹ www.participace.cz/ndpm/

³⁵⁰ 'Child and Youth Participation in Finland: A Council of Europe policy review', Council of Europe, Strasbourg, 2011

³⁵¹ www.njr.nl

At an individual level this is reflected in children's desire for adults to "really listen" to them. For example the Dandelion children project in Sweden³⁵² involved producing a checklist for how professionals engage with children.

"The children mention general issues, for example the importance of "real listening" and also details such as, "don't take notes during our conversation, we can make them together after the meeting instead." They also mention the importance of having enough time with the social worker, being able to meet up without parents/carers, maintain contact through e-mail/SMS, not only by phone."

Frequent responses about less effective practices concerned professionals who are not skilled in talking and relating respectfully with children. This was seen to be largely the result of prevailing attitudes towards children as well as a lack of professional training. Good practice examples such as the Social Activities and Practices Institute's *Listen to Children* child friendly interview training in Bulgaria (see [Section 4.7](#)) with professionals are therefore important in improving practice. The quality of relationships also means adults ensuring children receive information, skills and support to participate effectively.

4.2.4 Whole project involvement

Consultation with children is one of the most common forms of participation. However, this is a relatively passive form of participation which restricts children's roles to simply being informants. More effective participation practice is reflected in those examples that involve children actively in all phases of the project cycle including identifying issues, dialogue and decision making as well as taking action and evaluating outcomes (see for example counselling centres in Slovenia³⁵³). Whole project involvement requires opportunities for children and adults to engage in dialogue and inquiry together in a process of co-production of knowledge. The local youth action plan³⁵⁴ in Luxembourg is a further illustration of whole project involvement with young people involved in needs analysis, a development phase and an implementation phase.

"The local youth action plan (as an instrument) has the potential to be very effective. However, it depends strongly on the implementation of the respective municipality (and the individuals involved); in some communities they are very satisfied, but in others there are rather disappointing results."

(Practitioner, Luxembourg)

Good practice examples that focus on debate and dialogue such as the examples in Germany (see [section 4.6.2](#)) are therefore indicative of effective practice as they provide an opportunity for learning between children and adults, collaboration and a more informed basis for joint decision-making and action. Children's involvement in monitoring and evaluation is an important part of that project cycle. For example the *South Tyneside Check It Out* group³⁵⁵ in the UK are involved in service inspections in which they also have to take decisions about solutions.

³⁵² www.maskrosbarn.org

³⁵³ <http://www.scoms-lj.si/si/about-us.html>

³⁵⁴ Overall, up to 10% of the approx. 100 local communities (municipalities) in LU have participated in the local youth action plan

³⁵⁵ Percy-Smith, B. (2009) *Evaluating the development of young people's participation in two Children's Trusts*, Year Two report. Leicester: National Youth Agency

4.2.5 *Child-led*

Children's participation is often understood as involvement in response to adult requests. Yet some of the best examples of effective practice concern children taking the initiative and taking a lead (see example from Wales below and other child-led initiatives such as the Flemish Association of School Children³⁵⁶).

*"There has been progress in the care sector recognising children and young people's views however it is reactive and issues are only considered if something is not working well."*³⁵⁷

(Child in care setting the agenda, Wales)

The 'We Want 2 Hear - Young People's Participation Audit for and by Marginalised Young People project' involved young people auditing the support they received from the social care service. The young auditors were supported to take part and at the end of the project wrote and delivered a presentation of their findings and recommendations to the Children's Commissioner for Wales³⁵⁸. Other examples where children take a leadership role include the preparation of information written by and for children in care and children as asylum seekers. Initiatives that provide space and encouragement for children to use their own creativity and initiative according to their own agenda are characteristic of effective participation.

This is also seen in local neighbourhood development initiatives such as the Child Friendly City Initiative:

"One of the positive aspects is linked to the knowledge that children participate in the city, by developing activities autonomously and according to their own interest."

(Official, Child Friendly Cities Initiative)

An example of effective practice involves children taking the initiative to influence improvements in service provision in response to key issues facing young people (see for example Off the Record, Bristol UK³⁵⁹). In contrast to young people participating in adult designed projects, there are examples of successful projects which have been completely youth led. (See for example the 'Don't judge me till you know me' campaign in the UK³⁶⁰ and the 'Awareness through Entertainment' project in Cyprus in the following case study).

³⁵⁶ <http://www.scholierenkoepel.be/info-over-vsk>

³⁵⁷ Voices in Care Cymru consultation

³⁵⁸ http://www.childoneurope.org/issues/child_participation/5_UK_Ear%20%20The%20Ground_A1-4.pdf

³⁵⁹ www.otrbristol.org.uk

³⁶⁰ See Percy-Smith (2009) *Evaluating the development of young people's participation in two Children's Trusts*, Year Two report. Leicester: National Youth Agency

Table 4.1 Awareness through Entertainment: A child-led project to increase knowledge about Sexual and Reproductive Health and Rights outside formal education (Cyprus)

Children's (teenagers') participation was encouraged through a project called SAFE, which aimed to enhance students' awareness of issues related to sexual health and rights (relationships, safe sex, contraception, unwanted pregnancy etc.) Teenagers aged 14-17 years participated in a series of three experiential workshops which helped them increase their knowledge and build skills on issues related to sexual health and rights. The workshops also served as a platform where the young person's specific needs with regards to sexuality were identified, as were their own ideas on how they would like to communicate what they have learned to other young people.

The students decided themselves that the best way to communicate with their peers was through theatre. A small team of young people (eight boys and girls) who participated in the workshops undertook the initiative to write their own theatrical script outlining issues pertaining to teenage relationships and sex. Here, it must be noted that the responsibility of writing the script was originally assigned to an experienced and famous adult script writer but the young people rejected her play (claiming that it was neither youth friendly nor relevant to their realities) and decided to write their own. Young people were involved in the entire decision-making process and had the final say in any activities that were undertaken. The play was enacted by the students themselves and various performances were carried out in Nicosia. Five performances took place.

No particular structures were in place (in terms of forums or advisory groups). The students were however supported throughout the entire programme by the Project Managers and their teachers. There was a constant dialogue with the students, whereby the progress was discussed, problems were solved, new ideas were generated and alternative ways forward explored.

After each theatre performance and peer training, the Project Managers, teachers and actors/peer trainers engaged in feedback sessions, where they discussed how the activity went, how well they did and the impact they had on participants. In response to the impact, the discussion focused on feedback that was received directly from the audience/participants and how perceptions may have been shifted. Impact also took into account the degree of interest the audience demonstrated and whether or not they engaged in the activity (peer training or performance).

Effectiveness was measured in terms of conveying the right knowledge to other young people, and making an impact in terms of shifting or challenging perceptions and misconceptions. Quality was measured in terms of audience/participants providing a positive feedback and claiming satisfaction with the activity, as well as engaging their audience and keeping them interested. This feedback showed that young people reacted positively to the performance; that they were generally more receptive to the key messages about sexual health and rights, and that they identified better with the scenarios that were presented by their peers than might have been the case in a more traditional educational context.

Child-led participation such as this, where children have the space to decide what is most relevant to them and design and carry out the activities accordingly is highly effective.

At an individual level children can become empowered through taking on more responsibility for their own situation. This is reflected in the democratic school examples in **Section 4.6** (for example *Escola da Ponte*³⁶¹ in Portugal) but also in care settings with children with a disability and where children are involved in their individual development plans. In the Netherlands for example:

*"There has been a shift towards less pampering and more self-sufficiency of children with disabilities. This has especially been noted by interviewees who highlighted that more special schools have included children in the process of the individual development plans. They also appear to have more opportunities through other informal channels, for example 33% of special needs schools have a student council. These are the areas in which good practices occur on a case by case (school by school) basis."*³⁶²

4.2.6 Learning the skills of democratic citizenship

One of the features of effective participation in the evidence from this study is for children to have the opportunities to develop the skills of participation.

"The NGOs where children can acquire specific skills or where they can develop personally or socially for example the Youth Bank programme that supports young people's ideas and projects by funding the best projects."

(Practitioner, Romania)

For example in Dutch schools, despite school councils not being compulsory "...children are taught how they can become active citizens from an early age. They learn about the processes and methods. Then they learn to experiment with such process through the Council of Co-decision." (See also the democratic school example of *Escola da Ponte* in Portugal and the inclusion of empowerment and participation as implicit values within youth work projects).

4.2.7 Sustainable and longer term

One widespread criticism of participation is when a token group of children are brought in to be consulted on a one off basis. In contrast participation is more effective when children have opportunities to participate on a regular basis in different areas of their everyday lives and on an ongoing basis. Medium and long term initiatives are therefore seen as more effective than short term projects.

4.2.8 Integrity and consistency

Simply having a children's council or undertaking consultations is not in itself an indicator of effective practice. Participation initiatives that demonstrate the most effective practices are those that have a dependable structure to their activities involving regular meetings, with support from professionals without being overly controlled, where children are informed through communication flows, and where children have a sense of identity and belonging with the group.

³⁶¹ *Escola da Ponte* is located in the parish of S. Tome of Negrelos, Santo Tirso, Porto district. Covering the 1st, 2nd and 3rd cycle of basic education, the school defends a different model of education from that is presented in the national/traditional educational framework.

³⁶² Bokdam, J., Bal, J. & Jonge, de, J. (2012). Evaluatie Wet medezeggenschap op scholen. Eindrapport. Evaluation of the law of co-decision in schools Zoetermeer: Research voor Beleid .

The **Cyprus Children's Parliament** is an example of good practice because:

1. Children are elected and not appointed – their peers in schools elect them every two years and they are accountable to them.
2. The two year term of office allows children to work on issues after they are well informed and helps them go deeper into understanding the issues and thus come up with meaningful and applicable suggestions.
3. The meetings are regular and enable children to come to decisions that reflect the group and not individuals.
4. The children get the feeling of belonging to a group that can make a difference and that can affect the decision makers.

As a formally constituted group they have the chance to participate in events not only in Cyprus but also in the rest of Europe and gain experience and knowledge that they bring back and enhance their national work

In Germany there was recognition of the importance of having some definite points of contact for children to engage with politicians and decision makers, for example through the Children and Youth offices in Berlin through which politicians can listen to children and make a commitment to take forward their cause.

4.2.9 When change and influence happens

There is abundant evidence that the process of participation in itself provides tremendous benefit for young people. However, responses suggest that in addition, participation is most effective when change happens; specifically when there are responses to children's needs that bring about improvements to children's lives.

"A programme is effective for Roma children if it produces personal development. Our programmes are efficient, they increase the self-esteem of the children, as opposed to marginalisation, trust; they become aware that they can change things at local level. They become models for others."

(NGO, Romania)

To achieve this effective practice involves understanding children's needs holistically. This may also involve changes to local policy or to developments in organisations and communities. However, a number of country responses suggested that often the participation of children has little influence as it has "no real power". There is a need for more research to substantiate this assertion, however, the available evidence in this evaluation concerning the lack of direct impact from participation suggests this falls short of effective practice in many cases.

4.2.10 Children providing solutions

Approaches to participation that focus solely on children 'having a say' can often lose out on possibilities for children taking a fuller role in providing solutions and taking action. Although taking action is part of the project cycle, it is important to highlight here in its own right as illustrative of an effective form of participation. This was seen as also being important with younger children in early years settings.

"Children like to participate in consultation processes. They have an interest in participating in play, defining rules for common life and giving solutions to problems."

(Practitioner, Slovenia)

"Training on communication, when civic engagement is involved, is effective. It is not enough if problems are identified, children should be involved in finding solutions. They should implement projects in their community."

(Country Expert, Romania)

A number of responses concerning effective practice highlighted how well children can participate in taking action and providing solutions in community based projects in school or neighbourhood (see good practice examples in the following section).

The good practice examples included instances where children provided support and services through peer-to-peer support. These are more effective forms of participation because of the experience children have gained. Valuing children's experiences is also central in providing effective training for professionals. For example in Wales, the organisation Children in Care developed and delivered training for adults through the Voices in Care network³⁶³. Similarly, in Maskrosbarn³⁶⁴ (the Dandelion children) in Sweden, children developed a checklist for professional training.

4.2.11 Informal community-based integrated initiatives

The local projects discussed above or initiatives within schools or care settings are important for children to have the freedom to participate more informally in their own everyday life contexts at both an individual and group level. Indeed some respondents stated that most participation initiatives happened regardless of legislation. However, others argued that legislation is important to provide a framework within which participation can happen. It is also important that local, bottom up initiatives connect with, inform and integrate with top down political decisions. The Northern Irish councils and Welsh Children in Care projects are good examples of more effective participation of this kind. In this respect effective participation needs to involve wider community based participation initiatives being integrated and embedded with decision making structures in organisations and local governance structures (See for example the Flemish Youth Council)³⁶⁵. Legislation and local governance structures provide a structure and framework for participation, but are not the only drivers of participation. There needs to be flexibility to accommodate bottom up community based participation initiatives within democratic processes at a local and national level.

"There is a tension between enabling or facilitating children's participation and ordering it by law only. The power of legal regulations per se should not be over-estimated. They can only be effective if there is dialogue between different stakeholders (ministries, NGOs, children's rights organisations, helplines, children and youth ombudspersons, confident teachers, etc). Authorities need exchange with NGOs, as they represent the human dimension of legal and technocratic regulations."

(Practitioner, Austria)

These features of effective practice have emerged from evidence from all the countries in the evaluation. However, they do not apply uniformly in all countries or across all sectors and settings, in part due to different countries and different sectors being at different stages of understanding about child participation.

³⁶³ <http://www.voicesfromcarecymru.org.uk/>

³⁶⁴ www.maskrosbarn.org

³⁶⁵ <http://vlaamsejeugdraad.be/>

4.3 Evidence of poor practice

Poor practice is where the principles for effective practice outlined above have not been upheld. There are some specific areas where poor practice was indicated in the evaluation.

Children's views not taken into account

- Where the child's perspective was not taken into account at all.
- Where there is a recognised child participation structure such as a children's council, but children's suggestions are not taken into consideration (see for example the case of children's councils in Croatia)³⁶⁶ and evidence from this study that in Germany 80% of the decisions of youth parliaments are immediately rejected.
- There is a general lack of participation of younger children under the age of 12.

Failing to take children's views into account tended to happen in situations where the child is seen to be particularly vulnerable for example in judicial proceedings concerning migrants or in family court cases. In such cases children are not only unable to speak out on decisions that affect them but are often also not informed about what is going on.

Children not informed or expected to participate without information

- Other examples of poor practice concerned situations where children were expected to participate but were not given prior information to prepare them or support in understanding what is going on.
- Equally there are many children going into alternative care who are not informed about where they will be placed, experience a lack of information and are not included in decisions about which school they go to.³⁶⁷

Tokenism

- School councils are often seen as a good example of effective participation, yet evidence suggests that they can be controlled by school staff and merely fulfil legal obligations with young representatives chosen undemocratically and with agenda set by staff.
- In spite of individual children participating in individual development plans being seen as good practice, this is only sometimes the case (see for example Croatia³⁶⁸) and often becomes a legal formality without the child having real impact on decisions (Finland).³⁶⁹

Failure to provide child friendly environment/practices

- An example where children were informed about the outcome of family court proceedings via the abusive parent.
- The lack of availability of a female professional to work with or interview girls where this is requested.
- Where there are no professional protocols or standards for child friendly interviewing.

³⁶⁶ Žižak, A., Koller-Trbović, N., Jeđud Borić, I., Maurović, I., Mirosavljević, A., Ratkajec Gašević, G. (2012): Štonam djeca govore o udomiteljstvu- istraživanje dječje perspektive udomiteljstva s preporukama za unapređenje. (What are children telling us about foster care- research of children's perspective of foster care with recommendation for improvement) UNICEF

http://www.unicef.hr/upload/file/370/185386/FILENAME/Sto_nam_djeca_govore_o_udomiteljstvu.pdf

³⁶⁷ Ibid. (2012)

³⁶⁸ Koordinacija udruga za djecu (Coordination of Associations for Children) (2012): Alternativni izvještaj o primjeni Konvencije o pravima djeteta i Zaključaka UN-ova Odbora za prava djeteta u Republici Hrvatskoj 2004.-2010. (Alternative report on CRC implementation and Conclusion of UN Committee on the Rights of the Child in Republic of Croatia)

³⁶⁹ Kouvonon, P. (2013), "Participatory Policies and Social Rights in Out-of-home Placement Services. Negotiated Agencies of Vulnerable Children" (Abstract) Phd thesis.

“For the child-friendly witness rooms for child victims there are no guidelines for their operation, only for their physical creation. These child-friendly witness rooms are hardly used, it has to be requested, even though the law on criminal procedure prescribes their use, without an obligation to do so. They are only used by police, court, prosecutors, doctors, psychologists but they will not hear the child in these rooms. It is also not ensured that girls are heard by women. There is no professional protocol for people questioning children, the testimonies are recorded by hidden cameras; the child does not receive appropriate notification or assistance to understand what is going on. There is no regulation, professional or ethical rule prescribing the court to use the recordings.”³⁷⁰

(Country Expert, Hungary)

Where organisations/staff control the agenda

- Top down, professional-led initiatives which tend to be reactive to issues rather than proactively engaging with children around issues which are also a priority for children.
- Where children’s input is used to validate adults’ decisions. A number of countries reported how less effective participation is evident in the way school councils can be operated as a formalised top down process of validating school decisions.

Lack of monitoring and evaluation

- The lack of monitoring and evaluation of participation by national and local authorities is seen as undermining effective practice.

4.4 Contexts for effective participation

There were some contexts that emerged as being more conducive to effective participation than others. These included day-to-day contexts such as schools, care settings and local neighbourhoods which are more relevant to the immediate reality of children’s lives. Local projects in particular were identified as being conducive to effective participation since children can more easily comprehend and relate to the purpose of the project, impact becomes more easily realisable, they tend to involve collaboration with adults and other members of the community, enable children to develop skills for participation on a familiar context and, through their undertaking, help to change attitudes and perceptions of adults towards children.

Projects in everyday contexts provide opportunities for children to derive personal benefits through realisation of their own abilities as they undertake projects. This highlights the importance of learning in a participatory process and is therefore especially relevant to school contexts which are conducive to developing initiatives for children to develop participatory competences. This is evident in the Democratic School good practice examples in [Chapter 4.7](#). Similarly the good practice examples with children in care reflect this as children are encouraged to take on more responsibility for decisions in their everyday contexts such as individual development plans as well as having a say on issues concerning children in care and civic issues of wider relevance. For example in Bulgaria the use of summer camps for children in alternative care provide a different context for children to express their views on wider issues such as the environment and climate change rather than just their immediate affairs.

³⁷⁰ Család, Gyermek, Ifjúság Egyesület (2013) Alternative - NGO – Report on the Implementation of the UN CRC in Hungary 2006–2012. Budapest: Család, Gyermek, Ifjúság Egyesület, p.18
http://www.csagy.hu/images/stories/kutatas/civiljelentes/civil_angol.pdf

4.5 Intergenerational dimensions of participation

Children do not participate in isolation, but in relation to other groups in society. Hence discussions about impact and effectiveness of children's participation relate to children being able to influence outcomes of decision making processes in relation to adults. Many of the examples in this section concerning effective (and ineffective) practice relate to children being able to engage in intergenerational processes with adults. These include for example:

- Shared processes
- Joint decision making
- Dialogue and debate
- Developing relationships of respect
- Children training adult professionals
- Communication and joint learning between children and adults

Analysis of intergenerational processes was a contractual requirement for the analysis in this evaluation, given that child participation cannot be addressed in isolation to the rest of the society, and during the evaluation there was particular focus on integrated child participation that promotes intergenerational understanding, solidarity, communication and activities. and is reflected in the discussion of good practice examples and revised good practice criteria. In addition to the country mapping the child peer research element of this evaluation organized a series of intergenerational workshops for young people and adults to come together in dialogue in response to the findings the evaluation. Many of the questions and responses children raised in the peer research as well as the good practice examples illustrate the way in which intergenerational relations are central to children's experience of participation and key to the extent to which children are able to participate effectively.

"I would like to express my enthusiasm for this (intergenerational) meeting which pleased me very much. Apart from meeting new people – which was definitely a very interesting part – and the exchange of views, we had an opportunity to sit at the same table with adults having important positions relating to children. I was impressed by their willingness (at least most of them) to listen to our views. I was also surprised by the fact that ... they dedicated time to listen to us."

(15 year old girl)

"I was given the chance to make new acquaintances. ... I had to confront people older than us and exchange views. I was very much impressed by the willingness of most of them, if not all, to answer our questions and try and help us."

(15 year old boy)

Evidence from the peer research however also revealed that for many children active participation with adults in relationships of equality and mutual respect are rarely the norm, instead being exceptional within projects such as this. One of the findings from the child peer research in Greece highlighted that a quality of relationships with adults is not only often absent with professionals but also with parents in the home.

These are illustrative of the struggles many children face in seeking to participate in everyday matters and are frequently characterised by an inequality of power relations between children and parents (and often professionals). Scenarios such as this are also reinforced by dominant social constructs of childhood and cultural (paternalistic) attitudes about the position of children in the family.

However, the importance of a quality of intergenerational relations is clear in the good practice section below. In particular through joint processes, where communication and learning between children and adults is open and effective and where dialogue and debate (and more widely joint learning) between children and adults is a feature. There is increasing attention being paid to understanding children's participation as an intergenerational process³⁷¹ with good practice examples³⁷² that highlight the importance of children involved collaboratively with adults rather than simply being invited to contribute a view to an adult agenda. As an example, in Greece some of the most effective examples of children's councils are thought to include those with a stronger inter-generational dimension, so that the children participate in *"social solidarity and environmental activities rather than focusing exclusively on the mechanics of decision-making"*³⁷³.

The evidence in this evaluation highlights the importance of participation to young people as a relational process rooted in everyday life interactions. In the child peer research project in Bristol, UK in this [evaluation](#), a key finding from young people with mental health issues was that they felt that adults didn't know how to listen to them or respect what they had to say.

"What makes it work is staff compromising, working with you, helping you out... but it's got to be vice versa as well. It's a two way thing really. It's just the staff working with the individual and the individual working with the staff".

(18 year old boy, UK)

4.6 Good practice in participation

4.6.1 Nationally recognised good practice

This study has highlighted a variety of very different types of good practice reflecting different interpretations of what participation involves in different situations and at local and national levels. To some extent this is the result of inevitable subjectivity on the part of country experts. Accordingly, good practice examples seem to be selected according to different criteria. For example, whilst some examples are based simply on opportunities for children to 'have a say', others are characterised by more active participation of children in developing and undertaking actions in partnership with adults in which children have higher levels of influence and involvement.

To a large extent these different positions appear to reflect a literal understanding of Article 12 of the UNCRC and on the other hand, the influence of a wider understanding of participatory practice as a more holistic process of engagement in all phases of a project or decision making cycle beyond just having a say. In other cases examples are not about participation at all, but about providing activities or services to children. Taken together however, there are patterns that are evident in good practice across the case study countries that provide an indication of the state of child participation across Europe.

The good practice examples provided here are based solely on those nominated in the evaluation. There are therefore likely to be comparable examples of different practices in other countries. These do however provide evidence of where participation can be most effective.

³⁷¹ Percy-Smith, B. and Thomas, N. eds (2010) *A Handbook of children's participation: Perspectives from theory and practice*. London: Routledge; Mannion, G. (2007) Going spatial, going relational: Why 'listening to children' and children's participation needs reframing, *Discourse* 28 (3):405-20; Percy-Smith, B. (2006) From consultation to social learning in community participation with young people *Children Youth and Environments*, 16 (2), 153-179

³⁷² <http://hls.uwe.ac.uk/research/Data/Sites/1/docs/SOLAR/MindtheGap.pdf>

³⁷³ Ibid. (2010)

4.6.2 *Patterns of good practice across Europe*

Annex Two documents the main types of good practice examples that have been evidenced in this study according to different types of participation and provides details about each example. Overall the patterns illustrate that participation does not take one form and instead develops in different ways, at different levels, and in different contexts. Most commonly countries have followed conventional models of representative democratic structures with children and youth councils at both local and national level, children and youth parliaments at a national level and other advisory committee and fora to influence mainstream adult decision making and political processes. In some cases these are supported by National networks.

At the same time there are many different projects and initiatives that seek to support the development of participation in everyday contexts. To a large extent these are driven by NGOs, research projects or initiatives within schools or other services. Whilst many are concerned with supporting children to have a say, others are concerned with promoting children and young people to take on more active roles either autonomously or in collaboration with adults. To that extent the nature of some of the good practice examples are characterised more by process than structure, for example, through dialogue and debate or the promotion of active citizenship and through developing different relationships with adults for example in schools.

A further category of good practice example concerns initiatives that can be identified as supporting actions to educate, promote and build capacity for participation. These include the many initiatives that provide information, advice, support and advocacy for children's participation; education and awareness-raising about rights and participation; and professional training for participation. In addition there were a number of examples provided that indeed seemed to indicate good practice but were about children's policy and practice generally rather than about participation. These have not been included in this analysis.

Table 4.2 Examples of good practice in children's participation

Structures: councils, parliaments and advisory committees

- Flemish youth council (BE)
- The Children's Council (BG)
- The Cyprus Children's Parliament (CY)
- School/Pupil councils (CY, EE, SL)
- Commissioners youth advisory committee (CY)
- National Children and Youth Parliament (CZ)
- The National Council of children's affairs (DK)
- National and Municipal youth councils (EE)
- The Youth Council of Spain (ES)
- The children's town councils (FR)
- Children's councils of Opatija (HR)
- Comhairle na nÓg³⁷⁴ (Local youth councils) and Dáil na nÓg³⁷⁵ (National youth parliament) (IE)
- Children and Young People's Forum (IE)
- Riga Pupils' Council (LV)
- Pupils Union and Pupils Parliament (LT)
- Council for Children (MT)
- National youth council (NL)
- Local Youth Councils (PO)
- Children's Parliaments (SL)
- Funky dragon (Wales, UK)

³⁷⁴ www.comhairlenanog.ie

³⁷⁵ www.dailnanog.ie

Table 4.2 Examples of good practice in children's participation

- Eat carrots, be safe from elephants (Wales, UK)
- The youth panel (N. Ireland, UK and The British Youth Council)

National networks

- The Flemish association of schoolchildren (Vlaamse Scholierenkoepel 'VSK') (BE)
- Spanish Children's Rights Coalition (ES)
- National Survivors group (FI)
- Network of Young Counsellors of Child Ombudsperson. (HR)
- National Forum for Boys and Girls (IT)
- Network of child friendly schools (LV, SK)
- Movement of child friendly homes (LV)
- Participation network (NL, UK)
- Atoms in the network (PL) in Warmia and Mazury.
- Children's Rights Alliance for England (UK)
- Child Friendly Cities³⁷⁶

Children having a say/consultation

- A child's world (AT)
- StampMedia: (BE)
- What do you think (BE)
- Vertical poverty consultation (BE)
- Have your say ("Kecejme do toho") (CZ)
- Hear our voices (Children with learning difficulties) (ES)
- Listening to (visually impaired) children (ES)
- We believe in you tour (FI)
- Television Channel M2 (HU)
- UNICEF Hungary consultation with children for UNCRC Report (HU)
- Children's ombudsman consultations (IE)
- Din rost (Your voice) (SE)
- The Magazine Word (SE)
- Travelling ahead project (Wales, UK)
- Voices from care (Wales, UK)
- Have your say (N.Ireland, UK)
- Voices against violence (Scotland, UK)

Information, advice, support and advocacy

- Children's counsellors in custody (AT)
- The 'Children Welfare' organization, Assessor scheme. (DK)
- Safety Net (FI)
- National survivors group (FI)
- Young immigrants free legal advice (FR)
- SpunOut (IE)
- Peer to peer project with unaccompanied migrant children (IT)
- Individual development plans (LT)
- Legal assistance (LU)
- Youth action plan Esch-sur-Alzette (LU)
- Legal assistance in court proceedings (NL)
- Short term care centres in Motala (SE)
- Child helpline (SK)

³⁷⁶ Not all these countries highlighted Child Friendly Cities as good practice. However, the initiative itself is regarded as good practice. The countries listed therefore are to indicate where Child Friendly Cities exist: AT, BG, DE, DK, EE, EL, ES, FR, HR, HU, IT, IR, LI, LT, LU, NL, PO, PL, SK, SL, and the UK.

Table 4.2 Examples of good practice in children's participation

Education, promotion and awareness raising concerning children's rights & participation

- Loupiote – Mal de mere (BE)
- What do you think (BE)
- User involvement of children with disabilities in alternative care (BG)
- Have your say (CZ)
- We Play for Our Region (Hrajeme o náš kraj)³⁷⁷ (CZ)
- The Schooligans³⁷⁸ (EL)
- Listening to children with disabilities (ES)
- The project launched by the city of Chappelle sur Erdre³⁷⁹. (FR)
- Children's Rights for all (HU)
- UNICEF, 'It's About You' (2012) (IE)
- Rights for you (MT)
- Puerpolis³⁸⁰ – social intervention project "The Puerpolis fashion show" (PT)
- PHARE (children's rights) (RO)
- UNICEF's Junior Ambassadors (Child Friendly schools – promoting children's rights) (SK)
- Primary school ambassadors Wales (UK)
- Rights respecting schools (UK)

Professional training

- A child's world (AT)
- Listen to the Child (BG)
- User involvement of children with disability in alternative care (BG)
- Survivors (FI) National NGO Project working with children in alternative care especially foster care to train social workers on how to work and communicate with young people in foster care.
- Nobody's Children Foundation (PL)
- PHARE (children's rights) (RO)
- Maskrosbarn (Dandelion children) Checklists (SE)
- Naruc Child crisis centre (SK)
- Participation Works (UK).

Democratic development practices

Individual empowerment, capacity building and training for children

- Youth work (BE, EE)
- Have your say (CZ)
- Quality4Children Workshop (EL)
- Busy building (ES)
- VIDA (ES)
- Individual development plans SOS Children's Village (LT)
- The Transparent and Participative School (PL)
- Center For Citizenship Education (PL)
- Escola da Ponte (PT)
- Ruhama inclusion projects (RO)
- Roma Intercultural projects (RO)
- Kan själv (Can do it by myself) (SE)
- Municipality developers and Barbro Betaler in Kungsbacka Municipality (SE)

³⁷⁷ <http://losonline.eu/projekty/hrajeme-o-nas-kraj-32/>

³⁷⁸ www.theschooligans.gr

³⁷⁹ <http://pel.lachapellesurerdre.fr/wordpress-pel/?cat=24>

³⁸⁰ <http://projectopuerpolis.blogspot.pt/>

Table 4.2 Examples of good practice in children's participation

- Unga Direkt (Young speakers) (SE)
- Building the boat (Scotland, UK)

Dialogue and debate

- The Democracy Campaign of Schleswig-Holstein (DE)
- Struktwieter Dialog (DE)
- Dialogue days (FI)
- The 'Ateliers de démocratie familiale' (workshops of family democracy) (FR)
- Nationaal Jeugddebate – National youth council national youth debates (NL)
- Local hearings Motesplatsen (Meeting point) (SE)

Local projects with children as partners/key actors

- A child's world (AT)
- Stamp media (BE)
- What do you think (BE)
- Bientraitance resilience network (BG)
- Young Developers (FI)
- Survivors (FI)
- Children's participation in play ground design/planning (DE)
- Project Ricostruire (IT)
- Easy to stop it (IT)
- Lets go to school safe with friends (IT)
- Community development projects (RO)
- "It gets important when it's for real" (SE)
- Involvement in planning Sahlgrenska's new hospital developments (SE)
- Investing in Children (UK)
- Rights of Us (UK)

Child-led and peer-to-peer initiatives

- Navrat (SK)
- Plusko (SK)
- ZPMPvSK (SK)
- Off the Record (UK)

Child and youth inspectors

- JOKER child impact assessment instrument (BE)
- Inspectieteam Jeugdzorg Q4C – Institutional care youth inspections (NL)
- The Youth Inspection Team 'Check It Out' (UK)
- Young inspector teams (Wales, UK)

Strategies and plans

- Kinder in die Mitte (AT)
- Nationaler Aktionsplan and Kinder und Jugendreport (child and youth report) (DE)
- Program for youth in Warsaw 2013-2020. (PL)
- The National Youth commission on alcohol (Scotland, UK)

Standards

- Quality4Children Workshop (EL)
- BBIC (Barns behov i centrum) children in care quality system (SE)
- Kitemark standards in Wales (UK)

4.6.2.1 *Structures and networks for influencing public sector decision making*

Children's councils and parliaments are a common form of good practice across Europe at both local and national levels. Children's councils as a model can be identified as good practice as they are open for all children to take part, can operate at different levels and in different contexts and are ideally suited to ensuring connections with adult dominated decision making structures. Children's councils tend to be financed by local authorities. They consist of elected representatives of children aged 12 years and over with the exception of the Children's Town councils in France which have been in existence since the 1970s and include children as young as seven. School councils commonly involve children younger than 12. Two particular examples of Children's Councils stand out as good practice

- Children's councils of Opatija (Croatia) – these were identified by a number of respondents as good practice and stand out as they are not simply concerned with children's views and input into decisions but have developed based on an explicit commitment to a set of values concerning children's role as active citizens in local governance. These include developing mutual respect; developing communication between children and City of Opatija; respect for the rights of all groups of citizens; and a commitment to supporting children's evolving capacities to participate and developing responsibility of children for decisions they make.
- Children's Town councils (FR) – have been in existence for several decades and as such are an established and sustainable feature of local French democratic life. But more importantly they are widespread and open for children as young as seven years to take part.

At a local level there are also councils and forums which are specific to sectors and settings. For example pupil or student councils which are a common feature for many countries and Children in Care Councils in England. Whilst school councils tend to be specific to particular schools, other sector specific groups such as Children in Care Councils tend to serve young people across a whole city or district.

At a national level there are children or youth parliaments in many countries to which local councils provide representation. Unlike local children's councils that meet monthly, children and youth parliaments tend to meet less often for example two to three times a year often as part of an annual youth conference (for example the UK youth parliament). Funky Dragon, the children and young people's parliament in Wales is a widely acclaimed example of good practice. It aims to "enable children and young people in Wales to get their voices heard by Government and others who make decisions about policies and services that affect their lives." The Grand Council is made up of 100 children and young people from across Wales which includes representatives for statutory service, school councils, voluntary sector and equality for each local authority.

Alongside national children and youth parliaments there are advisory bodies such as the Commissioner's Youth Advisory Committee in Cyprus or the Children and Young People's Forum in Ireland which have a dual role of advising on issues of concern to children and young people; as well as undertaking projects or activity at the behest of the Minister or department. These typically involve 30-40 young people from 12-18 years and often involve a wider representation of children including those from vulnerable groups. In the UK many local authorities have shadow scrutiny committees which undertake an advisory role, for example, in South Tyneside.

The best examples of children's councils are those where there is a strong connection between local councils and the national youth parliament and, in turn, where there are strong connections to adult structures. A good example is in Ireland where the Comhairle na nÓg (Local youth councils) feed into the Dáil na nÓg (National youth parliament) which work closely with local and national decision making structures. Three key factors are instrumental in the success of these structures in Ireland. First there is a network of regional participation officers to support the local councils. Second, there is a lead government department that oversees; funds, and supports these councils.

Third, councils are complemented by the Children and Young People's Forum which advise on issues of concern to children and young people as well as undertake projects on behalf of the Minister. A further example of good practice is the Children's parliaments in Slovenia. These are multi-tiered having influence at national level whilst also having foundations in schools and regions. School parliaments are supported by the Slovenian Association of Friends of Youth and include children as young as six years.

To complement parliaments there are also national networks of children and youth organisations such as Network of child friendly schools (Latvia) or The Flemish association of school children (Vlaamse Scholierenkoepel 'VSK') (Belgium) that support local activity as well as lobby governments on key issues of concern generated autonomously by child members. The network of child friendly schools was initiated by the Ministry of Welfare and coordinated by the State Inspectorate on Protection of Children's Rights (financed by The National Child Protection Inspectorate, VBTAI) to support the active participation of students in school decision making. Whereas this network is concerned with supporting the realisation of participation in practice, others are concerned more with influence at the level of policy. For example 'Atoms in the network' in Poland is a federation of youth organisations that work with local politicians to develop a strategy for youth involving a process of inquiry, dialogue and cooperation as well as young people and politicians learning experientially how to talk to each other. Young people are seen as a resource, not just the subject of an action or source of problems. Child Friendly schools for example; in Latvia and Slovakia where children take on the role as junior ambassadors in promoting the rights of children in schools; and, at a pan European level, the Child Friendly Cities network are both UNICEF initiatives. The Child Friendly Cities initiative provides numerous examples of good practice in different countries and cities. The initiative provides a framework of support and guidance and criteria for monitoring success. Stuttgart has been widely recognised as a good practice example of a child friendly city. Some networks are more focused on support for professionals such as Participation Network in Northern Ireland and others playing an essential lobbying role such as the Children's Rights Alliance for England.

Notable outcomes from the activities of these structures that have been identified as being good practice include the children's services strategy in Austria 'Kinder in die Mitte', the Nationaler Aktionsplan and Kinder und Jugendreport (child and youth report) in Germany and the Program for Youth in Warsaw (2013-2020).

4.6.2.2 *Children's voices and consultations*

A second significant cluster of good practice concerns initiatives that have a primary concern to hear the views and experiences of children. These involve both consultations initiated by government authorities or children's ombudspersons; as well as projects and initiatives established to promote the voice of the child, including those of specific groups. For example the Office of the Ombudsman for Children in Ireland (who has a statutory obligation to consult with children), undertakes numerous consultations with children generally through Youth Advisory Panels and initiatives such as the Big Ballot (2007) and the Big Debate relating to the Children's Referendum (2012) as well as targeted initiatives for example, separated children, children detained in adult prisons, and bullying. Consultations often involve a programme of visits by the Ombudsman. There is also evidence of some good practice projects that use film and news media to engage children in expressing their views about current news items including those put forward as being important for themselves (for example Stamp Media in Belgium and Television Channel M2 in Hungary).

Consultation is in itself a 'low' level form of participation as it solely involves sharing a view in response to issues and questions determined often by adults. However, there are times when sometimes consultation may have a significant influence for example in national youth surveys or through Ombudsman consultations, for example in Finland with the 'We believe in you tour' that seeks the views of children with experience of welfare services and alternative care. Equally this evaluation has highlighted initiatives that are about supporting children to speak out but not in response to adult agenda.

A second type of good practice related to children having a say are those that are driven more by the need to promote children's voices and experiences. For example 'Hear our voices' and 'Listening to visually impaired children' in Spain to promote the voices of children with learning difficulties; 'What do you think' in Belgium which support vulnerable children giving their views on their situation; 'Voices against violence' in Scotland; and 'Young Developers' in Finland. Young Developers is a Helsinki-based group of young people (aged 13-20) with experience of child protection services who communicate their views and experiences of child protection services and lobby politicians and decision makers. Young Developers received one of the three Ministry of Justice Democracy Awards (in 2012).

A further type of example involves those initiatives that seek to promote the voice of the child as an act of democratic development rather than solely as form of consultation. For example 'Have your say' in the Czech republic ("Kecejme do toho") that seeks to promote structured dialogue with young people with the aim of creating a nationwide inclusive platform for youth participation at national level with connections also to the European level. It helps young people to express their opinion on public issues connected to their lives. The project helps to shape discussions about the hot topics among young people and communicate the outcomes of discussions to the public sphere e.g. politicians, civil servants, civil society and media. It seeks to empower the role of young people in society and also promote the principles of democracy, social dialogue and youth participation. (See also examples under participation in practice below). The Youth Council of Slovenia also makes extensive use of structured dialogue as a method of consultation with young people.

4.6.3 Child-friendly interviewing

Key to effective participation is the ability of the adult to build a relationship with the child and listen respectfully to what they are saying. Whilst not constituting an act of participation in itself, preparing adults for enabling children to participate effectively is essential. The project below is one of a small number of examples of good practice in training adult professionals in child friendly interviewing (see also Nobody's Children Foundation in Poland, Survivors in Finland and the Cedar Foundation user involvement project above. Listen to the Child (Bulgaria) coordinated by Social Activities and Practices Institute (SAPI), an NGO active on the national level, has created a model for child-friendly interviewing in legal procedures (children as victims of crime) with special emphasis on raising the competence of professionals (judges, prosecutors as well as social workers) who interact with them. In addition SAPI provides a specialised mobile team for hearing child participants in legal proceedings, 11 specialised interviewing rooms for children and a set of standards.

4.6.3.1 Participation in practice

In contrast to participation initiatives that are focused on children inputting into adult controlled decision-making, there is an emerging body of evidence where children are able to take responsibility for decisions and actions in response to their own needs. These occur in situations characterised by the incorporation of a culture of participation into the everyday practices and functioning of organisations. Whilst this ethos is widely incorporated into educational pedagogy in many countries especially in early years as part of children's education and development, in other sectors and settings children may not be encouraged and supported in self-determining actions. The distinction here is between having a mechanism for children to participate and having an overall culture of participation throughout the organisation. In the latter, participation is a fundamental principle embedded in the organisation's culture and practices.

The examples in this section illustrate participation as a process of children taking increasingly more control over everyday decisions and processes at an individual level as well as a collective or institutional level.

Individual empowerment/active roles

A number of countries (for example BE, EE, LU) refer to the way in which participation and empowerment are fundamental values in youth work where young people are supported in participating fully in decisions within the youth work setting (for example Chef de Bar or Co-Pilote projects in Luxembourg). This is also resonant with the examples in the following section where children play an active or lead role in local community projects. This ethos is also reflected in the work of SOS children's village, specifically in Greece concerning the implementation of Quality4Children Standards for out-of-home child care, three of which refer to the participation of children during the admission process, during the care-taking process and during the leaving-care process. A further SOS Children's Village initiative concerns Individual development plans in Lithuania where children take part in developing their individual social care plans to cover all life situations. The child is involved in collaboration with their carer in all phases of preparation, monitoring and evaluation of their individual development plans. Children take decisions together with their carer and therefore participation is collaborative.

Democratic development: Developing participatory competence and self determination

A further set of good practice examples concern projects and initiatives whose purpose is more long term and focus on the development of participatory competence in children and young people. Ultimately a goal of participation is for all children to be able to take active roles in matters that affect them within a context of organisations and groups that operate according to respect for the principles of rights and active involvement. A number of these examples involve encouraging children to take more responsibility for everyday decisions. For example in the Naruc Crisis centre in Slovakia children who are victims of domestic abuse, violent and neglect and seeking respite for short periods, are involved in making decisions about their everyday living environments as well as decisions after they leave the centre. The ZPMPvSK project supports the development of self advocacy in children with mental health problems. A unique example amongst those reported is the Kan Sjalv (Can do it by myself) project in Sweden³⁸¹, which is a participative cultural and pedagogic project for 0-2 year olds which is developed with small children and then used in provision of early years self-discovery experiences for other children.

Some of these initiatives are explicitly focused on participation in terms of seeking the social inclusion of particular groups of children in everyday life contexts for example the UNICEF and Ruhama inclusion project³⁸² in Romania and Slovakia that seek to integrate Roma children through intercultural education and developing leadership amongst Roma children. In Spain the Occupados en Construir³⁸³ (Busy building) program promotes the acquisition of skills and abilities in family, school and neighbourhood with children (8-12 years) living in poor neighbourhoods. The approach involves the design of a project that necessitates experiential learning and developing participatory competences in order to participate for example by building shelters for children in the neighbourhood. The Puerpolis social intervention project³⁸⁴ in Portugal has a similar approach using projects to engage children who have low levels of education but are also isolated in rural areas and therefore have little access to services and cultural activities.

In Bulgaria the Cedar Foundation user involvement project³⁸⁵ seeks to support children with disabilities in realising their right to participate in decision-making through developing communication and by training professionals working with children and youth with disabilities to include these children in all processes of making decisions about their life. The good practice they employ is based on methods for planning with accent on the personality and alternative

³⁸¹ <http://kansjalv-ida.blogspot.co.uk>

³⁸² <http://www.ruham.ro/en/> <http://www.unicef.org/romania/> <https://www.unicef.sk/>

³⁸³ <http://www.injucam.org/proyectos-estrella/ocupados-en-construir/>

³⁸⁴ <http://projectopuerpolis.blogspot.pt/>

³⁸⁵ <http://www.cedarfoundation.org/en/>

methods of communication, as one of the ways to protect the rights of the child. Children benefit through realisation of their abilities, self-knowledge, improved communication, greater opportunity for self-expression, newly gained confidence, freedom, self-esteem, changed status in hierarchical links and improved relationships.

Developing participatory competences in children is an underlying objective in many participation initiatives. For example the *Schooligans project*³⁸⁶ in Greece is primarily an NGO-led initiative to support the expression of children's views on their own terms. However, by exploring and reflecting on their views and experiences, children engage in collaborative decision making to develop proposals in response to issues raised. *Building the boat* in Scotland helps young people develop experience in 'co-producing policy and in Sweden the *Barbro Betaler project* in Kungsbacka Municipality focuses on handing responsibility for spending decisions to young people.

Democratic schools

Many of the most significant examples of developing participatory practice are in education, in examples of democratic schools. Democratic schools are those that are organized and run according to democratic principles and values and as such provide an alternative to mainstream education.³⁸⁷ One example is the *Transparent and Participative School programme* in Poland which seeks to implement and promote a model of the school as an open and flexible institution where students participate in community life through democratic processes such as bottom-up projects, cooperation between students, teachers and head teachers, participating in decisions taken by the head teacher, debating new ideas and promoting knowledge about students' rights. A further example is the '*Ateliers de démocratie familiale*' (workshops of family democracy)³⁸⁸ in France. In this school, children can express their views and participate in decisions together with adults. Collective projects are implemented according to democratic principles. For example, the *Escola da Ponte* in Portugal is a unique educational model developed over two decades, which includes the participation of children (6-16 years) as a basic principle. It is organised according to a unique logic of pedagogic and institutional organisation, within which students participate in mutual learning. Each student is author and actor of their own educational pathway; enabling active participation in the process of knowledge construction as well as full involvement in the processes of school decision making at all levels. The school agenda is therefore shaped by children.

Dialogue, debate and democracy

Some good practice examples revealed in the research for this study promote young people's participation in democratic processes such as public debate and dialogue with adults. For example *Youth council national youth debates* in the Netherlands are seen as one of the most successful methods for youth participation. Dialogue days are used in Finland to evaluate services at a local level and involve young people discussing their experiences of services with decision-makers. The *Democracy Campaign of Schleswig-Holstein* in Germany provides a foundation for child and youth participation and is based on the assumption that public authority decision making needs to be balanced by direct participation in communities.

³⁸⁶ www.theschooligans.gr

³⁸⁷ For further discussion about democratic schooling see Fielding, M. and Moss, P. (2011) *Radical education and the common school: A democratic alternative*. London: Routledge.

³⁸⁸ http://meirieu.com/ECHANGES/legal_atelier_democratie_familiale.pdf

Peer to peer projects

Some of the best examples of good practice concern children providing peer to peer support. In Rome, Italy, an outreach peer group support for unaccompanied migrant children many of whom are engaged in child labour involves providing peer to peer materials on the rights of child labourers developed by the peer workers. Navrat in Slovakia also uses a peer to peer approach to provide mentoring support for children coming from institutional care into foster care. This work has included older children and young people producing a 'Book of Life' to support children in foster care as well as providing counselling.

Local projects with children

A key aim in any participation initiative is for children to increasingly take higher levels of responsibility in addressing issues that affect them. One of the ways that this often happens is through child-led action. This may involve campaigns and lobbying, but also through undertaking projects. Commonly this happens through projects to improve schools or communities. This type of participation is commonly undertaken as part of the Child Friendly Cities (e.g. DE, ES, LU, PT and SI). At the smaller scale of the school the Bientraitance resilience network³⁸⁹ in Bulgaria is a project run by the NGO SAPI working in four schools in three cities to support children (7-12 years) to decide how to improve their school environment, in a way that promotes their development. A Center for Citizenship Education in Poland project is a further example of good practice in children's participation in which students prepare and undertake projects about local school issues. These centres are now incorporated into school curricula and are recognised for their role in developing a sense of self agency in students.

These projects have a dual purpose; first in communicating the views, experiences and issues of importance to adults; and second in providing an opportunity for young people to develop skills and competences of active citizenship. In Romania two good practice examples involved developing 'leadership' capacity amongst Roma children, and a project using art to help integrate young Roma children in schools. The Puerpolis social intervention project³⁹⁰ in Portugal is a further example of a project to promote inclusion and participation of young people in rural areas. The project involves a range of activities which themselves foster participation of young people in planning and joint decision making with adults with an emphasis on encouraging self-determination amongst young people.

Child and youth inspections

Involving children and young people in monitoring and evaluation roles can be a powerful way of influencing policy and practice. The Inspectieteam Jeugdzorg Q4C – Institutional care youth inspection developed by the Stichting Alexander (Alexander Foundation) non-profit research and advice bureau in the Netherlands³⁹¹, specifically involves young people in institutional care settings undertaking the inspection of their own institution. Teams of eight young people conduct research with children in institutional care about key issues such as their experiences of the quality of their care and ideas for improvements which are then presented to the board of the institution. They then advise the staff and professionals about the improving of the policy.

³⁸⁹ <http://www.sapibg.org/proekti-socialni-deinosti/1436-bientretans-mreja-na-rezilians>

³⁹⁰ <http://projectopuerpolis.blogspot.pt/>

³⁹¹ <http://www.st-alexander.nl/>

The Youth Inspection Team 'Check It Out' in South Tyneside, UK³⁹² involves 12 young people undertaking inspections of youth service projects. Young people decide which inspections they are going to carry out, provide one week's notice and undertake the inspection. Young people provide a grading according to five levels of award (bronze to platinum) and write a report based on their inspection. The inspection team then go back two months later and go back through what they have looked at. As soon as the report is done a meeting is arranged with the youth service management. Young people present their findings about what is good and bad and the youth service manager has two weeks to reply. Any strategic issues can be taken up by the youth service manager and if necessary can be taken further within the local authority. The inspection team is recognised by the local authority but most action is taken by the youth service.

4.6.3.2 *Supporting actions*

The final category of good practice examples were not necessarily concerned with participatory processes but with actions that support or promote children's participation. These include Information, advice, support and advocacy; education promotion and awareness-raising of children's rights and participation; and professional training.

Information, advice, support and advocacy

Many of the good practice examples here involved advice support and advocacy in legal settings. For example Children's counsellors in court proceedings in Austria³⁹³; Free legal advice to young immigrants in France on their rights and obligations regarding their participation in decisions concerning their requests for asylum or residence on French territory; and Legal assistance in Luxembourg for children in family court proceedings. The 'Children Welfare' organization, assessor scheme³⁹⁴ in Denmark similarly provides advocacy support for children in care proceedings including informing the child on their rights and supporting the child in putting their views forward.

The National Survivors group³⁹⁵ in Finland started as a group providing peer activities, but now works with the Ministry of Social Affairs and Health and the Children's Ombudsman in an advisory capacity. Survivors works at a local, national and European level with Power4Youth (the youth led organisation of the International foster care organisation), in which they meet regularly and have contributed to recommendations to the European Commission. The Survivors group has adopted 54 recommendations, mainly relating to peer activities and to youth participation, many of which have been or will be implemented at government level by legislative and policy changes. Another type of good practice is SpunOut³⁹⁶ in Ireland which is a Youth led NGO working with young people (16-25 years) across Ireland to provide information and advice on a variety of youth issues including participation, seeking young people's views and advocates for young people's views to be heard and taken into account.

³⁹² Percy-Smith, B. (2009) *Evaluating the development of young people's participation in two Children's Trusts*, Year Two report. Leicester: National Youth Agency

³⁹³ http://www.coe.int/t/dghl/standardsetting/childjustice/Austria%20child%20assistant%20model_engl.pdf

³⁹⁴ www.bornsvilkar.dk

³⁹⁵ http://www.lskl.fi/tiedottaa/julkaisut/we_believe_in_you_so_should_you.1030.shtml

³⁹⁶ www.spunout.ie

Education, promotion and awareness raising concerning children's rights & participation

There are a significant number of good practice projects that focus on awareness raising through promoting children's rights and participation, including some focused specifically on particular groups such as children with a disability (Bulgaria) and children with an intellectual disability or visual impairment (Spain). This can involve education and awareness-raising around children's rights and participation either with children or with adults or public awareness campaigns. The PHARE education campaign on children's rights³⁹⁷ in Romania for example seeks to both educate children and families as well as train professionals in children's rights and participation, A Child's World (Austria) and We Play for Our Region (Hrajeme o náš kraj)³⁹⁸ (Czech Republic) both seek to promote children's rights and participation in local and regional governments and services by increasing awareness through the direct participation of children and young people in decision making processes.

Some of the good practice examples concern education and awareness-raising for and about specific groups of children. For example the UNICEF 'What do you think' project focuses on educating vulnerable children about their rights to freedom of speech and participation working with unaccompanied migrant minors, children in hospital settings (including psychiatric care), children in poverty and children with a disability. The Cedar Foundation user involvement project³⁹⁹ with children with disabilities in institutional care focuses more on self-knowledge within a framework of rights rather than rights and participation per se. A particular subset of good practice examples concerns children's participation with respect to the media. Schooligans in Greece⁴⁰⁰ for example uses different media to help children learn about rights and democratic schooling, whereas the Easy to Stop it project⁴⁰¹ in Italy is focused on young people's use of the internet as a participation medium. In most of these cases adults are the educators. The UNICEF Junior Ambassadors⁴⁰² project in Slovakia however provides a good example of children taking a lead role in educating children about their rights in schools.

Professional training

One of the key challenges facing children's participation is the lack of understanding amongst professionals about how to engage children effectively. As such there are a small number of supporting actions involving provision of training for professionals. These include Listen to the Child in Bulgaria⁴⁰³ coordinated by the NGO Social Activities and Practices Institute (SAPI) and Nobody's Children Foundation in Poland⁴⁰⁴ who both provide training for judges, prosecutors, forensic psychologist and social workers in child friendly interviewing of children as victims of crime in legal procedures. A Child's World⁴⁰⁵ in Austria provide training for a broad range of professional and people working in communities as part of a wider remit of promoting children's rights and participation. Some of the examples provided concern specific groups of children such as the Cedar Foundation in Bulgaria who provide training for professionals to promote new ways of including children with disabilities in all processes encompassing decisions about their life; and Survivors in Finland who train social workers on how to work and communicate with young people in foster care. In Slovakia the Child crisis centre⁴⁰⁶ for

³⁹⁷ <http://www.childrights.ro/>

³⁹⁸ <http://losonline.eu/projekty/hrajeme-o-nas-kraj-32/>

³⁹⁹ <http://www.cedarfoundation.org/en/>

⁴⁰⁰ www.theschooligans.gr

⁴⁰¹ Save the Children Italia, Io Partecipo Tu Partecipi. Un'analisi dei metodi di lavoro e delle buone pratiche di partecipazione di bambini e adolescenti realizzate da Save the Children Italia, Rome, Save the Children, 2010.

⁴⁰² Reported by country expert.

⁴⁰³ Petrova, Nelli (2013). Report "Participation of child victims or witnesses of crimes in legal procedures. Analysis of the changes." Sofia: Sapi.

<http://www.sapi.bg.org/deteto-svidetel/publications/1491-doklad-uchastie-na-detsa-jertvi-ili-svideteli-na-prestypleniq-v-pravni-proceduri>

⁴⁰⁴ <http://fdn.pl/en>

⁴⁰⁵ www.weltderkinder.at

⁴⁰⁶ <http://naruc.sk/narucen/>

victims of domestic abuse and neglect organises specialist training every year on how to communicate with children who have experienced abuse.

4.6.4 Good practice across sectors and settings

Many of the good practice examples provided so far are generic in that they are relevant to all children regardless of situation. However there are some good practice initiatives that are relevant to particular sectors or settings and particular groups with examples predominantly in education and care settings. The former primarily geared towards child development and enhancing children's abilities as competent social actors; the latter focused largely on improving the well-being of children in care.

4.6.5 Revised good practice criteria

At the outset of this study, Lansdown's (2011) framework for good practice was adopted and subsequently developed in light of secondary review of good practice frameworks. These included International Save the Children Alliance Practice standards for child participation⁴⁰⁷, the UNCRC, the Council of Europe recommendations and Hear by Right standards⁴⁰⁸. Whilst there is some consistency across these criteria the task of developing good practice criteria is complicated by the particular purpose criteria are developed for. Many of the good practice standards focus on conditions for participation such as ensuring children know why they are participating, that participation is voluntary and they are free from any risk, with emphasis on ensuring a child friendly environment. Others emphasise the importance of training for adults, that systems and structures are in place, and that children are supported. These are all important; however, the evidence in this evaluation highlights the importance of participation as a *process* of learning and action with others rather than exchange of information; focusing for example on how children are involved, how power is shared, the quality of the relationships with adults and the roles children take. Some of the most interesting examples of good practice are about children taking responsibility for their own decisions as well as in providing education and support through peer to peer work with others; where children and adults are engaged in mutual learning to reframe the quality of relationships and decision making as a collaborative endeavour; or through child led projects in schools and neighbourhoods.

This section reviews good practice criteria in light of evidence emerging in this study. The first source of evidence is the responses concerning measures of meaningful and effective participation presented within this report. Secondly, submitted evidence of good practices in this study are subject to critical assessment in light of the initial framework of principles and criteria for good practice in **Annex Two**. Below is a revised framework of good practice that emerges from critical review of the evidence identified above in relation to the good practice criteria provided at the outset of the study.

⁴⁰⁷ A set of standards and practical guidance, including a Toolkit, designed for Save the Children staff working internationally on country programmes; to build meaningful child participation into all stages of the programme cycle. Available online:

[http://www.savethechildren.org.uk/sites/default/files/docs/Putting_Children_at_the_Centre_final_\(2\)_1.pdf](http://www.savethechildren.org.uk/sites/default/files/docs/Putting_Children_at_the_Centre_final_(2)_1.pdf)

⁴⁰⁸ A framework and set of standards developed by the National Youth Agency in the UK (England), and now overseen by Participation Works and widely used for training and professional development purposes. The standards include a self-assessment tool for benchmarking child participation within organisations:

http://www.participationworks.org.uk/files/webfm/files/event_files/hearbyright/HBR%20SAT%20-%20Final%203_12_2007.pdf

Table 4.3 Revised framework for assessing good practice in children's participation

1. **Inclusive** - All children have an opportunity to actively participate
2. Participation is **voluntary, informed and transparent**
3. Children's **contributions are valued, respected** and taken seriously
4. Children have the opportunity to **influence and/or initiate the agenda**
5. The context and approaches are **appropriate and child friendly**, according to **age and maturity**.
6. **Opportunities for learning** (adults and children) are built into the participation process
7. Children have **active roles in all phases of the decision making cycle**, not just expressing a view:
 - Inquiry and analysis (Exploring/researching issues and synthesising results)
 - Involves discussion and reflection
 - Developing / communicating proposals for action/change
 - Monitoring and evaluation
8. Participation is **meaningful and relevant** for participants (children are fully aware of the context of their participation and have a common vision /sense of ownership and commitment)
9. Children's contributions are **confidential and free from risk**
10. Participation increases awareness, builds social capital and **empowers children**
11. Children receive **support, training and resources** where needed
12. Participation involves **dialogue and collaboration with adults**
13. Activities are **monitored and evaluated**
14. There are clear measurable **benefits / outcomes** for participants
 - Policy /practice impact; and / or
 - Benefits for children/community
15. Possibilities are created for children to **take action / implement the solutions**
16. Participation is **on-going / sustainable**, and not a one-off event.
17. Participation is **linked to wider civic and/or organisational decision making**
18. **Systems and culture of learning and change** exist in response to children's participation

4.7 Conclusions

This chapter has provided evidence regarding the effectiveness of children's participation across Europe. In particular it highlights dimensions of effective practice which vary across different forms of participation and across sectors and settings. There were some contexts that emerged as being more conducive to effective participation than others. These included local level day-to-day contexts such as schools, care settings and local neighbourhoods. The findings also discuss different elements that contribute to effective practice. A range of good practice examples are provided from across EU countries that exhibit good practice criteria for example that demonstrate impact or influence; where children take an active role (rather than as passive respondents); where children are able to participate collaboratively in conjunction with adults; where children are able to meaningfully shape and influence the agenda; where participation involves empowering children and young people in terms of building capacity for self-determining autonomous decision making and action; where participation addresses structural disadvantage and exclusion; where there is a focus on a quality of relationships with adults; and where a participation initiative is part of a whole system connected to wider governance processes rather than isolated one off activities. Poor practices were also discussed based on evidence provided, where there is a lack of integrity in the way children have participated or where children's views have not been taken account of at all.

5.0 Impact and benefits of children's participation within Europe

Key messages

Impact on policy and practice

- The overall picture is that children have a valuable role to play in influencing policy, and have shown ample competency to do so with appropriate support. The question of scale is a critical one, however, and the most direct and visible changes are found at local level; in schools, in youth-councils and small-scale local planning decisions. At regional and national levels, participation is contingent to a greater extent on the existence of formal tools and mechanisms.
- The most commonly found examples of national policy impact relate to children's participation in developing youth strategies or action plans, and raising awareness of policy issues through child-led research, or via children's forums or parliaments. These impacts are usually achieved via timebound consultative participation, and predominantly through lobbying, consultative events and research. Children have sometimes also been directly involved in appointing Ombudsmen or other officials.
- The higher levels of impact at a local policy level is largely understood to be because of the wider array of structures and opportunities that exist, but also because local initiatives are closer to the everyday realities of children's lives which bring children and adults together in a setting that is meaningful to them. This context for participation reflects the importance of intergenerational dialogue.
- There is some indication that children's participation has had an impact on changing attitudes and has led to more demand for asking children's opinions in schools and child welfare services. The national authorities are also becoming more aware of children's rights. This overall trend is more apparent within countries where there is a longer tradition of democratic rights.
- A common way in which children have an impact in practice is through them being consulted on their own care plan or with regard to school procedures, including via student council activities. A few examples were found where children's participation has been more permanently institutionalised, and children have influenced practice on a larger scale. These examples relate to participatory inspection arrangements within the field of children's social care and child protection (UK and Sweden).
- Patterns across sectors and settings suggest there is more participation and therefore increased chances of impact in some sectors than others. These include education (mainly through school councils), care (through participation in care planning), youth work projects, and local planning (especially through consultations on neighbourhood developments and recreation).
- Despite the positives, there is still much variation in how child participation is implemented between different Member States. Key variables influencing impact include the political will of regional and local administrations; capacity and capability of professionals working with children, and the existence of appropriate dialogue mechanisms for sustaining a critical mass of activity. There is a common view across countries that decision-making is still too often dominated by adults.

Evidence of benefits for children

- The personal and social benefits of child participation are well documented, and include improved confidence, self-esteem, and practical or problem-solving skills. Participation is also associated with children's civic and social responsibility and cultural awareness. On the other hand, the benefits of the individual child's right to be heard within legal and administrative proceedings are less widely publicised. They typically follow a 'compensatory' model; intervening to protect children who are vulnerable due to a diminished legal status.
- The study underlines the difficulty of evidencing the benefits of participation within more everyday interactions, and outside of the context of specific 'participatory projects'. In many cases, respondents from the country mapping talked about the benefits of participation based on outcomes that were inferred or observed, rather than measured empirically
- Children often realise the immediate benefits from the *processes* associated with participation, such as having new experiences, holding responsibility, making connections with other children and adults, and the enjoyment of taking part. However, there is also a clear link between children successfully exercising their right to be heard, and tangible improvements to their status or personal circumstances. Examples include:
 - improvements to children's health and wellbeing as a result of participation in planning their healthcare or medical treatments
 - children influencing the outcome of judicial or administrative proceedings relating to their care or custody; and,
 - children protected from harm as a result of professionals listening and taking action in the event of reported abuse or harm.
- Aside from the benefits for society as a whole where policies, practices and processes are participative and respectful of the rights of the child, the benefits of effective participation are not restricted to children, and adult participants often also gain from having a better awareness and understanding of children's competences. Where this is the case, children sometimes find that they are given more frequent opportunities to participate in the future.
- The study also shone a light on poor and ineffective practices, however, and found that measures intended to facilitate children's participation are not universally successful. Even in schools or where dedicated structures exist for children to participate, such as youth forums, children's views are not always heard, and their suggestions are not taken into account in decision making.

Monitoring and evaluation of participation

- There is a lack of systematic monitoring by EU Member States to provide an accurate assessment of the impact of children's participation at a national level. This is despite the availability to Member States of numerous monitoring and assessment frameworks and quality standards. The majority of monitoring and evaluation therefore tends to happen within individual projects and organisations, and through the CRC 'shadow' country reports.
- There is clearly a high priority to improve the frequency and quality of monitoring systems at the level of Member States in order to more accurately capture the outcomes and impacts of child participation.

This chapter reviews the practice dimensions of children's participation in greater detail. It starts by examining the extent to which children have been able to routinely affect changes to policy and practice; the principal ways in which this has been achieved; and the challenges for measuring and attributing the impacts. The chapter then looks at the variables that affect the degree of influence children are able to exert over adult decision-making, and the benefits of participation for children and young people themselves.

5.1 Impact on policy and practice

The overall picture is that children have a valuable role to play in influencing policy, and have demonstrated ample competency to do so where they have been effectively supported. As we go on to consider, however, the question of scale is a critical one. The most direct and visible changes are found at local level, where children participate for example in their spare-time organisations, in school, in youth-councils and in local planning and development consultations. At regional and national levels where there is greater distance from children's day-to-day lives, the ability to exert an influence is contingent to a greater extent on the existence of formal tools and mechanisms, and impacts are inherently more timebound.

5.1.1 *Impact of participation on policy at a national level*

The main examples of national policy impact relate to children's participation in the development of youth strategies or action plans, and raising awareness of policy issues through child-led research, or representations from children's forums or parliaments. These impacts are usually achieved via timebound consultative participation. Children's impact on national policy changes tends to happen predominantly through lobbying and consultation events, although some examples were also found of child-led research. In one such example from Italy, peer-to-peer researchers trained by an NGO provided a fresh perspective on the issues facing child labourers, resulting in a set of recommendations⁴⁰⁹.

⁴⁰⁹ Save the Children Italia, *Io Partecipo Tu Partecipi. Un'analisi dei metodi di lavoro e delle buone pratiche di partecipazione di bambini e adolescenti realizzate da Save the Children Italia*, Rome, Save the Children, 2010.

The following table highlights some notable examples of policy influence at a national level.

Table 5.1 Examples of impact of children's participation on national policy

Children's participation in the development of the National Children's Strategy in Ireland

- Children were consulted on the development of the National Children's Strategy 2000-2010 *Our Children – Their Lives*⁴¹⁰. The consultation was the first of its kind in Ireland. It is clear from the published Strategy that the views of the children had a direct impact on the Strategy. It is also widely recognised that the consultation had a powerful impact on all those (statutory and non-statutory) involved in the development of the Strategy. The first of three national goals adopted by the Strategy was that: "Children will have a voice in matters which affect them and their views will be given due weight in accordance with their age and maturity." The children also put issues on the national policy agenda that had previously not been a priority, including play, recreation and children's concern for their environment. The Comhairle na nÓg (Youth Councils) structure which were established under the Strategy has been successful at a national and regional level.

The Luxembourg Local Youth Action Plan

- Around ten of the 100 local communities (municipalities) in Luxembourg participated in the development of the local youth action plan. The local youth action plan (as an instrument) has the potential to be very effective. However, it is strongly dependent on implementation within respective municipalities (and the individuals involved). As a result some communities are very satisfied, whilst others have had disappointing results with the plan. A key issue in bringing about impact is that local authorities in Luxembourg are rather small structures, lacking follow-up structures and staff in place to sustain the positive launch of a youth action plan and a lack of operational ideas how young people can be better involved.

Participation in Leaving Care policy in Wales

- Children leaving care were involved in driving leaving care policy through the "**When I'm ready scheme**"⁴¹¹ which provides foster care beyond the age of 18. This pilot project was driven by young people leaving care feeding back that they were not ready to leave care at 18 years old. A member of the Welsh Assembly Government listened to the young people and wrote a private members bill. This is currently being piloted and is due to come into force across Wales in April 2014.⁴¹²

A further way in which children are able to influence decisions at a national level is in the recruitment of staff in some countries. For example, in Cyprus where children on the Pancyprian Coordinating Committee for the Protection and Welfare of Children (PCCPWC⁴¹³) were involved with the Children's Parliament in recruiting the Children's Ombudsman. This is also a common practice across the UK and is often mirrored at regional and local levels.

Despite these examples, however, the study found that good practices are by no means the norm and that children often have fewer opportunities to directly influence wider Government law-making, over-and-above 'soft law' measures pertaining to the children and youth sector. In many countries the stakeholder evidence indicates that children are not always heard and their influence is limited⁴¹⁴.

⁴¹⁰ Department of Health and Children (2000), *The National Children's Strategy: Our Children – Their Lives*, Dublin: Stationery Office http://www.dohc.ie/publications/pdf/childstrat_report.pdf

⁴¹¹ When I am Ready scheme article: <http://www.bevanfoundation.org/blog/when-i-am-ready/>

⁴¹² [Voices in Care Cymru consultation; <http://www.bevanfoundation.org/blog/when-i-am-ready/>].

⁴¹³ <http://pccpwc.org/en/Children%20Parliament.html>

⁴¹⁴ Mota (2009). Children's participation in protection procedures - http://repositorium.sdum.uminho.pt/handle/1822/10998?mode=full&submit_simple=Mostrar+registo+em+formato+c+ompleto

Even in north European countries with a strong democratic tradition, children have limited opportunities for making their voice heard within national policy decision making⁴¹⁵. In the UK where there is a well-developed commitment to participation in legislation, policy and many areas of practice, studies reveal that benefits from participation may be more significant for children's development than impacts on policy per se.⁴¹⁶

*"There are good results in terms of sharing meanings and acquiring knowledge, good results also in terms of having fun and developing meaningful peer relations, but less good results regarding decision-making."*⁴¹⁷

(Country Expert, Italy)

5.1.2 Local policy impacts

Impact on policy is the most evident at a local level, and commonly takes the form of action by children and youth councils to initiate, or exert an influence over the development of local action plans. For example, in Croatia the Children's councils in Opatija have an active influence on local decision making (see good practice example in [chapter 2.2.4](#)). The higher levels of impact at a local policy level is largely understood to be because of the wider array of structures and opportunities that exist at a local level, but also because local initiatives are closer to the everyday realities of children's lives which bring children and adults together in a setting that is meaningful to them. This context for participation therefore strongly reflects the need for intergenerational dialogue in affecting change. In some cases this greater scope for achieving policy impact at a local level is also due to the greater emphasis on devolved regional administrative structures as is the case for example in Austria. The following box provides examples of children's participation influencing change at a local level.

Santos (2012) – Glances of children in residential care about their rights - http://repositorium.sdum.uminho.pt/handle/1822/20087?mode=full&submit_simple=Mostrar+registo+em+formato+completo

⁴¹⁵ In July 2012 the media company Retriever (a supplier of media monitoring and tools for editorial research, media analysis and corporate information) published a report on children in media together with UNICEF Sweden, Save the Children Sweden and BRIS (another large child-rights organisation in Sweden) where they had analysed 1300 articles concerning children and in very few of them children were heard.

⁴¹⁶ Welsh Government commissioned a study into the impact of participation in Wales on 2010. The research highlighted a number of benefits in terms of personal development such as improving presentation skills, but there was less evidence of impact. Children fed back that they did not receive a lot of quality information concerning what difference their involvement made [York Consulting on behalf of Welsh Assembly Government, 2010]

⁴¹⁷ A study in 2003 evaluating 50 children's projects involving participation funded by Law 285

Table 5.2 Examples of children impacting on change in local policy**Sweden - Participation in municipal planning**

- In Sweden, a project called *"It gets important when it's for real"* (Det blir viktigt när det är på riktigt!⁴¹⁸) was developed from 2010 until 2012. The main aim was to develop processes of child participation to be included in the daily urban planning of the municipalities in the project. A future aim is to share best practices with other municipalities. An example of how the project worked involved the redesigning of a local square. Several meetings were undertaken with children aged 15-17 at a public youth club nearby, and they discussed together with the architect how the main square could be remodelled. They came up with several ideas that were included in the final planning.

Wales – Young people's service audits

- 'We Want 2 Hear - Young People's Participation Audit for and by Marginalised Young People project' delivered by Swansea Local Authority. This project involved young people auditing the support they received from social care service. The young auditors were supported to take part and at the end of the project wrote and delivered a presentation of their findings and recommendations to the Children's Commissioner for Wales.⁴¹⁹

The case studies above highlight a direct and active form of participation with children working together with, rather than being consulted by, adults. In this way children are able to have a direct impact into change processes. However, this evaluation found that *'indirect impacts'* from children's participation were more common. *'Indirect impacts'* refer to the representation of children's views in policy making rather than the direct participation of children themselves.

5.1.3 Indirect impacts on policy

Although there are fewer cases where children have been actively involved in directly influencing policy, there are 'indirect' impacts that have been identified for example through children's views being represented by a professional or agency, through advisory or lobbying roles or changing the attitudes of adult professionals as a result of children's participation⁴²⁰.

"Children's participation at least has an influence on the discussion that goes on... for example ministers and government representatives have met with children's groups and have an interest in the views of children, but whether this has led to changes in policies and laws is not known."

(Country Expert, Finland)

Children's participation has indirect impacts on policy in three main ways.

i) Through protesting and lobbying

For example in the Czech Republic in 2011 protests by students against the introduction of the state graduation exam led to a change in exam format. And in 2012/13, secondary school students in South Bohemia protested against the installation of a communist counsellor for schools in the regional government and gained high levels of public support to block the move.

⁴¹⁸ Trafikverket, "It gets important when it's for real" (Det blir viktigt när det är på riktigt)

<http://www.trafikverket.se/Foretag/Planera-och-utreda/Samhallsplanering/Tatort/Barn-och-unga-i-samhallsplaneringen/Hant-i-projektet/Det-blir-viktigt-nar-det-ar-pa-riktigt---redovisning-av-slutrapport-23-januari/>

⁴¹⁹ http://www.childoneurope.org/issues/child_participation/5_UK_Ear%20%20The%20Ground_A1-4.pdf

⁴²⁰ See also Percy-Smith (2009) Evaluation of participation plans in two Children's Trusts: Lessons from year two. Leicester; National Youth Agency

ii) By inputting and commenting on policy documents and plans rather than the policies themselves

In Malta, children provided input into the National Children's Policy document. In Slovakia, a national consultation of children by UNICEF informed the National Action Plan although it did not have a direct influence on policies. In Cyprus, the Youth Board enjoys mainly an advisory role, but it also has jurisdiction to implement youth-related programs following an approval by the Council of Ministers⁴²¹. The National Youth Council of Slovenia published proposals in July 2014 to improve the situation of young people in Slovenia in the period 2014 – 2018. This included concrete recommendations and solutions for: employment, education, housing, youth organizing and youth participation in Slovenia.

iii) By having their views communicated through an advocate or representative

The French and Flemish ombudspersons in Belgium (Kinderrechtencommissaris and Délégué Général Droits de L'enfant⁴²²) have, through their work, influenced several decisions of their respective parliaments. In Malta too, for children in care, decisions at a macro level are influenced by children through the mediation of adults – and also through the workings of the Commissioner for Children. And in an open meeting of children held by the Children's Ombudsman in Greece, children raised the issue of the procedures relating to the change of school environment that some children face as a disciplinary measure. The Ombudsman took into consideration the children's views and proposed to the Ministry of Education improvements in the procedures.

In Austria, the coalition of child rights NGOs, under the umbrella of the child's rights network have also been influential in promoting discussion between the civil society and policy makers at different levels (federal, provincial and municipal) about how to facilitate child participation with the consequence that there is a slowly growing understanding and acceptance of child participation among decision-makers. In this way children's organisations play an important role in bringing about change in policy but also in changing attitudes to children's participation.

Despite lower levels of impact from children's participation in some countries, there is an indication the picture is changing, although mainly at a local level.

"In Poland local youth councils work mainly in the sectors: culture, education, social aid, charity, sport... because of [a] growing number of activities in area of child participation the practice is slowly changing – children are considered more capable and competent."

(Child Ombudsman, Poland)

One of the ways the picture is changing is through awareness raising and moving towards normalising participation for example through encouraging dialogue and engagement and achieving a greater level of realisation that children should participate in decisions that affect them.

"[In Finland] there are several national forums, which are managed by public foundations, where children and young people can discuss political themes. These are the National Youth Parliament clubs, meetings in Parliament House, the Finnish Children's Parliament (virtual and real participation), the annual Meeting of Local Youth Councils (virtual and real participation) and the Child and Youth Forum of the Finnish National Board of Education. These forums have attracted several children and young people keen to discuss the many issues in their lives. Their main benefit has been the creation of a genuine dialogue between children, young people and adults. However,

⁴²¹ Recommendation to the United Nations Committee on the Rights of the Child: Hope for Children, 2012

⁴²² UNICEF Lundry L., Kilkelly U., Byrne B., Kang J. (2012) The UN Convention on the Rights of the Child: A study of legal implementation in 12 countries. Belfast : UNICEF
http://www.unicef.org.uk/Documents/Publications/UNICEFUK_2012CRCImplementationreport%20FINAL%20PDF%20version.pdf

the lack of adequate data means that it is impossible to evaluate the political impact of these forums, if any.”⁴²³

As with Finland there is some indication in other countries that children’s participation has had an impact on changing attitudes and has led to more demand for asking children’s opinions in schools and child welfare services. Also at the national level authorities are well aware of these rights. However as the example above demonstrates this has tended to be in countries where there has been a longer tradition of democratic rights.

5.1.4 Impacts on practice

Many decisions at a local level happen in the context of practice and involve changes to the environment in which practice happens. A common way in which children have an impact in practice is through them being consulted on their own care plan or with regard to school procedures, including via student council activities. Some examples are provided below.

Table 5.3 Examples of impact of children’s participation in practice

Cyprus

- Through a joint action involving Children’s Parliament and Student Council’s in Cyprus an amendment to punishment rules in schools was brought about.
- The immediate response of the Ministry of Education to the Children’s Parliament’s suggestion in Cyprus resulted in improving a number of school buildings to enable access for children using wheelchairs.

Lithuania

- In Lithuania, the Pupil’s Union campaigned to limit the number of final exams taken by school pupils, which were reduced as a result of the action.

Latvia

- In Riga, the Pupils’ Council expressed their views on healthy life-styles and leisure time activities, which have improved leisure time possibilities in Riga and conditions at school.

Slovenia

- Children’s participation in Slovenian early years settings is effective at the level of professional/child interaction with children’s views taken account of in the daily process of kindergarten routine and learning processes. However, children have less influence on wider decisions about the kindergarten such as the building and organisational issues⁴²⁴.

Romania

- In Romania, there are some local projects, developed by NGOs in which young people succeeded to have an impact on the local level. In one of the community development projects of the Ruhama Foundation⁴²⁵ the groups of young people have identified problems, formed Initiative Groups, attended local council meetings, then made proposals. For example, young Roma people proposed there should be an emergency medical night service in Tinca. There are now three emergency physicians.

UK

- The Hear by Rights/Practical Participation team in the UK have created a “What’s Changed Stories” website which allows anyone to submit a story about change as a result of child participation activities. There are over 80 stories grouped under different categories including: community action; environment; housing; play; and things to do. Many of these stories of change are at a local level.

⁴²³ Finland National report: First cooperation cycle of the EU Youth Strategy 2010-2012 http://ec.europa.eu/youth/policy/national_reports_2012.htm

⁴²⁴ Rutar, S. (2012). *Participacija otrok v procesu predšolske vzgoje v vrtcu*. Doktorska disertacija. Ljubljana: Filozofska fakulteta, Oddelek za pedagogiko in andragogiko.

⁴²⁵ Ruhama Foundation is a Romanian civil society organization that manages a variety of programs in the fields of community development, social services, and professional trainings. <http://www.ruhama.ro/en/>

A few examples were found where children's participation has been more permanently institutionalised, and children have therefore been able to influence practice on a larger scale through the planning and inspection of public services. These examples relate to participatory inspection arrangements within the field of children's social care and child protection (UK and Sweden). The following case study example is from Scotland (UK).

Table 5.4 Good practice example: Children's participation in social care inspections (UK, Scotland)

The Care Inspectorate for Scotland is the official body responsible for inspecting standards of care in Scotland and regulates and inspects 14,000 care services. The inspections are conducted using the framework for Joint Inspections of Services for Children and Young People, which includes 22 quality indicators mapped to the national outcomes framework for children and young people⁴²⁶.

Since 2012, the Inspectorate has trained and supported young people with direct experience of care and / or social work services to participate in social care inspections in the capacity of 'Young Inspectors'. These individuals work alongside the adult inspectors, and perform the following tasks⁴²⁷:

- interviewing senior managers and chief executives
- exploring corporate parenting and the involvement of children and young people in policy and service development
- examining strategic plans from a young person's perspective; and,
- speaking to young people and observing practice

The young people bring insights from their previous experiences of the care system, and provide additional skills and competences when it comes to speaking with other young people who are currently using social care services; providing feedback and making recommendations.

As the Care Inspectorate Head of Inspection commented:

"The power of a young inspector asking chief executive questions about how they are carrying out their work can't be underestimated... They come at issues in a different way to professional inspectors and can relate better to young people. If they can't understand a particular issue or how a decision came about, how will children using the service?"

Comments from several of the Young Inspectors included that:

"The most important part was speaking to children and young people who were receiving care services, to get their opinions. I was able to convey their thoughts and my own observations to the team who incorporated them in their reports. It was encouraging to see that certain areas of care were improving"

"You see the results... that's the best bit about it... you see the changes that are being made [to services]"

The inspectorate has received positive feedback from young people who previously served as young inspectors, many of whom have since moved on into paid employment.

⁴²⁶ Getting it Right for Every Child (GIFEC) is a child-centred and rights-based framework, which is focussed on the experiences of the child's journey from pre-birth to 18 years:

⁴²⁷ Bruton, A., and Happer, H. (2014) Joint inspections of services for children and young people: the role of Young Inspectors. Presented at: 22nd European Social Services Conference, July 8-9, 2014, Rome.

Good practices such as the one given above provide a showcase for what can be achieved, and help to demonstrate the benefits of effective participation for improving services in addition to the immediate benefits for children as participants in the decision-making process.

5.1.5 *Trends across sectors and settings*

Patterns across sectors and settings suggest there is more participation and therefore increased chances of impact in some sectors than others. These include education (mainly through school councils), care (through participation in care planning), youth work projects, and local planning (especially through consultations on neighbourhood developments and recreation). In some instances, children were able to inform local planning decisions, although usually on a small scale and relating to the design or layout of school buildings or playgrounds. Rarer examples can be found of children directly informing urban planning on a larger scale, including Empoli in Italy where children inputted to the design of the city plan and the layout of public open spaces⁴²⁸ (For further information on sectors and settings see [Chapter 3](#)).

In addition to general trends across all countries; there is also a variation between and within countries. In some countries such as Spain, Germany, Italy and Austria this is due to variations in approaches and commitment to participation between municipalities⁴²⁹. The response from Italy however, suggests that *"Fragmentation of policy implementation across regions hides a richness of good practice locally"*⁴³⁰. Participation is strongest at local level, since it is closest to children and young people. At a more local level some responses suggest that participation and impact are dependent on individual professionals. This is especially the case in schools where the effectiveness of participation depends on the commitment of individual teachers. There seems to be little difference in these trends between sectors and settings covered by legislation and those not covered.

5.1.6 *Variables influencing impact*

In spite of the trends discussed in this section, there is variability in the implementation and therefore impact of participation within sectors and countries.

- **Political factors** - the scope to achieve an impact is largely influenced by the political will of regional and local administrations. Participation depends quite fundamentally on supportive local stakeholders. For example in Slovakia an example was given of public participation involving many children and young people (15-18 year olds) in a town which prepared parallel proposals for the municipality, but when the mayor (who was very supportive of this process) changed, all the work stopped.
- **Capacity and capability of professionals working with children** - particularly on the level of involvement of the staff working with children (teachers, city officials, social workers, socio-cultural professionals, coaches, etc.). The lack of capacities, resources and low salaries of staff make children's participation very much dependent on the existence of an institutional framework within which to develop participation and a team approach of staff working in different contexts.

⁴²⁸ Francis, M. and Lorenzo, R. (2002) Seven Realms of Children's Participation. *Journal of Environmental Psychology*, 22, pp.157-169.

⁴²⁹ In Germany with regard to playground planning, it is possible to directly transfer Article 12 of the CRC into the "Gemeindeordnung" which is the legal basis for local governments and dependent on regional decisions to involve children in matters that affect them. It therefore differs among regions. In 10 regions is a 'SHOULD' law, in four regions a 'CAN' law and in the other two no laws.

⁴³⁰ Gruppo di lavoro per la convenzione sui diritti dell'infanzia e l'adolescenza, I diritti dell'infanzia edell'adolescenza In Italia. 4o rapporto di aggiornamento 2007-2008, Febbraio 2008 (NGO CRC monitoring group report).

- **Availability of suitable dialogue mechanisms** - impacts of municipal youth councils have been greater where realistic and sustainable objectives have been set in small-sized geographical areas. Even with the existence of opportunities and structures for children's participation children may not be aware of these and are often not attracted to participate in official or formalised processes without the support and guidance of professionals, instead preferring the informality of a familiar face or setting. This lack of formalised mechanisms was raised as a particular challenge by stakeholders:

"Children's participation is only effective to a small degree in influencing, in a direct way at least, change in policy and practice at national and local level since we lack mechanisms by which children can talk directly to policy makers."

(NGO Representative, Greece)

"Since there have been very rare occasions when children have been consulted for the purpose of legislation and policy one may argue that children's participation has not been very effective".

(Country Expert, Malta)

Crosscutting the above, there is a common view across countries that decision-making is still too often dominated by adults. This is echoed by children who perceive decision making as being too adult-led⁴³¹, and in some cases it is argued that participation is manipulated for adult interests. Even where there are structures for hearing the voice of the child, children's views may be heard but are not taken into account. For example in Germany, evidence suggests that 80% of the decisions of youth parliaments are immediately rejected at federal level. Similarly, in the Netherlands only 30% of young people said they had access to decision making at a national level in connection with recreational issues. The Scottish 'Being Young in Scotland' bi-annual survey in 2009 indicated that 30% of young people felt that politicians generally do not listen to young people.⁴³² In Spain at local level there are a range of participation mechanisms, although there are very few cases of municipalities that put in practice the proposals made by children, despite the large number of municipalities signed up to the Child Friendly City Initiative.

5.2 Evidence of benefits for children

The personal and social benefits to children of participation are well documented within the research literature, and have been evidenced through various empirical studies. On the one hand, children's participation in public life through participatory democratic activities (youth councils and consultative projects) is associated with improved levels of confidence, self-esteem, and practical or problem-solving skills⁴³³. These activities are also associated with children's civic and social responsibility, cultural awareness, and their development of competences for later life, sometimes including technical skills gained through experience of peer research or municipal planning⁴³⁴. Recent EU studies in the 'youth' field have echoed these findings⁴³⁵. On the other hand, the benefits of the individual child's right to be heard within legal and administrative proceedings are less widely covered within the literature, and have typically followed more of a 'compensatory' model; intervening to legislate or develop policies where children are identified as vulnerable due to their diminished legal status.

⁴³¹ See for example Italy country study and evidence from child peer research in this evaluation,

⁴³² [http://www.youthlinkscotland.org/webs/245/file/Final%20BYIS%20Repor\(a\).pdf](http://www.youthlinkscotland.org/webs/245/file/Final%20BYIS%20Repor(a).pdf)

⁴³³ Lansdown, G. (2001) Promoting Children's Participation in Democratic Decision-Making. Florence: UNICEF.

⁴³⁴ Adams, E. and Ingham, S. (1998) Changing Places: Children's Participation in Environmental Planning. London: The Children's Society.

⁴³⁵ EACEA (2013) Youth Participation in Democratic Life. Online:

http://eacea.ec.europa.eu/youth/tools/documents/lse_study_on_youth_participation_2013.pdf

The research carried out of this study concurs with the literature, but also underlines the difficulty of evidencing the benefits of children's participation within more everyday interactions with adults, and outside of the context of specific individual 'participatory projects'. In many cases, respondents from the country mapping talked about the benefits of participation based on outcomes that were inferred or observed, rather than measured empirically:

"Undoubtedly child participation has benefits for children and there is much evidence on that in the international bibliography. It promotes their initiative and skills of communication and argument, enhances their sense of responsibility and their self-confidence and prepares them for citizenship. But child participation in order to be beneficial for children needs preparation and understanding of democratic processes, of rules and limits."

(Country Expert, Greece)

"The main benefit is to have a sense of self-agency and sense of responsibility for their life that children can learn. Children with disabilities mostly do not have those senses."

(Country Official, Poland)⁴³⁶

Available evidence supports these assertions by revealing that children see the benefits of participation more in terms of the *process* rather than outcomes of participation. For example, in the UK an empirical study involving evaluation of participation in two local authority Children's Trusts⁴³⁷ reveals that young people place more value on the process of taking part and immediate personal and social benefits rather than outcomes in terms of contributions to decision making. Benefits identified by young people from participation included:

- their own personal achievement, learning & development
- new experiences
- making connections with people
- having responsibility
- realization of their own abilities
- having control over their lives and making informed choices
- making things happen / making a difference
- dialogue / mutual communication and understanding
- being respected and feeling their contribution has been valued
- just being involved /taking part / joining in
- opportunities and time to do things / having fun

Similarly in the Puerpolis social inclusion project (Portugal)⁴³⁸ impacts and benefits were monitored in terms of changes to children's self-esteem, self-confidence and respect for other people's opinion. Within this project one example concerned how a girl in an institutional care setting asked to talk with the judge in order to share with her some important decisions about her life, as a result of developing her own competencies to be a protagonist in decision-making about matters that affected her.

In other examples found though the study, there was a clear link between children's views being heard and acted upon, and subsequent *outcomes* for children. In Austria, for example, 'children's counsellors'⁴³⁹ are made available to children aged 5-14 in proceedings regarding custody or parental divorce. They have a statutory role in offering information on judicial processes and rights to children and supporting them in making their wishes heard.

⁴³⁶ Member of the Committee of Experts on the Persons with Disabilities by the Ombudsman and the Commission for Social Dialogue on Disability

⁴³⁷ Percy-Smith, B. (2009) *Evaluating the development of young people's participation in two Children's Trusts*, Year Two report. Leicester: National Youth Agency

⁴³⁸ <http://projectpuerpolis.blogspot.pt/>

⁴³⁹ Krucsay, Brita; Pelikan, Brita (2008): Bericht der Begleitforschung zum Modellprojekt „Kinderbeistand". Vienna: Institute of Legal and Criminal Sociology:

An evaluation of the programme highlighted that children's requests were incorporated into the judicial decisions in over half of cases. This example illustrates both the importance of monitoring and evaluation in evidencing the benefits of child participation, and also the benefits of children's views being acted upon – in this instance effective participation helped to ensure an influence over legal proceedings that would have an impact on the child's future.

A study by the National Children's Bureau in the UK found that involving children in the production of pre-sentence reports through the use of the 'Asset' juvenile assessment process resulted in pre-sentence reports that young people felt were fair, positive and enabling. A similar link can be found between children's participation in the planning of their health treatment or service provision, and the subsequent benefits in terms of improved personal health and wellbeing. The following examples from the UK and Slovakia illustrate this point.

Table 5.5 Good practice examples: benefits from children's participation in the planning of service provision

Stay Well Self-Management Project, Scotland

The *Stay Well Self-Management Project*⁴⁴⁰ was run in Scotland by Action for Sick Children Scotland (ASCS). The project aimed to help young people with a range of long term illnesses to cope better with their conditions by taking part in a self-management programme of workshops which ASCS developed and delivered in collaboration with young people with long term conditions.

Over 50 young people with long term conditions participated in the programme. Feedback from the young people, their parents/carers, health professionals and teachers was extremely positive. They described very significant increases in the young people's self-confidence, communication, social inclusion, and their understanding of how to live more healthily with a long term condition.

Children experiencing domestic violence: Žilina, Slovakia

Žilina, Slovakia, houses a crisis centre for children victims of domestic violence, abuse and neglect. Children are placed due to a court order or after an agreement with the parents or guardian. Children can be placed from 3-18 years old, but most of them are 8-12 years old.

Throughout the process of being in the crisis centre children are in dialogue with their care takers and all the staff in the crisis centre. Both staff and other children in the centre are involved in explaining to new arrivals what the daily routine in the centre is and where they will go to school. Children can have a say on the room they live in and how they would like to decorate it. Children are consulted on decisions about where to go after the centre. If their wishes cannot be granted this is explained to them.

All workers (including catering staff) receive annual training on how to communicate with children who have experienced abuse. Interviewees from the centre felt this process empowered the children, who became capable of speaking openly about their feelings.

Another example concerns the benefits of participation for children and young people with disabilities in alternative care, and the results achieved by an NGO programme in Bulgaria.

⁴⁴⁰ <http://www.ascscotland.org.uk/default.asp?page=56>

Table 5.6 Good Practice Example of Participation of children with disabilities in alternative care: User Involvement In the Decision Making Process – A Step Towards Social Integration, Cedar Foundation Bulgaria⁴⁴¹

This project has developed a model for the active participation of children and young people with disabilities in alternative care, a tool for applying the model and training for professionals. They use alternative methods of communication and planning, with this group who are often passive users of social services, which rely on social workers' views, excluding service-users from decision-making processes. The aim is to guarantee the child's right to participation set out in Article 12 of the UNCRC. Outcomes for children include:

- Better understanding of themselves and their lives, higher degree of self-knowledge
- Increased awareness of the present, its positive and negative aspects, what they can do and what challenges them, and what makes them happy or afraid
- Improved communication and, at the same time, greater opportunity for self-expression
- Going the long way to defining oneself - who am I, where do I come from, what do I want to accomplish, placing the foundations of planning with the actual person in focus
- Increased confidence, freedom and self-esteem
- Changed status in hierarchical links in the small community of the social services and alternative care setting

Child participation has also been acknowledged as a mechanism for safeguarding children against abuse or harm. In the UK (England), an inquiry by the Children's Commissioner into child sexual exploitation in gangs and groups⁴⁴² found that children who had been victims of abuse consistently reported having raised the alarm with professionals, but said that they had not been listened to or taken seriously. In response to the findings of the inquiry, the Commissioner has led on the development of the 'See Me, Hear Me' framework⁴⁴³, which aims to embed child participation within children's social care practice.

As the child-led projects undertaken for the study demonstrated, the benefits of effective participation are not restricted to children, and adult participants often also gain from having a better understanding and awareness of children's competences. The example of the child-led project in Newstead in the UK illustrates this very effectively, whereby the staff members expressed surprise at the decision-making capabilities shown by young children (4 year olds), and recommended that children be given more frequent opportunities to participate in educational decisions at the early years centre, that staff training should be revised accordingly, and that children should be given an opportunity to contribute to the design of an area of the centre. Further information on this case study example can be found at Section 7.3.

The study also shone a light on poor and ineffective practices, however, and found that measures intended to facilitate children's participation are not universally successful. Even in schools or where dedicated structures exist for children to participate, such as youth forums, children's views are not always heard, and their suggestions are not taken into account in decision making⁴⁴⁴. These findings sound a more cautionary note and show the dangers of complacency, where child participation is insufficiently embedded at a practice level⁴⁴⁵.

⁴⁴¹ www.cedarfoundation.org/Participation-Project-HRDP/book_ENG.pdf; www.cedarfoundation.org/Participation-Project-HRDP/Guidebook%20on%20Project.pdf

⁴⁴² <http://www.childrenscommissioner.gov.uk/info/csegg1>

⁴⁴³ See Me, Hear Me: Framework for Action, Chapter 2, Final Report of The Office of the Children's Commissioner's Inquiry into Child Sexual Exploitation in Gangs and Groups (CSEGG)
http://www.childrenscommissioner.gov.uk/content/publications/content_743

⁴⁴⁴ Research in Croatia has shown that more than one quarter of secondary school students think that in their schools their opinion is not taken into consideration (Miharija M. i Kuridža B. (2011): Mišljenja i stavovi djece i mladih u Hrvatskoj. Istraživanje o dječjim pravima među djecom osnovnoškolskog uzrasta – rezultati. (Opinions and attitudes

5.3 Monitoring and evaluation of participation

"No rigorous evaluation or assessment of different participation forms has been conducted and compared. Evidence of how effective child participation has been is limited to judgement by a few experts in the field (mainly civil servants). The expert opinions are quite contradicting, some consider child and youth participation very influential, others rate it as insufficient and not real."

(Country Expert, Estonia)

A clear message from this evaluation is the lack of official systematic monitoring and evaluation of the effectiveness of child participation/Article 12 UNCRC. Evidence from 22 of the 28 countries in the study indicates the absence of standardised mechanisms for monitoring and evaluation (AT, BE, CY, DE, DK, EE, EL, ES, FI, FR, HR, HU, IT, LI, LU, LV, MT, PL, PT, RO, SI, SK).

Instead monitoring and evaluation tends to happen internally within specific projects or participation initiatives (e.g. annual monitoring of a children's parliament⁴⁴⁶), independent research⁴⁴⁷ or through the work of civic bodies such as the ombudsman, commissioner for children or NGOs. In addition there is evidence that some government departments undertake a monitoring role although this tends to be for the purpose of monitoring a wider departmental policy such as child protection⁴⁴⁸ or youth policy.⁴⁴⁹ These are discussed further below.

5.3.1 Tools and approaches

All countries have an obligation to report to the Committee for the Convention on the Rights of the Child on the implementation of the UNCRC and some countries do use participation frameworks and standards as discussed below. Yet in spite of these provisions, this evaluation highlights a widespread perceived lack of standardised systems and procedures for monitoring and evaluating participation. As a result monitoring and evaluation tends to be dependent on the initiative of individual actors, agencies (especially NGOs) or projects and research and evaluation studies undertaken by academics. The most commonly mentioned approaches to monitoring and evaluation are as follows.

- **Surveys and questionnaires:** These tend to be the most commonly reported methods for monitoring and evaluating the effectiveness of participation (see for example CY, DK, IT, LT, MT). For example in Italy, a survey on child participation was organised by PIDIDA⁴⁵⁰ involving a sample of 22,000 children. Cyprus reported that children were consulted about the deficiencies in implementing Article 12 UNCRC.⁴⁵¹

of children and youth in Croatia. Research of child's rights among elementary school children- results). UNICEF, Zagreb., <http://www.unicef.hr/upload/file/351/175805/FILENAME/StavovidjeceimladihuHrvatskoj.pdf>

Žižak, A., Koller-Trbović, N., Jeđud Borić, I., Maurović, I., Mirosavljević, A., Ratkajec Gašević, G. (2012): Štonam djeca govore o udomiteljstvu- istraživanje dječje perspektive udomiteljstva s preporukama za unapređenje. (What are children telling us about foster care: research of children's perspective of foster care with recommendation for improvement) UNICEF,

http://www.unicef.hr/upload/file/370/185386/FILENAME/Sto_nam_djeca_govore_o_udomiteljstvu.pdf

⁴⁴⁵ For example, a survey of the OEJAJ (FR-Observatoire de l'Enfance, de la Jeunesse et de l'Aide à la Jeunesse) revealed that the effectiveness of the participation in the education sector is perceived to be low by the young people themselves. They have the impression that they are not being heard. Recent studies in Portugal show that children's participation is not effective and has little impact in children and young people's lives. (Mota 2009). Santos (2012) – Glances of children in residential care about their rights

⁴⁴⁶ See for example PCCPWC in Cyprus who monitor the Children's Parliament once a year but without any specific tools.

⁴⁴⁷ See for example Kirby with Bryson (2002) *Measuring the Magic: Evaluating and researching young people's participation in public decision making*. London: Carnegie Young People Initiative

⁴⁴⁸ See for example SACP in Bulgaria

⁴⁴⁹ See for example Swedish National Board for Youth Affairs who undertake the Local Follow Up of Youth Policy (LUPP)

⁴⁵⁰ PIDIDA is an Italian Coalition on the Rights of the Child <http://www.unicef.it/tag/PIDIDA>

⁴⁵¹ (Child Participation and Children's Ombudsman Institutions within the European Union, Preliminary Report, 2008)

- **Monitoring of children's participation bodies:** These tend to concern annual reports for children's councils and parliaments (e.g. CY, EE, CZ, and IE). The Department of Children and Youth Affairs in Ireland undertakes regular evaluations of the Comhairle na nÓg (youth councils) and Dail na nÓg (youth parliaments). It also published "An Audit of Children and Young People's Participation in Decision-Making" in 2011⁴⁵² and the Youth Council monitors sectors covered by municipalities through its 'effectiveness' committee. In Luxembourg the work of the National Assembly of Young People is evaluated regularly.⁴⁵³
- **Research and evaluation studies:** Academic and independently commissioned research and evaluation studies play an important role in maintaining a picture of participation in different countries. These tend to be for the purpose of adult agenda with some observers (BE) stating that findings are often not fed back to children. Whereas in some countries research studies on participation are frequent (e.g. FI, UK), other countries (e.g. CZ, PL) reported that national studies are sporadic or rarely undertaken with the suggestion that this was the result of having a national research agenda for children and young people. Some examples include: *Evaluating and researching young people's participation in public decision making* (Kirby 2002) in the UK; guidelines developed by the State and NGOs, *Young Voices – How to involve children and young people in your work* (2005) in Ireland⁴⁵⁴; and a study commissioned by the Observatoire de l'Enfance, de la Jeunesse et de l'Aide à la Jeunesse (OEJAJ)⁴⁵⁵ in Belgium (2009) that developed an inventory of participation evaluation instruments. Other studies had a more general focus about the lives of children and young people (see for example the national governmental longitudinal study of children 'Growing up in Ireland'⁴⁵⁶ and study on the wellbeing of youth in Luxembourg)⁴⁵⁷. Research programmes were also noted at an EU level, for example a number of country responses highlighted the EU Youth in Action⁴⁵⁸ programme.
- **Reports of State Parties and Shadow reports on the implementation of the UNCRC:** See for example Ministry of Family in Luxembourg annual report to the UNCRC⁴⁵⁹.
- **Guidelines and audits:** Some NGOs have developed their own evaluation processes (for example, SOS Children's Village)⁴⁶⁰.
- **Children's commissioners and ombudspersons:** Commissioners and ombudspersons undertake an important role in evaluating and promoting the rights and well-being of children. For example in Cyprus the Commissioner monitors internally through the different programmes concerning participation i.e. school visits. In Luxembourg the Ombudsman fulfils the role of mandatory national monitoring.

⁴⁵² http://www.dcy.gov.ie/documents/publications/childrenandyp_DecisionMaking.pdf

⁴⁵³ An initial evaluation was conducted in 2010 by the "Centre d'Études sur la Situation des Jeunes en Europe" (CESJE) on behalf of the National Ministry of Family with evaluations happening every 2-3 years.

⁴⁵⁴ National Children's Office, Children's Rights Alliance and National Youth Council of Ireland (2005), *Young Voices: Guidelines on how to Involve Children and Young People in your Work*:

http://www.dcy.gov.ie/documents/chilyouthparticipation/Young_Voices_-_Guidelines_on_how_to_involve_Children_and_Young_People_in_your_Work.pdf

⁴⁵⁵ <http://www.oejaj.cfwb.be/> is an observatory promoting the rights and welfare of children and young people

⁴⁵⁶ Growing Up In Ireland <http://www.growingup.ie/index.php?id=65> is a national governmental study of children taking place over 7 years and following the progress of two groups of children: 8,500 nine year olds and 11,000 nine month olds. The aim of the study is to paint a full picture of children in Ireland and how they are developing in the current, social, economic and cultural environment in order to assist in policy formation and provision of services.

⁴⁵⁷ Commissioned on behalf of the Ministère de la Santé, Ministère de l'Éducation nationale, de la Formation professionnelle et des Sports⁴⁵⁷

⁴⁵⁸ http://eacea.ec.europa.eu/youth/index_en.php

⁴⁵⁹ (Rapport périodique présenté par le Luxembourg conformément au paragraphe 1b) de l'article 44 de la Convention etc.). The monitoring of the UNCRC was conducted by the info Handicap helpline (<http://www.info-handicap.lu>), albeit it does not specifically deal with Art. 12 of the UNCRC

⁴⁶⁰ Guidelines for the Participation of Children and Young People in SOS Children's Villages. See also Audit of Children and Young People's Participation in Decision-Making that was undertaken in 2011 by Department for Children and Youth Affairs (DCYA) in Ireland.

- **Assessment of policy and programme implementation:** whilst not concerned specifically with participation, in many countries there is often some form of evaluation of the programmes of specific ministries e.g. The State Agency for Child Protection in Bulgaria reports annually on the execution of the National Programme on child protection; Evaluation of child and youth policy programme by the Advisory Council for youth affairs in Finland; and the LUPP⁴⁶¹ (Local Follow-Up of Youth Policy) survey in Sweden for the National Board of Youth Affairs. Although most of this type of monitoring is undertaken by appointed professionals, in some cases this has involved young people.
- **Youth led inspections:** Stichting Alexander (Alexander Foundation)⁴⁶² in the Netherlands developed a method (Q4C) over 10 years ago to involve the youth themselves in the inspection of their own institution. This involves a formal assessment including recommendations provided to the board and staff of the institution. Although this method is not used in every institution, it has been widely applied.
- **Individual pedagogic interactions:** some country responses reported that in good pedagogic practice the practitioner is able to monitor closely the participation of individual children and youth through everyday interactions (e.g. Estonia⁴⁶³). This is also common across Nordic countries that follow the Social Pedagogic tradition concerned with the holistic education of children⁴⁶⁴.

Across all of these approaches, many respondents noted that findings tend not to be made public and children rarely get to see the results.

Table 5.7 Country Examples of tools and approaches (based on reported examples only)

Austria	<ul style="list-style-type: none"> • The newly founded Children's Rights Monitoring Board (established by the Federal Ministry of Economy, Family and Youth)
Belgium	<ul style="list-style-type: none"> • Several specific evaluations on implementation and effectiveness of participation. E.g. JOKER (youth and child impact assessment report)⁴⁶⁵
Bulgaria	<ul style="list-style-type: none"> • The effectiveness of child participation is monitored and evaluated by the State Agency for Child Protection in annual reports on the execution of the National Programme on Child Protection. The effectiveness of child participation is also evaluated in the Analysis of implementation of the National Strategy on the Child for the period 2008-2010.
Czech Republic	<ul style="list-style-type: none"> • Reports provided for the European Commission / Council of Europe. • Annual meetings of the National Children and Youth Parliament.
Cyprus	<ul style="list-style-type: none"> • Pancyprian Coordinating Committee for the Protection and Welfare of Children (PCCPWC) monitors the Children's Parliament impact only once a year but with no specific tools.⁴⁶⁶ • The Commissioner monitors internally through the different programmes concerning participation i.e. school visits.

⁴⁶¹ The LUPP survey is one of the most common instruments for evaluation of participation at a local level provided by the Swedish National Board for Youth Affairs, and it enables municipalities to monitor young people's perception of their lives. There is also a less extended national version of the survey called NUPP (National Follow-Up of Youth Policy) where a selected (random) group of young people aged 16-25 participates.

⁴⁶² Alexander Foundation national institute for youth participation and youth participatory research. Their goal is to achieve empowerment and meaningful influence on youth policy and implementation practice. <http://www.st-alexander.nl/>

⁴⁶³ Reported by country expert.

⁴⁶⁴ http://www.thempra.org.uk/social_pedagogy.htm

⁴⁶⁵ www.keki.be

⁴⁶⁶ PCCWPC (2009) Implementation of the Convention on the Rights of the Child, Third and Fourth Periodic Reports of Cyprus (CRC/C/CYP/3-4), <http://www2.ohchr.org/english/bodies/crc/crcs60.htm>

Table 5.7 Country Examples of tools and approaches (based on reported examples only)

	<ul style="list-style-type: none"> • Cyprus reported that children were consulted about the deficiencies in implementing Article 12.
Estonia	<ul style="list-style-type: none"> • Monitoring of participation is based on annual activity reports of youth organisations, including youth councils and project reports delivered by project teams. Evaluation is based on the same reports mainly and is conducted by supporting / financing bodies.
Finland	<ul style="list-style-type: none"> • The only known evaluation of children's participation is the evaluation of the child and youth policy programme, undertaken by the advisory council of youth affairs. The Ministry of Social Affairs and Health also has an expert advisory group of young people within the ministry, who carry out an evaluation with the Helsinki and Uruskula 'Survivals' group which provide recommendations for improving child welfare services and how their participation can be improved.
France	<ul style="list-style-type: none"> • UNICEF and COFRADÉ⁴⁶⁷ organise conventions, launch opinion polls and publish reports on the situation in France and the application of the CRC.
Italy	<ul style="list-style-type: none"> • Government (Osservatorio nazionale per l'Infanzia e l'Adolescenza) and NGO (Gruppo CRC) report on the implementation of the CRC.
Ireland	<ul style="list-style-type: none"> • The Department of Children and Youth Affairs have undertaken regular evaluations of the Comhairle na nÓg and Dail na nÓg and published "An Audit of Children and Young People's Participation in Decision-Making" in 2011⁴⁶⁸.
Luxembourg	<ul style="list-style-type: none"> • Mandatory monitoring report by national law: Ombudsman for the rights of the children (report of the Ombudscommittee), including the Ombuds committee: obligation to issue a national report on the youth in Luxembourg every 5 years.⁴⁶⁹ • Voluntary monitoring through NGOs: e.g. Coalition Nationale pour les droits de l'enfant en Luxembourg, Association Nationale des Communautés Éducatives et Sociales a.s.b.l. (ANCES) (through the RADELUX report), • Monitoring of the National Assembly of Young People⁴⁷⁰ • Monitoring of the National Parliament through opinions of the National Assembly of Young People (committee reports) that provide guidance to the National Parliamentarians (non-mandatory advice). • Permanent consultation on the lycée reform process: permanent consultation process including children and youth councils in legislative advisory for the Ministry of Family Affairs and Migration⁴⁷¹ Collectif réfugiés Luxembourg;⁴⁷² alliance of various NGOs in Luxembourg that monitor the implementation of legislation on refugees etc.

⁴⁶⁷ <http://cofrade.fr/>

⁴⁶⁸ http://www.dcyg.gov.ie/documents/publications/childrenandyp_DecisionMaking.pdf.

⁴⁶⁹ Le Gouvernement du Grand-Duché, 2012: Nationaler Bericht zur Situation der Jugend in Luxembourg. Chapter 8. Partizipation und freiwilliges Engagement: Jugendliche als Akteure in Politik und Gesellschaft.

⁴⁷⁰ The work of the National Assembly of Young People is evaluated regularly: An initial evaluation was conducted in 2010 by the "Centre d'Études sur la Situation des Jeunes en Europe" (CESJE) on behalf of the National Ministry of Family. The weaknesses identified in the analysis have been integrated subsequently; Subsequent evaluations will now take place in intervals of 2-3 years on: e.g. numbers of young people reached, percentage of participation of youth from weaker milieus, outreach to schools with weaker social milieus etc.; Additionally, internal evaluation with questionnaires: interview children what they liked in the Youth Assembly (questionnaire) and we do constantly brainstorming what we could do better, in order to be able to attract more young people.

⁴⁷¹ <http://www.reformelycee.lu/le-processus-de-concertation/>

⁴⁷² <http://www.clae.lu/html/m1sm3ssm3.html>

Table 5.7 Country Examples of tools and approaches (based on reported examples only)

Netherlands	<ul style="list-style-type: none"> • Be Involved platform set up by a collaboration of multiple stakeholders to measure the level of youth participation at municipal level. • The Youth Council monitors the status quo and sectors not covered by municipalities through its 'effectiveness' committee. • Children's ombudsman monitors the implementation of the regulation based on the complaints filed - this is however broader than participation. • The Ministry produces an annual 'youth monitor' providing quantitative data on the situation of youth between the ages of 0-25 – broader than participation.
Romania	<ul style="list-style-type: none"> • Ministry of Labour through the General Directorate for Child Protection develops the periodic reports to the <i>Committee on the Rights of the Child</i>.
Slovakia	<ul style="list-style-type: none"> • The National Action Plan for Children 2013-2017 aims to support children's participation, but its evaluation is quantitative and focused on the numbers of children who participate instead of the quality of participation.
Slovenia	<ul style="list-style-type: none"> • In 2004, the Ministry of Labour, Family and Social Affairs established a Child Observatory at the Social Protection Institute⁴⁷³. The main task of the Observatory is to systematically study and monitor the situation and welfare of children in all areas of their lives. They completed research in 2010 on child participation in decision-making.
Sweden	<ul style="list-style-type: none"> • The Ombudsman for children and the Swedish National Board for Youth Affairs have responsibilities for monitoring policy. One of the most common instruments for evaluation of participation at a local level is the so called LUPP Survey (Local Follow-Up of Youth Policy) provided by the Swedish National Board for Youth Affairs, that enables municipalities to monitor young people's perception of their lives.
UK	<ul style="list-style-type: none"> • NICCY in Northern Ireland commissions regular reports concerning the Government's progress concerning participation. The Youth Panel assess examples of participation on an annual basis for the Participation Awards.

5.3.2 Frameworks and standards

Although a range of frameworks models and standards are available, few countries provide evidence of systematically using these in practice. Based on available evidence the UK is a notable exception and appears to lead the way in monitoring and assessment frameworks for quality and effectiveness, for example with the national Kitemark scheme in Wales⁴⁷⁴, The Ask First⁴⁷⁵ standards in Northern Ireland and Hear by Right standards in England⁴⁷⁶. These have been driven by strong NGO and academic research networks.

⁴⁷³ Narat, T.; Rakar, T.; Kova, N. (2010). PARTICIPACIJA OTROK V POSTOPKIH ODLOČANJA. Končno poročilo. Inštitut Republike Slovenije za socialno varstvo. Retrieved April, 1. From http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/participacija_otrok_postopki_odlocani_a_2010.pdf

⁴⁷⁴ <http://www.participationworkerswales.org.uk/standards/kitemark-inspection.aspx>

⁴⁷⁵ Participation Network, Northern Ireland Standards for Children and Young People's Participation in Public Decision Making: Ask First!.

⁴⁷⁶ In Scotland, a framework has recently been produced for Scotland's commissioner for children and young people "Children and Young People's Participation in Scotland: Frameworks, standards and principles for practice, Mannion, G. 2012

The **National Participation Kitemark** in Wales was developed by Save the Children Cymru and is based on the National Participation Standards. A key part of the Kitemark scheme is the Young Inspectors. The Young Inspectors conduct an assessment visit to an organisation or service against the participation standards and decide whether to award the Kitemark⁴⁷⁷.

Examples of standards used in other countries include:

- Standards for Interviewing Child Participants in Legal Procedures, Social Activities and Practices Institute (SAPI)⁴⁷⁸, Bulgaria.
- The Quality4Children standards⁴⁷⁹ for children in care in Greece although not widely used.
- In Sweden the Ombudsman for Children and Statistics Sweden (administrative public agency), developed a set of indicators (Max18) that is now widely used at a national and regional level to monitor and evaluate the government's child policy.
- In Austria the Working Group on Participation/ARGE Partizipation⁴⁸⁰ also established general standards for participation and published a folder called "Evaluation in participation of children and youth / *Evaluierung in der Kinder- und Jugendbeteiligung*"⁴⁸¹.

A number of countries identified principles and guidelines issued by international and European agencies and organisations such as the Norwegian Refugee Council, the World Health Organisation (WHO), the European Asylum Support Office (EASO), the Fundamental Rights Agency (FRA), UNICEF⁴⁸² and the Hague Convention on the protection of children and co-operation in respect of intercountry adoption as useful measures of quality and effectiveness. The evidence in the wider evaluation also suggests that Council of Europe recommendations have been useful for some countries though these were not always referred to in the context of monitoring and evaluation.

5.3.3 *Quality criteria and measures of effective/meaningful participation*

The majority of countries report that there are no commonly accepted official 'quality' and 'effectiveness' measures for participation. Many countries however provided a range of perspectives on what measures and criteria they felt were most useful for assessing meaningful and effective participation.

- **Impactful:** This relates to where children have influenced decisions and outcomes. Impact is interpreted as "*Practical implementation of children's suggestions, when the adults listen to children, respect their views and include them in decision making*" (Croatia). Impact is also viewed in terms of the design of programs that bring answers to the specific needs of the children. The effectiveness of participation in achieving impact depends on "*the extent to which adults transfer children's opinion into policies or programs*" (Spain). Impact is also interpreted in terms of "*shifting or challenging perceptions and misconceptions*" (Lithuania).

⁴⁷⁷ see: <http://www.participationworkerswales.org.uk/standards/kitemark-inspection.aspx>. See also Crowley, A. & Skeels, A. (2010) Getting the measure of children and young people's participation in Wales, in Percy-Smith, B. and Thomas, N. (eds) *A Handbook of Children and young people's participation*, London: Routledge, pp. 184-192

⁴⁷⁸ http://www.canee.net/bulgaria/about_partner_organization/sapi_social_activities_and_practices_institute

⁴⁷⁹ http://www.quality4children.info/navigation/cms,id,31,nodeid,31_country,at_language,en.html

⁴⁸⁰ <http://www.jugendbeteiligung.cc>

⁴⁸¹ *Evaluierung in der Kinder- und Jugendbeteiligung. Tipps und Methoden*

<http://www.mitbestimmung-wien.at/pdf/evaluierung.pdf>

⁴⁸² The Belgium evidence made reference to the basic conditions and guiding principles for authentic participation from UNICEF, 'Guidance note on promoting participation of children and young people', Programme Policy and Procedures Manual, Section 13, UNICEF, New York, 2005. This guidance note reflects UNICEF's transition to an approach to programme cooperation for children and women based on human rights principles. Section 13 provides a guide on promoting the participation of children and young people.

Available for download: www.intranet.unicef.org (only accessible by UNICEF staff)

http://www.unicef.org/adolescence/cypguide/resourceguide_41248.html

- **Quality of relationships:** Impact and outcome are often seen as the most important criteria for effective participation, yet the evidence suggests that it is often the process of participation that is most important for children (see above). **Trust** was mentioned as the most important aspect for effective participation and where children feel there is an equal partnership. In particular the **quality of the relationship** with the adult, where children felt there was **genuine cooperation** and inclusion (*"when adults are working together with children and not for children"* Croatia); and whether they felt they are being really listened to and have their contribution **valued and taken seriously**.

"The quality of participation is seen when the trust between staff and child is developed and when the child starts to open up and share their experience, their wishes and opinions."

(Practitioner, Lithuania).

"The moments for participation must allow for sufficient amount of time, and the possibility to build up a relation of confidence and responsibility. The training of all social workers on participation is therefore essential."

(Country Expert, Spain)

- **Self-determination and autonomy:** Although participation is often understood in terms of contribution to decision making, some respondents identified the extent to which *"children have influence over their own life and their own case"* (Professional, Denmark). This was felt to be especially important in relation to neglected or abused children. Another response from a stakeholder in Greece identified an important criterion in the ability of children to develop participatory skills. The emphasis on interpreting participation as children developing their agency was further reflected in a quote from a director of a care service in Portugal:

"We established a dynamic that everyone knows that he/she is an active agent. Efficacy is assessed by the ability of each to integrate this process, the capabilities they reveal in what concerns their active involvement. All are encouraged... acquired skills and the revealed autonomy are, for us, the most important signs. There is always an adult that is responsible for monitoring this process."

- **Children being informed:** For participation to be effective children must be fully informed. This is important to ensure children are prepared appropriately for participation; that they are happy about why they are participating; and receive feedback from the outcome of their participation: *"Children need empowering through total information; the children will effectively be capable of participation and also take their responsibilities"* (Professional, Spain).

Children should be able to understand and accept why decisions were made or not (Academic, Denmark). Participation of children in the adult decision-making group is considered effective since it helps children to understand both the rationale of decisions and the processes that need to take place and thus more easily comply with the decisions, for example in placing children in care.

- **Involvement in all stages:** In the youth field in Belgium, a universal criterion for assessing the value of a youth work project, organisation or environment is the presence of participation of young people in management decisions at all stages of the decision making cycle.
- **Embedded in organisational practice:** Direct participation can only be realised effectively if it is embedded in existing structures that support children. In the context of children in poverty in Belgium, evidence highlights that more vulnerable children encounter difficulties with the "establishment" and consequently may not "participate" when asked to do so if child friendly practices are not in place. First, a relation of

confidence must be built (e.g. with a teacher, with a youth worker); second, the participation must be mutual – what will I receive out of it when I participate; and third, the realisation of the direct participation should be structurally anchored in organizational systems and processes.

5.3.4 *Challenges with monitoring and evaluation*

A key challenge for monitoring and evaluation mentioned across many countries is the lack of adequate data. This in turn is a product of not having an implementation framework against which good practice criteria, positive attitudes and a lack of understanding about what participation involves can be monitored.

"Neither social attitudes, nor the regulatory framework & strategic documents have created enough conditions for "quality" and "effective" child participation."
(Country Expert, Austria).

In the Netherlands a dilemma in evaluation was raised in terms of recognising differential experiences for different groups of children, for example non-western migrant youth in contrast to the 'elite middle class youth' who tend to participate more than other groups⁴⁸³. In this respect, legislation is seen as being important for monitoring and evaluation, because if there is no legal framework and therefore no legal obligation for participation of non-western migrant youth, there is no official evaluation that may provide data on its effectiveness.

A further dilemma is that quality criteria can vary according to the children in question. In Slovenia for example legislation recognises that, for children with disabilities, achieving goals, emotional impact and response, degree of cooperation and involvement with the wider group and children's inclusion in learning and social activities are seen as important criteria for effective participation in the everyday context of the school or kindergarten, rather than just having a say in decision making⁴⁸⁴. This was also echoed in the context of Bulgaria.

"We learn whether the children with intellectual difficulties are satisfied from the fact that they made an individual decision via direct contact with them, via emotions expressed by them in mime, gesture or sound."
(NGO Worker, Bulgaria).

In Spain, it was noted that the effectiveness of the different forms of participation also varies according to the child's age. Structured forms of participation are more likely to be effective for older children whilst, for younger children, participation in informal leisure and educational activities that focus on developing participatory attitudes and skills may be more effective.

Some countries reported that participation was insufficiently well developed to be able to evaluate it. For example, as is the case with the Aveiro Child Friendly City initiative in Portugal.

"In the city hall of Aveiro we haven't yet enough experiences of children's participation in order to assess efficiency and quality..."
(Child Friendly City Officer)

A further dilemma is the result of diverse interpretations about what participation involves. One perspective from Greece suggested that monitoring and evaluation is difficult because *"quality and effectiveness in participation in most cases is not related to particular standards but is subjectively interpreted according to the fulfilment of objectives that each professional or institution sets"*⁴⁸⁵.

⁴⁸³ Winden, de, P., Beets, G., Brakel, van den, M., Knoop, K., Moeren, van der, F. & Miltenburg, van, T. (2012). *Jaarrapport 2012 Jeugd in Nederland*. Den Haag: Centraal Bureau voor de Statistiek.

⁴⁸⁴ Code of Ethics in Kindergartens (Kodeks etičnega ravnanja v vrtcih, 1996)

⁴⁸⁵ Chairman of the Centre for the Protection of the Child "MITERA"

5.4 Conclusion

This section has provided some insights into the extent to which children's participation brings about changes to policy and practice, and the benefits to children. The evidence suggests that where there is the commitment and will of individual professionals, children can play an important role in bringing about changes in practice in everyday settings, and where effectively supported children can competently inform national decision-making and contribute towards policy debates. Impacts from participation are more likely in sectors and settings such as local planning, education and recreation. At a national level they are most commonly found within policy and strategy development relating to services for children and young people, but less often within policy areas of wider national significance such as crime or justice. Overall, the evidence highlights that children's participation is more likely to have an indirect influence through advocates representing children's position or through consultation rather than direct involvement in decision making, which is still seen as being the preserve of adults. This is in spite of the existence in many cases of legislation that requires professionals to take account of children's perspectives. Moreover, there is a consistent message that children don't feel listened to and that decision making is still too often dominated by adults.

This chapter has also highlighted some of the complexity in assessing the impact and outcomes from participation as a result of different understanding about what participation involves, varying interpretations about what counts as 'impact', and whether children participate directly or whether their views have an indirect influence on decision making. It is apparent that monitoring and evaluation tends to happen within projects and organisations, whereas in contrast there is a general lack of systematic monitoring and evaluation of participation at a national level by official institutions. This is in spite of the availability of monitoring and assessment frameworks and quality standards. There is clearly a high priority to improve the frequency and quality of monitoring systems at the level of Member States in order to more accurately capture the outcomes and impacts of child participation.

6.0 Barriers to effective participation, enabling factors, and priorities for further action

Key messages

Barriers to effective participation

- Major problems exist with the implementation of legislation and the realisation of child participation in practice. The study showed that there is a limited understanding and skillset amongst professionals in many different sectors and settings across the EU about how to enable effective participation. Many services and organisations do not have systems or procedures in place to enable the participation of children as a matter of course.
- A lack of public awareness about rights to and benefits of children's participation and restrictive cultural attitudes in relation to children's place in society represent barriers in many parts of the EU. Participation is often afforded low political priority by official institutions within Member States. This in turn has contributed towards a lack of resources and capacity, and an over-reliance on NGOs to ensure that obligations for Article 12 are met in full.

Enablers for child participation

- Despite often deep-rooted practical and cultural challenges to realising children's participation, it is possible to draw out a number of 'enabling' factors that have created the conditions for effective participation to take place. These include:
 1. Integrated policymaking between national Ministries whose portfolios impact on children
 2. Championing of child rights the level of municipal governance and leadership
 3. Financial support for NGOs in monitoring and promoting child rights, including Article 12
 4. Campaigns and awareness-raising to improve public attitudes towards children
 5. Providing mechanisms for structured dialogue and debate with children in the context of key national regional or local policy or funding decisions affecting children
 6. Measures by Governments to support the participation of vulnerable or under-represented groups
 7. Training in participation for teachers, social care and health professionals
 8. Making effective use of monitoring and evaluation tools and resources, such as child rights impact assessments
 9. Recognising and rewarding good practices; and,
 10. Educating children about their rights, and equipping children with the skills to design and implement their own research on issues affecting their lives

Priorities for further action

- There was a general consensus that the priority for most EU Member States is to improve implementation of existing legislation relating to Article 12, rather than to introduce new laws. This might be achieved through: more effective remedies when rights are abused, the utilisation of standards and monitoring frameworks, training for professionals who work with children, and public awareness-raising about the benefits and relevance of child participation.
- Notwithstanding these issues, there was a perceived need for some further legislation to strengthen the participation rights of specific disadvantaged or vulnerable groups of children, such as Roma, children with disabilities, asylum seeking and refugee children, and young children. Legislative gaps were often found to be specific to individual Member States; relating to exemptions or restrictions to the ratification of Article 12, and / or age restrictions.

6.1 Barriers to effective participation

6.1.1 Lack of awareness, knowledge and skills

One of the most frequently mentioned barriers relevant to all countries was the lack of knowledge, skills and understanding about participation amongst children and young people as well as adult professionals. For example research shows that children living in Warsaw residential care institutions are not aware of their rights and have no clear ideas about the concept of child participation. In a further example, from the Netherlands, the concept of child participation was so abstract, that they could not associate it with everyday life situations.⁴⁸⁶

"There are no rules as to how to do this. This means that the approach varies drastically and can include anything from asking youth NGOs for advice all the way to organising youth led projects. The challenge has therefore been, and will continue to be, to share knowledge and information on how to apply child participation and sharing good practices where possible."

(Country Expert, Netherlands)

It seems quite clear that without public education and awareness raising and training for professionals, the realisation of participation in practice will be restricted regardless of legislation. Even in countries where a culture of children's participation is well established such as Finland or the Netherlands, key adults such as teachers and social workers are identified as lacking the necessary knowledge and skills. This is largely in relation to professionals, but also with respect to parents and the public at large. In some cases this is reflected in a basic lack of knowledge and awareness of children's rights and participation, but in most cases concerned professionals not having the training and skills in making participation a reality.

"Prejudices of adults about children's participation form a barrier; sometimes children's interests and adults' interests are not the same and conflict with each other ...sometimes problems arise because the adults are not aware of the importance of participation."

(Children's Centre Director, Portugal)

Evidence from this evaluation suggests that participation is often understood in simple terms as 'voice' (Cyprus); or more generally about engaging children (Netherlands), especially those who tend not to participate such as quieter children (Finland), children in care (Lithuania); or as 'child friendly' ways of working with children. This finding applies primarily to frontline practitioners working directly with children but also to managers and political leads (Denmark). The latter also at best often view children's participation as being restricted to 'children's issues' such as parks and recreation or youth projects rather than providing for opportunities for children to contribute to wider local governance concerning all issues (Luxembourg).

As a result, the effectiveness of participation appears to depend not just on legislation but also crucially on individual **professional attitudes and knowledge** (DE, FI, and LT), varying across sectors and settings (Luxembourg) and evident especially in schools (LU, and LT). This has particular implications for providing opportunities for children to be educated in their rights and gradually develop the skills of participation. Indeed a number of countries report that children often don't even know they have a right to be heard (DE, ES, and HR). For example, research in Croatia shows that 50% of children, in a sample of 503 children, aged eight to nine, have never even heard of the rights of the child.⁴⁸⁷

⁴⁸⁶ Studenckie Koło Naukowe Badań Marketingowych „Chi Kwadrat” (2012). Sytuacja życiowa dzieci przebywających w warszawskich placówkach opiekuńczo-wychowawczych. [Living situation of children in the Warsaw residential care] Warszawa: Fundacja Dzieci Niczyje. http://fdn.pl/sites/default/files/file/pdf/Raport_Mario_2012.pdf

⁴⁸⁷ Miharija M. i Kuridža B. (2011): Mišljenja i stavovi djece i mladih u Hrvatskoj. Istraživanje o dječjim pravima među djecom osnovnoškolskog uzrasta – rezultati. (Opinions and attitudes of children and youth in Croatia. Research of child's rights among elementary school children- results). UNICEF, Zagreb., <http://www.unicef.hr/upload/file/351/175805/FILENAME/StavovidjeceimladihuHrvatskoj.pdf>

Many adults, even professionals, when asked about child's rights, are still focused on responsibilities and duties. This is consistent with evidence from some of the child peer research projects in this evaluation, for example in the UK, where despite sophisticated knowledge and theory amongst academics and professionals, many children are not aware of their rights. Taken together, recognition across all countries of the lack of awareness, knowledge and understanding about participation rights and benefits has led to the need for training for professionals to be identified as one of the most significant findings of this evaluation.

6.1.2 Cultural attitudes and barriers

Children's participation is based on notions of the 'competent' child with agency. Yet, evidence suggests that there are still widespread views in most European countries that adults 'know what's best' for children.

"A mentality still persists according to which the adult is the expert in all matters of the child's life. Participation is not a routine yet; more special programmes would be needed to challenge mentalities."

(Romania, Government Minister)

In part this is a result of a lack of education and understanding about participation and rights, but also (partly due to the lack of professional education and training) the result of countries being slow in adopting new **social attitudes to children** in line with contemporary theories of childhood⁴⁸⁸ which see children as possessing agency and competence rather than as human being in early stages of development lacking ability. This is especially the case with regard to vulnerable and minority children such as Roma who experience structural and social discrimination and prejudice (EL, RO) and children with disabilities who face particular barriers. In some cases the reported evidence suggests that when children are heard/express their views they are not taken seriously, or worse, adults view children as simply not capable or trusted to make decisions (BE, CY, ES, FR, and FI). Consequently the position of legislation, policy and practice is still focused predominantly on child protection with limited understanding of the role of participation in realising those rights for children.

In some countries (CY, EL, ES, and FR) however, cultural barriers to participation are the result of wider social cultural influences, in particular the continued prevalence of a **paternalistic culture** which sees children as objects of parental rights rather than rights holders in their own right.

"The general attitude is still the one in which the child's opinion is seen as an obstacle in 'adult' decision-making. There are some evident cultural barriers, especially within the family and more predominantly in families with foreign origins. As parents generally lack the information on the rights of their children, the predominant attitude within the French society is that of not duly taking the child's opinion into consideration. This is also due to the fact that, as in most southern European and Latin societies, French society is still very much based on the authority of adults in general."

(Country Expert, France)

Giving children a voice is therefore seen as a threat in terms of parents fearing they will lose their power (BE, NL, CY), but also to cultural traditions of parents providing for their children. Such a mindset reinforces the predominance of adult authority (FR) and barriers to children's participation. In some cases children are mentioned as being an obstacle to adult decision making.

⁴⁸⁸ James, A. & Prout, A. eds. (1990) Constructing and reconstructing childhood, Routledge Falmer

"Adults appear to be afraid that respect and effective implementation of the children's right to express their views would undermine their authority over them. Another difficulty arising from the general perceptions of the Cypriot society is the prevailing view that, by giving children spaces to express their opinions and views adults provide the basis for children to question any limits rather than allowing children to be well informed and participate effectively in matters affecting them. There is, therefore, a need for adults to be trained to respect the right of the child to be heard and participate."

(NGO representative, Cyprus)

Analysis of the situation with respect to vulnerable children highlights a prejudice which affects professional attitudes and practices with respect to these children.

"The most important challenge is to ensure professionals working with vulnerable groups such as asylum seeking children are well trained on children's rights and the participation rights of children. It is important to shift a way of thinking from child protection to children's rights/children's participation."

(NGO representative, Finland)

More broadly in many societies the **lack of a culture of participation in society** at large and a lack of civic education for children, especially with respect to children's rights (EL, ES, FR); the lack of a human rights policy (LT); and the lack of a social norm of 'speaking out' means that children's participation lacks a strong foundation to provide a context for children to gradually develop the skills of participation (CY, FR). This is particularly the case in some countries in Eastern Europe. The impact of cultural influences is also gendered in some cases. For example with Roma groups for whom the role and expectations of girls is a major restriction to their active participation and expressions of free agency.

6.1.3 Structural/contextual issues: availability of opportunities and mechanisms

In spite of Article 4 of the UNCRC that calls for State Parties to put in place mechanisms for implementing children's rights, there is a significant **lack of appropriate arrangements to enable the effective participation of children**. The Hear by Rights standards in the UK⁴⁸⁹ set out a useful framework for developing the necessary arrangements for effective participation in terms of strategies, systems, structures, staff, skills and knowledge, style of leadership and shared values. There are four issues arising from the evaluation concerning provision of the necessary context for participation. First, there is a **lack of a variety of opportunities for children to participate**. Whilst in most countries some kinds of structures do exist for participation such as children's councils or parliaments, the remaining organisational standards are often lacking. This means that participation lacks a wider culture of participation in which to develop. This is important for participation to be effective and have impact.

"Public participation of children face many obstacles, mainly related to the lack of political will of the authorities, scarcity of comprehensive solutions and institutional mechanisms to facilitate the practice of children's participation and knowledge of existing forms and tools to promote the implementation and monitoring of the activities. The idea of public participation of children is still not adequately reflected in the strategic documents defining the tasks of the state in the context of the development of civil society."⁴⁹⁰

⁴⁸⁹ Badham, B. and Wade, H. (2005) *Hear by Right: Standards for the active involvement of children and young people*. Leicester: National Youth Agency

⁴⁹⁰ Brzozowska-Brywczyńska, M. (2013). *Partycypacja publiczna dzieci*. [The Public Participation of Children] Analizy i opinie, 4/2013. <http://www.isp.org.pl/uploads/analyses/868625255.pdf>

"The main challenge is the need to change the attitude towards participation. Participation of children can bring new ideas and input and people need to be informed about this. However, it is difficult to change the attitude of formal actors in Finland. Now it is something one 'must' do, but this does not mean it is part of their daily attitude". (NGO representative, Finland)

Second, many countries (for example BE, CY, DE, FR), highlight how the culture and structure of organisations and services are not conducive to children participating effectively with respect to existing governance arrangements. Many see this as a result of a **lack of appropriate organisational and systemic mechanisms and operating frameworks to facilitate participation effectively** (HR, DK, LU, EL). In spite of pupil councils being a common feature in many schools, a number of countries highlight education specifically as a sector where the culture, structures and systems in place are not conducive to children's active involvement in decision making, nor in providing opportunities for learning and development about participation (DE, ES, and EL).

"It is not enough to have the legislation in place we also need to incorporate an understanding concerning children, their right to participate and the fact that when making decisions that are often radical in the child's life, the child's perspective is very important. Bottom up approach hasn't worked, we now need structural measures."

(Academic, Denmark)

To a large extent this is a result of **professionals lacking an understanding of what participation involves** in practice and therefore lacking the knowledge of how to create a participatory system.

"There is a lack of legislation, where frameworks are in place it is interpreted variably as professionals are not clear what participation means. Children may have a voice/be consulted but their voices may not be heard in decision making. Professionals lack skills and training in what Article 12 CRC means and what it involves."

(Academic, Denmark)

A further important contextual factor concerns the lack of resources and time to involve children (Belgium and Greece) as a result of practitioners being overburdened with excessive caseloads (Denmark) and teachers with insufficient time (Finland). A number of responses indicated that professionals see it is generally quicker to take decisions among adults, without involving children. One respondent (Greece) identified job insecurity as a barrier for professionals developing participation.

"The caseworkers' work pressure has also been mentioned as a barrier for child participation. The caseworkers have many demands to meet and child participation can sometimes be experienced as time-consuming."

(Academic, Greece)

Third, evidence suggests that at the level of inter-personal communication between professionals and children, **child friendly practices are not in place** or being readily used in many sectors. This not only undermines possibilities for participation, but also has negative impacts on children's well-being. This is particularly evident with the most vulnerable groups such as refugees and asylum seekers, children in out of home care, children in judicial proceedings and children with disabilities. In Bulgaria a local NGO (SAPI⁴⁹¹) is involved in developing training for judges working in family courts on child friendly practices in the context of children speaking out in judicial proceedings.

⁴⁹¹ Social Activities and Practice Institute

Fourth, in many countries, in spite of legislation, support for realising effective participation in practice is of **low political priority** (EL, IT, LT, LU, SL) reflecting **lack of political will** (Spain). Accordingly a number of countries mention a **lack of adequate resources** being allocated to promoting and supporting participation as a barrier. A common situation in many countries is for legislation to be drawn up at national level, but then implementation being left to professionals on the ground, but without resources and political commitment to ensure it is effectively implemented and policy goals relating to participation realised. This is especially the case in countries with decentralised governance structures (AT, BE, DE and IT) which gives rise to **fragmentation in implementation**. In such instances devolution of powers leads to occasions where there is disparity between regions in terms of either funding allocations or the depth of relevant legislation. In Austria most of the Länder continue to have divergent standards on certain age limits and definitions for terms such as children and adolescents. Similarly in Germany legislation is often divergent between regions.

Research in Northern Ireland (2011) investigated the barriers to effective government delivery for children highlighting that despite children being consulted more the outcomes are often not reflected in the implementation of strategies policies and plans⁴⁹².

Suggestions are that this is due to the prevailing paternalistic culture across most countries and the view that children are not capable and adults know best.

"Interviews in Estonia revealed a general understanding that children are not considered as fully capable of assessing and deciding things which touch them, or are relevant for them. Even if children should have the right to express their opinion, then adults often do not take their opinions into account. ... As a result of such attitudes, the actual involvement pattern of children is seen as rather modest. However, children's position in Estonian society is going through a change toward more engagement from an early age".

(Country expert, Estonia)

One suggestion from the evaluation is that this is due to a lack of knowledge, skills and awareness about participation and a lack of will to accept children's views (seen as wishes). However, there were also suggestions that this was simply due to the lack of policy on children's participation to support the effective implementation of legislation and that politicians manipulate participation for the purpose of their own agenda without a genuine commitment to children's participation.

At the level of organisations themselves, impact from children's participation depends on the management and the professionals involved in identifying international standards and seeing how far they can be implemented in their own institutions. There are examples of institutions that have incorporated child participation practices into their operation to a lesser or larger extent. For example SOS Children's Village in Greece have been involved in piloting the Quality4Children standards⁴⁹³ and for this reason they were involved in personnel/children training and supervision procedures.

⁴⁹² Dr Bronagh Byrne and Professor Laura Lundy Queen's University, Belfast commissioned by the NICCY, 2011, 'Barriers to Effective Government Delivery for Children in Northern Ireland.'

⁴⁹³ The standards were developed by SOS Children's Villages, IFCO and FICE to improve the quality of care for children and young people. The standards were developed using a participatory 'story-telling' approach, with over 500 children and young people from across Europe contributing their views and experiences to inform the development: <http://www.quality4children.info/navigation/show.php3?id=2& language=en>

6.2 Enablers for child participation

A number of common enabling factors were found throughout the study. These include:

- ***A proactive role for NGOs in advocating for child rights*** – although official bodies have a central role to play in ensuring that Article 12 is implemented, NGOs have been prolific in championing child rights, by developing approaches that are grounded in an understanding of what works with different groups of children. In Bulgaria, for example, SAPI have led on training of practitioners in justice and settings through their 'Listen to the Child' national programme. Conversely, some Member States have been hindered by the lack of an established NGO infrastructure, as is the case in Lithuania.
- ***Campaigns and awareness-raising, to improve public attitudes towards children*** – culture change has been a key part of implementing Article 12; particularly the need to challenge negative or overly paternalistic attitudes towards children's roles within society. Approaches have ranged from public awareness campaigns to the use of intergenerational dialogue between children and adults.
- ***Providing mechanisms for structured dialogue and debate with peers*** – providing regular opportunities for children to express and discuss their views with their peer group is an important part of the participatory process and can further help to build competence for effective civic and social participation. Examples range from pan-EU citizenship programmes, to the use of internet and social media, such as the peer-led SpunOut.ie website for children and young people in Ireland.
- ***Providing opportunities and support for intergenerational learning to take place*** – a trusting and open dialogue between children and adults is essential for effective participation. Whilst this is true of all aspects of children's lives, conferences and children's parliaments can be particularly impactful as they make these interactions visible, and facilitate collective learning (between groups of adults and children).
- ***Measures to support the participation of vulnerable or under-represented groups*** – children are not homogenous as a group, and a targeted approach is required to engage children who are marginalised from more traditional youth structures (such as forums and councils). Developing tailored forms of participation for specific vulnerable groups, such as children with disabilities, migrant children and care leavers can help to achieve participation on 'their terms'. The national network of Children in Care Councils (CICs) in the UK (England) provides one such example or Children's Champions Boards such as in Renfrewshire Scotland.
- ***Providing child friendly spaces and environments*** – the study found numerous examples of children taking an active role in the co-design of school buildings, and the planning and design of parks and playgrounds to make them more accessible and child friendly. Also within the justice and care sectors, child participation has sometimes been assisted by providing child friendly interview rooms, or making special adaptations to courts and detention centres.
- ***Training for teachers, social care and health professionals*** – a shared understanding of what child participation means and *how* to ensure that children are heard is aspired towards within many countries. Embedding child rights in teacher training; developing rights-based Higher Education courses, and providing specialist training for psychologists, social workers and judges all have a role to play in embedding the child's right to be heard within all spheres of public life. The Teacher Training Houses in Romania provide an example of in-service training.
- ***Making effective use of monitoring and evaluation*** – the use of monitoring can help to demonstrate the value and benefits of child participation. This can range from the evaluation of specific projects, to the inspection of services for children. The Care Inspectorate in the UK (Scotland) undertakes inspections of children's social care settings using a rights-based framework, whilst Child Impact Assessments are widely used as part of the Child Friendly Cities Initiative (CFCI).

- **Recognising and rewarding good practices** – encouragement is sometimes needed to convince official institutions or other organisations to value child participation. In the UK (Wales), the Participation Standards and Kitemark scheme provide(d) official recognition for organisations promoting children’s participation⁴⁹⁴, whilst Child Friendly City status affords similar recognition and kudos to municipalities, for their work in relation to children’s rights.
- **Educating children about their rights, and empowering children as researchers** – children’s understandings of child participation are not always well developed, and awareness-raising is important to inform children of their rights and to make participation relevant and meaningful to them. The literature suggests that empowering children from a young age – including within early childhood education and care settings, is important to help them understand and develop skills for participation⁴⁹⁵. The ‘Mosaic’ approach⁴⁹⁶ offers a well-established model for conducting research with children under five years of age. Other projects, including the work led by the Child-to-Child Trust within this study, have developed children’s skills as action researchers.

We further build upon these enabling factors in Chapter 10 of this report, where a set of practical guidelines for children’s participation (refer to **Table 10.2** for further details on these guidelines).

6.3 Priorities for further action

The chapter has considered the challenges that exist for realising the effective participation of children in practice, and some of the enabling factors that have helped to remove barriers (whether legislative, practical or cultural). The next section considers the additional (future) measures that stakeholders felt were necessary to affect social and cultural change; including the potential role of further legislation.

6.3.1 Making legislation more effective

A common response across countries is that legislation is not the most important driver of change, instead changes are needed in practice involving cultural change, awareness raising and training, support for implementation and monitoring:

“Teachers, social workers, people who work with children have consultation and dialogue with children, but they don’t recognise that as participation and they don’t need any legislation for that. They enable children’s participation without legislation. Participation is very much connected with the culture, tradition, image of the child. Legislation is not the most important condition for the child participation. But legislation gives support to the teachers (and others who work with children and youth) to recognize opportunities for child participation.”

(Country Expert, Slovenia)

⁴⁹⁴ <http://www.participationworkerswales.org.uk/consortium-unit.aspx>

⁴⁹⁵ Pugh, G., and Selleck, D. (1996) *Listening to and communicating with young children*, in Davie R., and others (1996) *The Voice of the Child: a handbook for professionals*. Falmer Press.

⁴⁹⁶ Clark A., and Moss, P. (2011) *Listening to Young Children: The Mosaic Approach*. London: National Children’s Bureau.

The general focus for changes to legislation is on making amendments to ensure the effectiveness of existing legislation rather than additional legislation, for example by including specific articles regarding the child participatory rights in existing laws (see for example Croatia)⁴⁹⁷. Similarly in Spain the view is to correct inconsistencies and limitations in the Spanish legislation where child rights are limited to children of a certain age and do not refer to specific groups of children or sectors where this is needed. Evidence from Austria highlights substantial changes that are needed to address weaknesses in existing legislation, although respondents argue this would require political will to change legal regulations, for example, the Austrian immigration law, Aliens Police Law, and the rights of non-Austrian citizens.

In most cases legislation to promote children's participation is located within wider legislation concerned with children and families or in a particular sector, for example as a means of safeguarding and promoting the rights of children in out of home care. For example in Bulgaria a need for change in Family Law was identified that focuses on the parents' obligation to inform and consult the child and secure his or her access to suitable information and consultation in order to help him/her form his/her own views and opinions and to guarantee every child's right to participation. In Italy, where the last report on the implementation of the National Plan for Childhood emphasises the urgency to translate participation as a general principle into specific and concrete national, regional and local policies and acts⁴⁹⁸, this has not materialised. For example in the justice system, a systematic comprehensive legislation regulating the right of the child to be heard in civil, administrative and criminal proceeding is still missing despite the existence of specific provisions.⁴⁹⁹

i) Overarching legislation on children's participation

Some countries (SL, HR, and MT) identify that there is a need for general overarching legislation specifically focused on children's participation which covers all sectors and which provides a definition of participation and defines relations between care, provision and participation. For example Malta identifies the enactment of a Children's Rights Act which would have specific provisions to improve children's participation such as: standards backed by law; identification of vulnerable children;⁵⁰⁰ increased role for NGOs with vulnerable children such as runaways; provisions for support and training and the setting up of a National Commission on child policy and strategy). In the UK, one practitioner argues for the whole of UNCRC to be embedded into UK Law as one Act rather than piecemeal contribution to legislation in different sectors.

Other suggested legislation includes ensuring there are structures for children's participation set out in legislation such as the mandatory setting up of youth councils in Northern Ireland as a result of NICCY (Northern Ireland Commissioner for Children and Young People) recommendations. In Germany reducing the voting age is seen as an important contribution to developing a culture of participation in society.

⁴⁹⁷ Specific articles regarding the child participatory rights should be listed in following Croatian laws: Law on Health Protection; Asylum law; Sport Law; Media Law

⁴⁹⁸ Synthesis report on the outcomes of the monitoring of the III National two-years Plan of action and interventions for the protection of rights and the development of individuals of developmental age adopted with DPR 21 January 2011

⁴⁹⁹ Comitato sui diritti dell'infanzia, Cinquantottesima sessione 19 settembre - 7 ottobre 2011. Considerazioni sui rapporti presentati dagli Stati parte ai sensi dell'articolo 44 della Convenzione. Osservazioni conclusive: Italia (Committee on the Rights of the Child, Fifty-eighth session 19 September-7 October 2011. Consideration of reports submitted by States parties under article 44 of the Convention. Concluding observations: Italy), 31 October 2011

⁵⁰⁰ Respondent noted similar to system in Ireland

While legislation will not of itself create changes in culture and practice, it does provide the imperative for change and support the advocacy to build in resources, training, structures, M&E etc. It also allows for greater accountability to and for children's participation rights.

ii) Guidance and support measures

A third set of legislation and / or policy development that is needed focused on guidance and measures to support implementation, for example through education and awareness raising amongst professionals, but also as a lever to strengthen the statutory foundation for regulation and monitoring of participation. There is an overriding emphasis in the focus for new legislation on vulnerable children who lack any basis for participation. These include children with disability (Belgium), children in alternative care (BG, EL, LV), Roma (EL, SK) and children left behind (Latvia).

iii) Legislation targeted at specific groups and settings

In some cases recommendations for legislation and policy change to promote participation involve addressing the wider context of children's lives, in particular those growing up in poverty, as this was seen to limit possibilities for participation (Estonia). For example the evidence from Greece highlights how current national policy focuses on enrolment in primary schools, however, for Roma children, a stronger focus on improving secondary school attendance as well, would be beneficial for the development of Roma children so that they have greater possibilities in developing leadership, as well as contributing to local or national policy decisions (Greece). Other sectors and groups where the need for legislation was identified includes: children in court settings, schools, children in care, children with a disability and asylum seekers and refugees. (See chapter 3 for further details).

6.4 Additional measures

Whilst some legislative changes are needed across different countries and sectors, the main focus of responses concerned support for implementation, with a focus on local and community levels.

6.4.1 Support with implementation

"At the present stage of development of the country, there is no pressing need to adopt additional legislative acts. Instead there is a need to implement already existing legislation and policies."

(Country Expert, Estonia)

"There is no big need for additional legislation change, more needed is change in practice and in interpreting and using existing legislation"

(Country Expert, Poland)

For some countries (CY, LV, SE) focusing on implementation at a local level needs to involve the appointment of a local champion to ensure national actions for children's participation are included in local government action plans, and support (in terms of methods and approaches) for the realisation of those plans. In Slovakia, IUVENTA⁵⁰¹ (Slovak Youth Institute) and the Association of Towns and Villages lobby to link local strategies to the new National Action Plan on children's rights.

⁵⁰¹ IUVENTA - Slovak Youth Institut is a state organization directly managed by the Ministry of Education, Science, Research and Sport of the Slovak Republic.

A number of specific recommendations concerning measures needed to improve and support implementation of legislation concerning procedural guidance are identified. For example concerning participation in juvenile courts⁵⁰² (see for example Luxembourg), training, resources and standards for monitoring.

6.4.2 Procedural guidance

Targeted actions aimed at introducing or reinforcing procedures which promote children's participation in institutions and/or organisations hosting or providing services to children could expedite a change to procedural guidance. Such actions must be undertaken both in the field of education and in child protection with the aim of strengthening and deepening the democratic process and the proper education and training of the professionals involved. At the same time procedures for the participation of children should be promoted at community level and local government in general.

"This does not require new legislation but better specification, preparation and support of the implementation, evaluation and feedback and a more effective system of consequences."

(Children's Rights Advocate, Greece)

"It would be necessary to establish a national organisation responsible for regulating a system of regional policy coordination and establishing a system of minimum standards and good practices exchange, since participation is different in each region."

(Country Expert, Spain⁵⁰³)

Stakeholders interviewed in Ireland and Austria argued the need for ensuring that any legislation and guidance is supported by measures making available appropriate resources, in particular peer led activities.

6.4.3 Training

Training for professionals is identified across most of the countries in this study and is a key issue to be addressed in realising participation. This needs to involve increasing awareness and understanding about children's rights and participation but also requires professionals working with children to develop skills of participatory practice and integrating the values and principles into their everyday practice. This includes how to engage, listen and talk with children to better understand their situation, and develop respectful relations with children as well as knowing how to support and facilitate different opportunities for children to have their say and be actively involved. Training is identified as being needed for all people who are involved in children's lives but especially for judges, doctors and other health care professionals.

"There is no need for more legislation. To implement legislation it is important that social workers are educated enough to implement that legislation, to have not just knowledge about the legislation, but mostly empathy through supportive interaction with children, and be able to listen and understand children's situation."

(Practitioner, Slovenia)

⁵⁰² This legal background applies to juvenile courts in Luxembourg (own translation): "Whatever the age of the child or the reason for his summoning before the juvenile court (see Ch.10 Sect.1) it is always understood in its opinions and explanations, even without the presence of his parents or his legal representative if it is in their interest. The court is not obliged to follow the will of the child. It takes only judge and measures to promote the welfare, conservation and education of the minor. (L. 10. Aug. 92 art. 1, 12, 23, 29). The juvenile court may even take "a measure of custody, preservation or education specified in Article 1. Law of 10.8 92 towards any minor who asks for his help and assistance where this is necessary in the interest of the minor."

⁵⁰³ General country report findings

"There is no need for additional legislation change. The most important thing is to train adults, parents and professionals about children right to participate and teach them how to do it, how to encourage children to participate, how talk to them – to start to treat youth seriously and listen to what they say."

(Practitioner, Poland)

Advocates are identified by one country (Poland) as being needed to support children in custody. Often the child does not have the right to information, does not know how the procedure is conducted and lacks statutory representation.

Training needs can be understood as involving: a) the individual practitioner and her or his relationships with children, b) the institution or system within which they work and how it needed to be designed to ensure it is receptive to and informed by the perspectives of children and c) the role of the practitioner as an advocate of children's rights to be heard – using the experience of listening to children to seek to influence public policy accordingly.

6.4.4 Educating children about their rights

In addition to training professionals, some countries (AT, DE, DK) identify the importance of educating children about their rights as explicitly mentioned in the constitution (Germany) but also in terms of the UNCRC (DK) so that they can really know their rights and be able to use them. This is fundamental to children's participation as it is not possible to exercise rights if one does not know one has them. This is echoed in findings from Belgium, where the main focus needs to be on ensuring the development of a children's rights culture in practice⁵⁰⁴. A number of responses suggest this should best happen in school. In particular more attention needs to be paid to finding out from children who don't participate e.g. at risk groups and for under 12s meaningful ways for them to participate (Netherlands).

6.4.5 Standards and monitoring

The evaluation evidence shows a clear lack of monitoring and evaluation of children's participation. Many countries hence identify the need for monitoring, in particular at a central level, but also minimum quality standards for all sectors (Greece). One suggestion is for a body which will monitor child participation in all sectors, on local and national level (Romania). Another is for more research evidence on how child participation is being implemented. National standards and monitoring are important in particular for coordinating implementation across regions (Spain and Austria). In addition to monitoring, some countries identify the need for sanctions for violation of child participatory rights of children in alternative care (e.g. Croatia).

Effective monitoring is also needed at the European level in particular with regard to implementation of Directives and Recommendations and in European projects. The issue of translating Recommendations (i.e. the Council of Europe Recommendations) into national language should be considered.

⁵⁰⁴ UNICEF Lundy L., Kilkelly U., Byrne B., Kang J. (2012) The UN Convention on the Rights of the Child: A study of legal implementation in 12 countries. Belfast : UNICEF
http://www.unicef.org.uk/Documents/Publications/UNICEFUK_2012CRCImplementationreport%20FINAL%20PDF%20version.pdf (p.38)

6.4.6 Measures to support social and cultural change

A common theme from the evaluation is that implementation of participation does not depend on the extent to which specific legislation has been developed or not. Instead respondents in many countries argue for the need for cultural change as a more favourable context to develop participation.

"Mentality change is the most important factor that would push the State to act differently and promote child participation in all sectors and situations. Legislation alone cannot really bring change, if adults are not willing to accept children as "fellow citizens" with equal rights. Recognising children as citizens is essential and lowering the voting age (similar to the practice in Austria) is the first step."(Cyprus)

"It is important to start change with facilitating public debate about human rights, what they mean, how they were developed and for what reasons. Then it is more likely that more favourable conditions would be created for protection of child rights including right to participation."

(Lithuania)

To help bring about cultural change, public education is identified as being needed. For example through **information and awareness-raising** about children's rights and participation to improve understanding about the benefits of involving children (France and Italy) and develop a culture of participation; as attitudes cannot be changed by laws (Austria). Generating higher public acceptance for child / youth participation in school councils is not widely acknowledged yet.⁵⁰⁵ Two country responses suggest elevating child participation as a topic in the media given the role of social and entertainment media in people's lives (Austria and Estonia). Another suggests the need for measures to raise parents' awareness for children's participation which could be implemented by professionals from childbirth (Austria). Another view is that making the general public aware of children and young people's right to participate is a massive task (UK, Wales).

Campaigns and public education was identified specifically as being important in relation to minority groups such as the Roma (Slovakia) for whom it was felt that legislation would not help promote their participation because of the discrimination they experience, but also because due to their culture they are not used to consulting with children. For this group it is important to work with the parents as well.

⁵⁰⁵ This is illustrated by the case of a student committee president who was excluded from class for three days, after having publicly initiated a manifestation at school. The incident triggered off heated debate among members of the national parliament in LU. Further reading: <http://www.wort.lu/de/view/mehr-mitbestimmungsrecht-fuer-schueler-5149dd74e4b0a18aff37fb74>

6.5 Conclusions

This chapter has outlined the barriers and challenges in realising the effective participation of children in practice. These are shown to be largely concerned with the absence of appropriate structures and processes in organisations, public service and governance systems. This set of constraints is in turn due to lack of clear understanding amongst professionals about how to enable children's participation, but also a lack of political commitment to support professionals to put measures in place. This results in a lack of resources and capacity to support implementation of participation in practice.

We also examined the possible enablers for supporting child participation, and found that – perhaps as might be expected – many of the enabling factors were the inverse of the barriers summarised above. The country level research indicated that participation is assisted when national Ministerial strategic decision-making is joined up and coherent, and when municipalities take a lead to champion child rights. The existence of transnational networks such as the Child Friendly Cities Initiative has also acted as a catalyst for change, whilst NGOs have often played a central role in keeping momentum for child rights. Beyond these factors, the use of public awareness campaigning and structured dialogue; training, and targeted measures for vulnerable or under-represented groups of children emerged as being key factors.

The chapter underlines that further legislation is not always the solution to these barriers, and that other measures can improve the effectiveness of existing legislation; through more effective monitoring and remedial actions. The chapter also shows the importance within many Member States of cultural change, awareness raising and training. This includes training for children, to ensure an awareness of their rights and knowledge of how to put participation into practice.

7.0 Children's understanding and experiences of child participation

Key messages

Children's understanding of 'child participation'

- The majority of the participants in the child-led research projects felt strongly they should have a say in key decisions that concern them, despite a lack of consensus about what 'participation' should mean. In practice, however, participation was nearly always experienced as being most tangible and meaningful when viewed in the context of everyday interactions, whether at home, in school, or in the community.

Children's experiences of participation

- Children's experiences of participation can be broadly divided into issues where they have some decision-making authority (e.g. over their dress, choice of friends and free time activities), issues where they have limited decision-making (e.g. over choice of school, time spent watching TV, choice of doctor), and areas of shared decision-making (e.g. over room decorations, home rules, trips, and food).
- Experiences were found to vary for individual children, depending on their living circumstances, location, and individual factors (e.g. age, gender, ethnic background, disability). In general, children do express themselves in the family, but they often have to acquiesce when parents or carers disagree with them.
- In most cases children have more input to everyday (shorter-term) issues, and less to 'serious' (longer-term) issues. This may reflect both the unwillingness among some parents to involve children in issues that they don't think concern them, and/or a desire to protect children from information and experiences parents feel they may find distressing.
- Certain groups of children drew attention to significant gender differences, largely based on cultural and religious norms, with girls in particular experiencing tension between their lives outside the home, and the restrictions they faced when at home.
- There was considerable concern over the extent to which children and young people participated in decisions regarding their education. Although children tend to make their choice of school in conjunction with adults, they often described feeling pressurised to accept the choice of their parents or carers. Although some positive examples of participation were mentioned, children often criticised teachers for not taking time to listen to students, or for asking for their opinions but not taking them into account.
- Although children's experiences of health services were mixed, a common view was that opportunities to participate in decisions about their care were limited. Many children said that in practice doctors usually talk to their parents and ignore them, and often children are not aware of what support and activities are on offer or how to access them,
- Children generally reflected positively on their experiences of fostering and residential care in the two projects that addressed these issues. However significant areas of concern were around lack of confidentiality of data, and lack of involvement in decisions about whether to place a child in foster care, the choice of placement location, and the child's relations with their biological parents. There was significant criticism of other mechanisms specifically designed to encourage children's participation. Students' Councils, although considered useful by a number of young people at least some of the time, were regarded by others as being largely invisible, unrepresentative and/or ineffective.

7.1 Introduction

'I love this life where children get attention for their opinions.'

(Afghan boy, 11, Yohri, Netherlands)

This chapter is the first of two presenting evidence from child-led research strand of the evaluation. The evidence is drawn from a set of participatory research projects that were conducted through a series of partners within five EU Member States (Croatia, Greece, Netherlands, Poland, and the UK). The projects aimed to reflect children's 'lived experiences' of participation within their everyday lives – rather than treating them as the 'objects' of research, as has often been the case traditionally, they saw them as young citizens with rights to be respected.

The chapter begins by exploring various definitions of 'child participation', by examining what the term meant to the child participants. It then explores the children's experiences of participation in practice, highlighting both children's participation in different types of decisions, and different levels and spheres of participation, including: family, education, other services, and structures for children in fostering and residential care.

7.2 About the child-led projects

This section provides a brief summary of the overall research approach for the child-led strand of the evaluation.

Eleven partner organisations, working with children and young people from a range of sectors and settings, used peer research as the predominant method for facilitating the participation of children in the study. In total, the partners worked with 111 children (aged under 18) training them as peer researchers, and a further 630 who participated as research respondents through interviews, focus groups, or surveys.

Overall, the child peer researchers had a significant degree of involvement in, and responsibility for, all aspects of a project, from overall research design, to developing research questions, data collection, analysis, reporting and dissemination. However the extent of their involvement varied between projects, depending on factors such as the ages and backgrounds of the children, the timing of projects in the school year, and the precise research tools identified for each project.

Figure 7.1 Young researchers planning the research in Croatia



Adult researchers / facilitators took responsibility for ensuring that high quality was maintained and that ethical standards were adhered to. They also led on the production of a formal report on each project's activities; however children contributed, to varying degrees, to aspects of the report (e.g. writing or co-writing sections of the report; commenting on draft reports; making recommendations on the key issues arising).

Following completion of project activities, 'intergenerational meetings' were held in two of the five countries involved. At the meetings, the child peer researchers communicated the findings from the research they had undertaken to key adult stakeholders in that country, providing opportunities for discussion and reflection on the learning and on how to take forward the findings.

The following table gives a brief overview of each of the projects from the child-led strand, and describes the activities that took place. Detailed explanation of the methodologies used is described in [Annex Five](#).

Table 7.1 Overview of the projects for the child-led strand of the evaluation

Partner Organisation	Member State	Description
Office of the Children's Ombudsperson	Croatia	Conducted a peer-led survey of children's participation in decision-making at school. Written questionnaires were distributed between April and June 2013 among 214 students (12-18) in classes sampled from elementary and high schools in five areas of the country. The survey was organised by eight peer researchers from the Young Advisors Network to the Office of the Children's Ombudsperson.
SOS Children's Villages	Croatia	Focus groups explored the extent to which children and young people living in the social care system participated in decision making processes. It involved eight peer researchers - three boys and five girls aged 13 to 16 - and 40 respondents aged 12-17. Most of the children who took part in the research were separated from their biological families for various reasons, including different forms of abuse and neglect.
DND Opatija	Croatia	Children from two kindergartens; school children from 7 to 13 years old from two elementary schools, and a group of 17 year old high school pupils: 105 children and young people in total. Six child peer researchers (three male and three female, from 13-17 years old) led the work, and devised the methods to be used (group discussion, interviews, drawing, story with questions).
Office of the Children's Ombudsman	Greece	Two two-day meetings ("Days of Dialogue") were organised in Thessaloniki and Athens, attended by 48 young people aged 13 to 18, from 14 different areas of the country. Among them were young people from minority ethnic or foreign backgrounds, young people living in institutions and young people with disabilities. The meetings included group discussions with young people on selected topics plenary sessions and evaluation. An 'intergenerational meeting' was held to discuss the findings, attended by 12 of the young people, staff from the Ombudsman's Office and representatives from various ministries and youth institutions.

Figure 7.2 Peer research in progress in Poland



Partner Organisation	Member State	Description
Roots	Greece	Roots worked with two groups of children in Athens: children from a multicultural school, and children from the Filipino Community. The first group were mainly asylum-seekers who had recently entered the country with at least one family member; the Filipino children were born and raised in Greece. Children were encouraged to participate in groups discussing various themes, including children's rights and participation. Twelve peer researchers were involved (aged 12-17) and 49 respondents.
Youth and Human Rights issues (YOHRI)	Netherlands	Nine girls and eight boys (aged 13-18) from varied cultural backgrounds acted as peer researchers. They decided to focus on the theme of the participation of refugee children, and carried out interviews, took photographs, analysed results and wrote articles. A questionnaire developed by the group was answered by young people in a number of asylum seeking centres. Overall, the project engaged with 40 child asylum-seekers. The peer researchers worked with a facilitator/photographer/designer to produce a magazine reporting on their findings. At the end of the project an intergenerational meeting was held where the peer researchers presented their work to 100+ professionals and the municipality of Amsterdam.
SOS Children's Villages	Poland	This project involved children growing up in the SOS Children's Villages Bilgoraj (aged 10-14); young people in a residential facility in Koszalin (aged 15-17); and children in two community centres in Bukowa and Karlino (aged 10-17). Twenty peer researchers were trained in research methods, developed research tools, and carried out face-to-face interviews with 43 respondents.
Somali Development Group	UK	This research explored the views of Somali children and young people aged 11-17 years on their ability to participate in key decisions about their lives since coming to the UK. Six children volunteered to be peer researchers, and following training they carried out audio or video interviews, based on questions they had designed. Twenty interviews fitted the criteria of being aged between 11-17 years and living less than three years in the UK and these were used for the subsequent data analysis.
Off the Record	UK	Young people were recruited for this project from the Mentality group, composed of young people aged 13-21 who have experienced mental health difficulties. The group explored young people's experience of participation within mental health services. Following training, two researchers conducted a combination of questionnaires, focus groups, and one-to-one interviews. The views of 26 respondents were analysed for the final report.
Newstead Children's Centre	UK	Newstead offers nursery education for children aged two, three and four years. This project investigated the theme of 'transitions to primary school', and how young children reflected on their experience of participation at the centre. The project was planned in partnership with the children, and with the involvement of a pre-existing 'children's committee'. The data collection involved the four year old children carrying out peer exit interviews, with adult support. Overall, 21 children were interviewed by 12 peer researchers.
Black Young Carers	UK	Ten young carers (eight female and two male) were trained in peer research so that they could research the needs of a wider group of young carers. The peer researchers developed questionnaires and focus group questions, and held a citywide event to reach 'hidden' young carers. The peer researchers interviewed 22 young people aged 11-18.

7.3 Benefits of the projects for children

Participating in child-led research has a range of benefits for the children involved in terms of their own development. This was acknowledged in the very positive comments of children and young people about their experiences of participating in the various projects undertaken for this study (see below). These echo the benefits described by Lansdown (2002)⁵⁰⁶ that children link to increased participation – including acquiring new skills, building self-esteem, and contributing to making the world a better place.

For example, the children from SOS Children's Villages in Croatia highlighted gains in self-awareness, commenting that through participation in the research *'we have learned a lot about ourselves and our peers, and have become smarter and more mature'*. A girl (16) who took part in the project by the Greek Children's Ombudsman stated that she had *'discovered elements of myself'* and that participating was *'a life lesson'*. She had also thought more deeply about the subject, made new friends, and *'opened up'* in new ways.

Other children were clear that they had improved their communication abilities. A child from SOS Children's Villages in Poland argued that they had learned a lot about conducting interviews and gained in the process: *'The conversations were fun and I feel the others also liked talking to me. I feel better at talking to people now'*.

Figure 7.3 Young researcher from SOS Children's Villages in Poland



Many of the children commented on their development of research skills. Another child from SOS Children's Villages in Poland stated *'I got to know something new about carrying out an interview. And I worked with a dictaphone'*. She also reflected on the fact that *'sometimes the issues were difficult to discuss'*, but that she *'could help my peers solve some difficult problems'*.

Similarly, children from the Opatija project in Croatia commented that *'we learnt new methods of research; we improved our communication skills'*. Moreover, they noted that the skills they had learnt had wider relevance as *'participation is a very important process in our lives'*.

⁵⁰⁶ Lansdown G. (2002) Promoting Children's Participation in Democratic Decision-making, Florence: Innocenti Research Centre, UNICEF

Several of the children stressed the importance of their findings and expressed the hope that the knowledge gained would help to improve the lives of children more generally. As children from the Child Ombudsperson project in Croatia argued: *'Maybe these results will help in contributing to better child participation and more serious understanding of children'*. A boy (17) from the Greek Children's Ombudsman's project highlighted the need to develop specific recommendations arising from their work: *'it is really important that young people, who are not acquainted with each other, have gathered here and can now talk and make proposals.'*

Figure 7.4 Young researchers conducting a focus group with elementary school children, Opatija, Croatia



One of the researchers from the Black Young Carers project in the UK also identified that taking part in the project had strengthened their desire to campaign on the issues they cared about: *'I now have fire in my belly to get out there and get young carers' voices heard and work to get young carers who don't realise they are young carers to get their voices heard as well'*.

Overall, the congruence of the positive views that were expressed by children and young people in reports and evaluation forms is striking. Other research has also suggested that the benefits from gains in research skills are transferable to other aspects of children's lives (Kellett, 2006)⁵⁰⁷.

The views of adult staff members in the projects were generally similar to those of the children and young people. The co-ordinator of the Somali Development Group in the UK argued, for example, that learning from this experience had helped the peer researchers to feel more confident about conducting research: *'As they became more experienced with the questionnaire subject matter, they were able to relax more when questioning to gain more meaningful responses by exploring the depth of answers given.'* On a wider scale, he stated that they *'enjoyed being part of something relevant to their community and being able to help by enabling others to express themselves'*.

The Off the Record report (UK) notes that despite the numerous challenges that were encountered, *'it was clear that the research skills and confidence of the young people involved developed a great deal throughout this research project'*. This was also true of the young people in the Black Young Carers Project (UK). Whereas at the beginning of the project the group found it very difficult to find their voice, with support the project *'found a positive reinforcing cycle in the young carers gaining confidence through participation, which in turn enabled them to participate more'*. These sorts of experiences were reflected in feedback from Croatia and other countries.

⁵⁰⁷ Kellett, M. (2006) 'Pupils as active researchers: Using engagement with research process to enhance creativity and thinking skills in 10-12 year olds', British Educational Research Association Annual Conference, 6-9 September, University of Warwick, UK.

The report of the Children's Ombudsman in Greece highlighted children's eagerness to have discussions with peers, their will to express their opinion, their seriousness and responsibility. According to the report, conversations flowed freely, and some researchers managed to coordinate the group discussions exceptionally well, probing responses effectively and involving all participants on an equal basis. Participants showed interest in listening to different experiences from other peers, schools, areas and environments, and showed respect for the opinions of others. Ultimately, young people were satisfied at being able to express their opinions freely.

As well as benefits for the children involved, the projects gave rise to interesting findings and helped to flesh out a more rounded picture of children's lives. They also provided very useful insights for the adults who were involved, in particular by challenging their perspectives of the competences of the children they worked with.

This was most evident in the project carried out with very young children (4 year olds) at Newstead in the UK. This project involved exploration of children's feelings and thoughts of 'transitions' (i.e. children joining the children's centre and children graduating from the centre to primary school). Following extensive preparation through discussions and meetings, the child researchers undertook data collection through 'exit interviews' with their peers. The report records that *'the child peer researchers were very pleased with themselves and enjoyed taking turns, interviewing, filming and taking photos'*. Moreover, a staff member commented *'I have learnt a lot. The children's level of capacity surprised me and all the staff'*. Reflecting on the research process, the research findings, and the children's overall experience, the staff recommended that children need more opportunities to participate in the educational decisions of the early years centre, that staff training should address children's competence and how to ensure their voice is heard, and that opportunities should be provided for children to influence the design of an area of the children's centre.

This reflects the findings of other attempts to actively engage very young children in participatory research. For instance, the Mosaic approach developed by Clark and Moss in the UK involves children under 5 taking responsibility for guiding a researcher around 'tours' of their nursery and for recording the visit (either by photograph, audio recording or drawings). Putting together the results from this and other research tools has led to improved understandings of children's interests and concerns (e.g. about children's private spaces within the nursery, and the need to involve children in planning the use of external play areas). It has also undermined professional assumptions about young children's capabilities⁵⁰⁸.

7.3.1 Children's understanding of 'child participation'

Various definitions of 'child participation' have been developed at international level. The UN Committee on the Rights of the Child (UNCRC) has used the term to describe:

*'...processes, which include information-sharing and dialogue between children and adults based on mutual respect, and in which children can learn how their views and those of adults are taken into account and shape the outcome of such processes.'*⁵⁰⁹

⁵⁰⁸ Clark A., 'Developing and Adapting the Mosaic Approach', in Clark A., Flewitt R., Hammersley M., Robb M., (2014) *Understanding Research with Children and Young People*, Open University/SAGE

⁵⁰⁹ UN Committee on the Rights of the Child, (2009), General Comment no. 12 on the right to be heard.

The Council of Europe has similarly defined participation as being:

'..about individuals and groups of individuals having the right, the means, the space, the opportunity and, where necessary, the support to freely express their views, to be heard and to contribute to decision making on matters affecting them, their views being given due weight in accordance with their age and maturity'⁵¹⁰.

The child-led research projects showed that 'participation' is not a term which all children and young people are familiar with. Indeed, the young people in different projects interpreted 'participation' in different ways. For example, the Greek Ombudsman's report states that: *'young people comprehend the meaning of participation solely as an expression of their opinion - orally or in writing - and they find it difficult to think of other ways to participate (e.g. in cultural or other activities)'*. By contrast, the young people from the Somali Development Group interpreted 'participation' as meaning *'activities outside the home'* and felt that they participated through political discussions and debates, sporting activities, and activities organised by mosques.

Interestingly, the young people from Off the Record (UK) also thought that participation meant *'taking part in some sort of event with other people'*, but more subtly – and echoing the definition of the UN Committee on the Rights of the Child – they also understood participation as *'a process of involvement with others, as opposed to simply having a say or taking part in making decisions'*. They went on to reflect that having a voice, and that voice being listened to, was very important to them – and that this didn't happen enough. Moreover, by having a say in decisions that affect them they would feel more involved within their community.

Several of the projects highlighted that children and young people's understanding of participation was clearly influenced by their age. For instance, the 17 year olds from Opatija in Croatia interpreted participation as involvement in formal activities, such as the Children's City Council and Children Forum; this may have been affected by the fact that they knew (or had been themselves) members of these bodies. Children from 10-13 years saw child participation as respect for children's rights and their ability to decide (although younger members of this age group did not appear to fully understand what was meant by a 'right' to participate). Children from 7-9 years felt that participation meant socialising, playing, helping parents with household activities, and caring for the elderly and disabled in their community.

It can be anticipated that understandings of participation are also affected by the other identity issues that may combine with age, such as gender and disability. But unfortunately, the data presented in the reports is insufficiently nuanced to enable comparisons of, say, the different perspectives of boys and girls of 'participation'. In the same way, it would be interesting to explore the differences between the perceptions of children with or without disabilities.

For our partners, these different interpretations of the meaning of 'child participation' were more than just individual assessments of an abstract concept. These understandings influenced the ways in which the research projects were framed and conducted. This can be seen, for example, in the kinds of questions that young people chose to ask, and the kinds of responses that they then received. For some children, it was easier to reply to a practical question such as: 'do you know some of the activities in which you can participate?', rather than a theoretical question such as: 'Is your voice heard in key decisions affecting your life?'

⁵¹⁰ Recommendation CM/Rec(2012)2 of the Committee of Ministers to Member States on the participation of children and young people under the age of 18, <https://wcd.coe.int/ViewDoc.jsp?id=1927229&Site=CM>

7.3.2 Children's experiences of participation

The partners addressed children's experiences of participation from two perspectives, which are considered in turn below. First, the report by SOS Children's Villages in Poland provided a useful typology of children's decision-making; issues where children and young people had some decision-making authority; issues where children and young people had limited decision-making; and areas of shared decision-making. (This is similar to the framework developed by Lansdown⁵¹¹, which explores issues where children have 'no influence'; 'limited influence'; 'moderate influence', or 'comprehensive influence' on decision-making). Second, partners explored different levels and spheres of participation, including the family, education, service provision, mechanisms to support children's participation, and fostering and residential care.

Types of decision-making

Among the partner projects, various frameworks were developed for analysing children and young people's experiences of participation. One of the most comprehensive was set out by SOS Children's Villages in Poland, who explored both the types of decisions taken by children and young people, and the contexts in which they take place.

According to their findings, the majority of their respondents not only took decisions (i.e. were given permission to do so), but also made choices (i.e. took action) on a range of issues. They emphasised that decision-making was inseparably connected with the responsibility for one's choice. Moreover not all decisions bore the same significance: *'choices of temporary nature do not pose a problem to the respondents, unlike life choices, which change or strongly affect one's life. The latter require knowledge, reason and experience, which are acquired with age'*. However, they also noted that every respondent could recall a wide spectrum of experiences, so the same interviewees referred to cases of influencing decisions affecting their lives **and** to moments of being deprived of choice.

'If you raise a child to be competent in making decisions, it makes their future easier. Decisions are inherent in life – no matter if it is the choice of school or of a life partner'. Girl, 16, SOS Children's Villages, Poland

'My parents took all decisions on their own and I didn't like it. I don't want to be the only one to decide, but I would like a chance to voice my opinion'. Girl, 14, SOS Children's Villages, Poland

'Children can influence decisions that relate to them and cannot decide on things that concern adults'. Girl, 13, SOS Children's Villages, Poland

This research also went on to develop a useful typology of the different kinds of decisions that children and young people faced. These included:

- **Issues where children and young people had some decision-making authority:** Here the children and young people focused largely on dress, the choice of friends, free time activities, as well as one's room decorations, emphasising that the above aspects of life shape a person's identity (*'My dress shows who I am'*. Girl, 14). Most answers revealed that the choice of friends and the ability to spend time with them was of the utmost significance to the respondents – and any attempts on the part of parents or carers to limit this privilege were considered to threaten the child's freedom (*'No-one can tell me who to make my friend, it is my private matter'*. Girl, 16). Although many of the young people (over 13s in particular) reported their friends to be the trusted parties with whom they discussed problems and life choices and whose advice they sought, many also expected to receive support in decision making from their parents, relatives or carers, especially when life decisions were involved.

⁵¹¹ Lansdown G. (2011) A Framework for Monitoring and Evaluating Children's Participation

- **Issues where children and young people had limited decision-making:** Some children and young people are able to take some decisions independently, whereas others have to defer to their parents or carers. The most prominent decisions in this category were choice of school (and extra classes), and time spent watching TV or using the computer. The children who reported lack of influence e.g. on the amount of pocket money or the choice of holiday destination, pointed to low household income in their families (*'I don't have a say in setting my pocket money because my mum doesn't earn enough. To provide for the family she needs to control the money closely'*. Girl, 15). Children do not participate in the choice of their GP, which poses a problem for some of the interviewees as they do not feel at ease when examined by a doctor of the opposite sex or are simply unwilling to discuss their ailments with a specific individual. Generally, however, they would not wish to change the involvement of their parent or carer in medical issues since it makes them feel more secure.
- **Areas of shared decision-making:** Children and young people did not report lack of influence on relevant decisions (e.g. about room decorations, home rules and duties, trips, and groceries) (*'I share the room with my sister so I do have a say but we have to agree on the choice'*. Girl, 15). In practice, they participated in everyday choices made at their homes, schools or day care centres (*'In my family we all agree on the menu'*. Girl, 14). Democratic methods of negotiating decisions (e.g. debate, vote or group survey) were highly appreciated by most, regardless of the extent of the compromise they had to make. On finding majority choices incompatible with their individual preference, some felt deprived of influence and decision-making power; as the report noted: *'this suggests the needs of children whose ideas were "overruled" should be appreciated and ensured at least partial fulfilment'*.

The research conducted in Poland suggests that children expect support, attention and advice from their parents and carers but provided on the basis of partnership not age hierarchy, and without decisions taken on an adult's whim:

'It is necessary for a young individual to be heard attentively and able to voice their observations and preferences, even if they seem irrelevant to an adult. Fears and anxieties treated seriously and allayed ably, without discrediting choices or forcing opinions ('I am older and I know better what is good for you') enable the young to appreciate the influence they have over their lives'.

7.3.3 Levels and spheres of participation

Family and school are probably the most important sites for considering children's experiences of participation. Not all the projects in this study explored the extent of children's participation in family matters, but we give some examples below. Other levels and spheres of participation are then explored further.

7.3.3.1 Family

According to the research conducted by the Children's Ombudsman in Greece, the general feeling is that children do express themselves in the family. But when parents (or those responsible for young people) disagree with them, children usually have to give in. However it depends what issue is being considered, and there are differences between experiences:

'I feel good when my opinion is heard.' (Boy, 14)

'Very simply, the authority (i.e. parents) makes decisions.' (Girl, 16)

'Every time I express my opinion, I get in a quarrel.' (Boy, 16)

'I wish my opinion counted more.' (Girl, 14)

'My opinion is heard in more "painless" decisions, on daily issues (e.g. excursions, events, activities). There are of course the usual points of friction (e.g. lessons, free time, what time to return when going out in the evening).'

'They do not pay attention to me about the more serious issues which do not concern me directly (e.g. financial, politics, the crisis) because they think I am young or because they do not want to sadden/stress me. Also they will not listen to me about issues regarding relationships/friends (e.g. do not approve of a romantic relationship).'

'Our parents subconsciously get messages across to us from a young age (e.g. for choosing a profession), therefore when I then express my opinion it is totally affected by them. It's me speaking, but in essence it's not me.' (Girl, 16)

Some young people have discussions with their parents and their opinion is always heard. *'They ask me, they take me into account, we decide together. I convince them after a discussion. They advise me and we always find a solution'*. But some young people say their opinion is not asked and is not taken into consideration even about issues which concern them directly: *'They consider me immature and young. Because they are adults, their opinion is superior to mine. My opinion does not count for my parents. Power decides.'*

Children from the Somali Development Group in the UK felt that they had some voice within the family, but generally parents made decisions, and most of the children had had their own decisions overruled by parents. As one boy put it, *'I make decisions but the final say is with my parents.'* Significant gender differences existed, however, largely based on cultural and religious norms. Boys commented that they had more of a say in decisions than girls. Girls noted a tension between their lives outside the home, and the restrictions they faced when at home (*'I cannot go out on my own like my brothers'*). They reflected on traditional notions of appropriate roles for girls and women, a downgrading of the importance of education for girls, and over-protective parenting. One girl commented, for example, that having strict parents meant lack of choice and *'having to follow orders'*, rather than being consulted. Another girl highlighted that her parents had *'grown up in environment where girls do not have rights, so are struggling with this.'*

7.3.3.2 Childcare and education

Childcare and education are key spheres where it is important to strengthen children's ability to express opinions about matters affecting them. As the Report of the Office of the Children's Ombudsperson in Croatia argued, it is essential to raise awareness of the advantages of identifying key issues and solutions through dialogue between children and adults over the traditional approach under which children are *'silenced and excluded from decision-making'*.

In the case of Newstead in the UK, the very young age of the children involved meant that the methods were unique and were developed by the adult staff, but carried out by the children over a four week period. The research sought to gain insight into the reflections of the twenty four-year-olds departing the centre; what has been important, what has been relevant, how much they feel listened to, and their overall experience at the centre. In partnership with the Centre's 'Children's Committee'⁵¹², the supervising adults decided to introduce a new member to the nursery, 'Juliette Bear' (a teddy bear bought via the internet, whose identity the young people then helped to create). Juliette Bear provided a catalyst for discussions around feelings and thoughts of 'transitions' (i.e. children joining the children's centre and children graduating from the centre to primary school).

⁵¹² A representative group of children of all ages and abilities. This committee meets regularly to explore their views decisions such as destinations for annual outings, resources to be purchased, reviewing management ideas and influence policies

The staff then organised a meeting to introduce the children to a camera and camcorder; demonstrations were given on how to use both gadgets and each child was given time for a practice run. A special lunch meeting was held for the children's committee to agree their roles and responsibilities and to devise questions for the interviews. The staff initiated discussions about the different research roles, explaining their purposes and what each entailed. The children then carried out 'exit interviews' (interviews with children who were leaving the nursery that term), based on picture prompts supplied by the supporting adult to accompany the questions.

Initially there were concerns among staff that it would be hard for 4 year olds to express their views about participation, and that the children might struggle to engage with the research process. In practice, the children's experiences of participation in this project were very positive. As the report states:

'The children appeared to gain a great sense of pride through deciding on their roles in this project, selecting the type of teddy bear and carrying out the research. '

'The child peer researchers were very pleased with themselves and enjoyed taking turns, interviewing, filming and taking photos'...'we were astounded at their confidence and competence in using camcorders and cameras so effectively but this is presumably integral to their lives'.

Figure 7.5 Juliette Bear with a child at Newstead project, London



Although the report indicates that no reliable data was collected from the children on their attitudes to participation, some positive outcomes from the project are described in section 8.3. The report also records the beneficial effect of enabling children's participation: *'The enthusiasm children showed when making decisions on this project compared to their apathy when they were told to carry out a task clearly reveals how participation can have a positive impact'.*

The report by SOS Children's Villages in Croatia highlighted in particular issues relating to choice of school. The majority of the children in this report stated they were able to participate in decisions over the choice of their school; a minority stated that they participated too, but the adults tried to pressurise them into choosing the 'best' school for them – even if the child didn't agree. In most cases, however, children collaborate with adults in the choice of school. As the children from the SOS Children's Villages in Croatia stated:

'We take part in deciding in which school we will go to, together with our parents, who suggest to us the possibilities and explain the good and bad sides, and at the end we choose what we want and choose the school ourselves.'

Having said this, the children were concerned that adults failed to participate sufficiently in the process of learning and monitoring school performance. Generally, they felt adults start to take an interest only when the child's performance gets significantly worse. In their view, adults should be more involved from the beginning of the education process.

The issue of school choice prompted similar responses to those from Croatia from children and young people in the Polish report. In general, it appeared that choices were made by young people in conjunction with advice from parents and other trusted adults. As one boy (aged 16) put it: *'I discussed the choice of school with one man from the village [from the staff] whom I trust. He is able to influence my choices.'* Another girl (aged 15) stated that her foster carers initially rejected her choice and wanted to persuade her to go to their preferred school, however with the help of friends and a worker at the children's village, she was able to attend the school she wanted to. In some cases, however, young people are allowed to make decisions in relation to their education on their own: *'My aunt wants me to decide on my extra classes, in the village or in town. She doesn't force me to do things. It wouldn't make sense.'* (Girl, 16)

Discussions organised by Off the Record in the UK revealed that education is the most important place children and young people wish to have a say. But in practice, education was not mentioned as one of the places young people actually did feel that they had a say and policy changes were criticised for not involving young people (*'Government changes to the educational system rarely ask for the views and opinions of the young people that their decisions will be affecting.'*). One of the biggest issues concerning participating in schools was adults not listening to students, or alternatively, asking for children's opinions but not taking them into account. Yet children acknowledged that school councils and students' unions sometimes do help to provide a voice with and for them.

In the survey of 214 students carried out by the Office of the Children's Ombudsperson in Croatia, 54% rated their experience of participation in school as 'good', while 35% rated it as 'unsatisfactory'. The majority felt that they were regularly encouraged to express their views on school-related issues, but their involvement in school decision-making had not resulted in any significant change. A little less than half of the children and adolescents surveyed said that their expressed opinions mostly produced a positive outcome. They reported they felt personally encouraged and motivated – and that they were given the opportunity to make a difference (e.g. by introducing healthy changes in school meals), organise extracurricular and after-school activities for students (e.g. a school chess tournament) or influence decisions that affected them (e.g. choosing a school field trip destination).

However most respondents also highlighted serious negative effects – for example, disciplinary sanctions include warnings, reprimands, failing grades - from expressing views and opinions that were in conflict with those of a teacher (*'Even when I express my opinion, nobody takes the time to consider it. Instead, we get bullied by teachers'*). A small number of respondents associated negative effects with their peers (e.g. being laughed at or frowned upon). Ultimately, it was felt that the extent to which children were able to participate in school depended on the approach of individual teachers (*'Some get annoyed when students express their views, and the others give them due consideration'*).

In general, the children and young people consulted in the report by the Children's Ombudsman in Greece tended to have a very negative view of participation within the education system. Children's needs and learning potential were not taken into consideration and many children stated that school *'has no respect at all for our opinion'*. Moreover teachers *'do not listen to us even in procedures affecting us directly'* (e.g. excursions, participation in teachers' associations). In practice teachers do not encourage the participation of all students and marginalise some of them, particularly on the basis of the children having a different nationality or ethnicity. Teachers are said to have no desire or time to listen to the opinions of children and often intimidate them. Punishment is often the first recourse for teachers, instead of discussion. Only some schools have a friendly environment and no atmosphere of intimidation. In some, but not all schools, there were also positive examples of participation, especially in group projects (e.g. bands, health education), where children were able to speak freely and learn to communicate.

A range of opinions were expressed about Student Councils in schools across the five research locations of the Office of the Children's Ombudsperson in Croatia. Some felt that the Council was beneficial to all students as it enabled them to get involved in school governance and better influence decisions affecting their education. Others suggested the Council either had a modest influence, or that it was useless because its members met to discuss irrelevant issues: *'school-led initiatives, school plays and musicals, school field trips etc., instead of addressing the real issues and problems facing students at school'*. Some answers also suggested that students were not provided with sufficient information about Council activities, either by teachers or the student members themselves.

The report of the Children's Ombudsman in Greece was also critical of the mechanisms. Student Councils were highlighted as a negative example of children's participation (*'I never turn to them'; 'their opinion is not really heard'*), due to the way they function and the way their members are selected. It was argued that in the majority of cases they do not help or convey children's opinion but the personal opinion of their members (*'What is tragic is that we ourselves vote for our worst representatives'*).

7.3.3.3 Other services

Given that children and young people have limited experiences of other service provision, such as the police service, local authorities, and health services, it is unsurprising that few views were expressed about these. Nevertheless, the report of the Children's Ombudsman in Greece concluded that it was obvious that the realisation of the right of participation in fields such as these was *'extremely deficient'* and that *'in the few cases young people have the opportunity to express their opinion it is not taken into consideration'*. This was illustrated by a range of comments from young people in the report.

Police service/courts

In relation to the police, some young people from Greece highlighted incidents of serious mistreatment:

'We've seen aggressive behaviour from the police to children. Let alone helping or listening to adolescents.' (Boy, 17)

'Two kids from our school, who have had some behaviour problems, but have never gone to extremes, were caught by the police during a football game and then told us how hard they were beaten up at the police station until their parents arrived to get them.' (Boy, 17)

Local authorities

The young people consulted by the Greek Children's Ombudsman were also critical of local authorities:

'Last year at the 15-member Students' Council the whole school decided to ask for the enlargement of the yard. We applied to the municipality, but did not receive an answer. This year, we sent another application, but we still haven't heard from them.' (Girl, 15)

Other requests made by children that had been ignored by local authorities were also mentioned (e.g. in relation to getting a playground, provision of a bicycle lane, cleaning up the city). The report records *'They were not taken into consideration and children never received an answer'*.

Health services

Whilst some Greek children said that doctors explained to them what was going on when the issue concerned them, most said that doctors usually talk to their parents and ignore them:

'You are not heard, you literally do not exist in places like that. It's really weird because you might be needing help. It was as if I didn't exist.' (Boy, 17)

'When you visit a doctor, he/she usually turns and speaks to your parents and ignores you, as if you don't exist.' (Girl, 15)

'At a difficult time last year I had to contact a hospital. When they realised they were talking to an adolescent they made fun of me and told me I have no idea what I'm talking about, that I'm exaggerating and that they need to speak to an adult. But there was no adult around at the time and I urgently needed an ambulance. Then in hospital I was treated with the same rudeness. And when later I asked for a complaint form to fill, they refused to give me one and told me 'what do you know of hospitals!' (Boy, 17)

A contrasting opinion was heard from the young people in the Off the Record project in the UK. Overall, they felt that opportunities to participate were best in services (but perhaps this reflected their own experience of mental health provision). Nevertheless, these positive experiences were not unanimous; one young woman described how her issues were not taken seriously by her doctor, who *'started to talk to me as if I was a child'*. Young people from Off the Record also stated that the services available are not well known and not well publicised (*'They are good when you hear about them.'*).

Ignorance about what was available in terms of service provision generally was an issue too for the young people in the Black Young Carers project (UK). Many were not aware of who to talk to, despite identifying opportunities when they had wanted to talk to someone and get support – and this was particularly true for young male carers, who seemed to find it more difficult to voice their needs. The report confirmed that *'the research shows that young people are often not aware of what support and activities are on offer or how to access them, let alone how to have a say in what services should be provided or how.'*

7.3.3.4 Fostering and residential care

Among the partners, SOS Children's Villages in Croatia and Poland both addressed children's experiences in relation to foster and residential care of various types (e.g. community, village, family, home).

Children and young people from the project in SOS Children's Villages in Croatia suggested their experiences were mostly positive. The majority of children said that they were able to participate in various ways in decision-making and planning through mechanisms such as communal meetings or opinion surveys.

However one significant area of concern for the Croatian children within the social care system was confidentiality of data. The children claimed they were never asked, for example, which aspects of their personal data should be written in school records. Most of them did not have any experience of being involved in privacy issues, and adults made all decisions about this area. The children highlighted situations where adults used the child's life story to generate a sympathetic response from teachers, without the child's consent or asking the child whether they wanted their private information to be revealed in this way. Although some children were not bothered by such practices (*'Nothing is important to me because everybody knows everything about me'*), the majority were (*'We wish to be asked which of our personal data they can tell others'*).

In Croatia the issue of confidentiality is a very important one for the children and young people in the care system, and it is not respected enough. Whilst some actions and decisions are taken within a legal framework, *'it is still important to emphasise that the interest of the children should be above everything else, and that it should at least be explained to them what information about them have to be revealed, so they can express their thoughts and feelings about this.'*

In Poland the issues related to decisions about whether to place a child in foster care, the choice of specific foster location, and the resident's relations with their biological parents. Commenting on their lack of influence on relevant decisions, many children referred specifically to the moment of placement (see below):

'When I was placed in the children's home I couldn't choose whether to stay with my mom or not.' (Girl, 11)

'Even if they had asked me, I wouldn't have known which foster unit to choose. I didn't know anybody around the place [in the children's village] but now I am good here.' (Girl, 14)

'It happened so fast, one day I was with the foster family and the next day I was placed here [in the village].' (Girl, 16)

In practice, children have little influence on their placement in alternative care. If parents fail to fulfil their roles, other adults (e.g. local authorities) need to ensure the children's security outside the biological family. The course of the placement procedure depends on adults as well. In response, SOS Children's Villages Poland have developed a placement policy which recommends, for example, making the child acquainted with the unit and SOS family, or obtaining consent from their family of origin for placement in a specific SOS family. As for the choice whether or not to maintain contact with children's families of origin, the respondents reported their individual opinion to be crucial, assuming contact was permitted under the court's order.

7.3.3.5 Participation structures for children

A range of specific mechanisms to enhance children's participation, such as school councils (see **'Education'** above), children's parliaments, and city-wide forums, were referred to by partners. But experiences of and attitudes to these mechanisms varied.

A popular example was provided from Croatia by the Opatija 'Children's City Council'; based on Article 12 UNCRC, the Council enables children to express their wishes and needs to adults and to those who make decisions in the city. At their sessions children regularly ask questions of the mayor and chairman of the City Council and they get answers from them on the spot or in written form afterwards. They also present their results and projects. Every year children collect opinions from other children in the city about the needs of children for budget proposals, and they make proposals for the city budget; part of which includes children. They also have their own small annual budget of around €1600 for conducting a competition for projects for children.

In contrast, the report of the Children's Ombudsman in Greece concluded that *'the institutions established with the very aim to promote the expression of opinion, democracy and the participation of children, do not fulfil their mission (e.g. Students' Councils, the Youth Parliament) and create a feeling of frustration.'* Instead it was felt that participation in teams, projects and other activities reinforced the feeling of children's participation and empowered them. Young people also felt that the Children's Ombudsman was an institution that helped them express themselves and resolve their problems.

7.4 Children's attitudes towards participation

Here we highlight some of the attitudes of children towards participation that have not been addressed in the previous sections. It should be noted that, in practice, there is some overlap between what children say their experiences of participation are, and their expressed attitudes towards participation.

Among the young people questioned by Off the Record in the UK, the vast majority felt that it was very or extremely important to have a say in decisions that affect them. In fact, only one young person asked did not feel that it was important at all. Many of the young participants agreed with the statement: *'It's my life. It's okay for people to try and guide me, but if I'm not given the chance to make mistakes, when am I ever going to really learn and become the person I am.'* They felt that education was the most important area where they would like to have a say, followed by decisions about relationships and medical decisions, and then decisions about service provision.

The young people in the Black Young Carers project emphasised how happy, proud and satisfied they were when they felt they had been heard (*'It takes a weight off my shoulders.'*). Given the often 'hidden' nature of the issues faced by young carers, the report highlights how they feel less stigmatised and isolated when they are valued and listened to.

Among the Opatija respondents in Croatia, high school students would like to have their voices heard more. They were familiar with some forms of children's participation, but they felt they didn't use them adequately due to the excessive demands of school. They expected adults to encourage them more in participation and organising (*'Young people are not interested in participating by themselves until someone stimulates them to be interested.'*). Compared to high school children, primary school children said there were more activities in which they could participate. Those aged 12-13 said that they could contact organisations such as the Children's City Council (which organizes debates, surveys and other educational and fun activities); whereas children aged 10-11 more often said that they turn to teachers and parents.

The answers given by children and young people in response to the questionnaire of the Office of the Children's Ombudsperson in Croatia suggested that they were well aware of the existence of the right to freedom of opinion and expression. A significant number of respondents believed that children and young people should be allowed to express their opinions in all situations, and particularly in school, as that is where they spend most of their time. They also believed that students should have the right to express their opinions freely without fear of consequences, but there was evidence that students felt the need to choose when to speak up and when not to. As one put it, *'students should let their opinions be heard as often as possible, but there are certain situations in which it is better to keep your mouth shut because you could only worsen the situation.'*

In practice, children and young people felt their views and opinions were not given due consideration. They were dissatisfied with how often their views were sought, the extent to which they had a voice and influence in matters affecting them and how this varied according to the setting and level of decision-making involved. In particular, they did not believe that their views were listened to and valued in the school setting. As the report comments:

'They do not see themselves as full and equal participants in the decision making processes that affect them; they feel that children's participation is reduced to a mere formality, a fairy tale for the gullible – a guaranteed right in theory, but not in practice.'

The children and young people in the research by the Children's Ombudsman in Greece described a range of feelings that they experienced about participation in different contexts. Within the family, for instance, children highlighted on the one hand positive feelings - contentment, satisfaction, security, and feelings of understanding and support - when parents listened to their opinions. One child also stated that *'They always do whatever they do for our good; what they think is the best for us'*. On the other hand, children also pointed to negative feelings - anger, bitterness, and tantrums - when they believed they were not heard, and argued that they were often the ones to compromise. One said *'I feel that even though I expressed my view it was not respected. Even if I say something, it won't matter'*. Another felt resigned to not being heard (*'I know they won't listen to me, therefore I ask for nothing'*). Ultimately, the children agreed that whether their opinions were taken into consideration depended to a great extent on their age and the importance of the subject.

In relation to school, opinions tended to polarise. On the one hand there was sometimes disappointment and feeling of injustice and anger (*'...because they always believe teachers and not us; students are always punished; our opinion does not count for them.'*). On the other, there was joy whenever it seemed teachers took students views into account. There was also respect and recognition of teachers who were close to students and listened to and cared for them. And there were feelings of active participation when students were treated as team members. Ultimately, the children's attitude and participation in class and at school often depended on the teacher's attitude (*'If a teacher is indifferent, insults kids, does not teach, children will get used to this. Whereas when a teacher makes the lesson interesting, kids will participate and hold their interest for the following classes.'* Girl, 15)

Some of the respondents from SOS Children's Villages in Croatia claim they are able to participate to a sufficient extent in their community/village/family/home. But other children are more critical, arguing that, for example, house rules are made by the adults, and are not flexible. Or they want to sleep at a friend's place during the weekend, but they cannot, because this is not authorised in their file.

In most cases these Croatian children want to participate more in all decisions that affect them, and believe that their opinions should be heard and respected more by the adults. In relation to education, they claim that their participation is adequate and that they have the required support. For them, it is important to have a quiet room for studying to be able to complete their education. They also think it is important that they participate in the selection of their future school, and that the adults should not put too much pressure on them about this, nor should they make decisions instead of the children. In relation to confidentiality, it is important that their personal data are not shared without their consent and that the things which they want to stay private really do stay private. The majority of the participants within the care system claim that all data about them are public, and that too many people know too much information about them.

All the young people interviewed by the Somali Development Project (with one exception and one abstention) felt that they have a 'voice', and have rights in the UK previously denied to them in Somalia. They could have opinions and give opinions freely and in a democracy were entitled to be respected for their opinions and had to learn to respect the opinions of others. Girls felt more empowered than boys, even though their culture restricted their rights as a whole. Many girls commented on their freedom in UK and one stated she had no problems wearing her 'hijab'. Girls more than boys expressed how school generally, and individual teachers in particular, had supported them to develop their voice. One commented *'I learned I had a voice through education and discussions.'* Another said that *'Teachers have helped me and encouraged me to develop 'my voice.'*

The research by Yohri found that most refugee children - and especially the young ones - felt that in the Netherlands they were listened to attentively by their parents, friends, teachers and COA (Asylum-Seekers Reception Service) employees. The young children especially felt COA helped them well, and they liked the activities and school. However, some of the older children were less satisfied and even angry at their situation (*'The asylum procedure has eaten me alive physically, emotionally and psychologically. They have played and moved me around like a ball.'*). The fact that they had to live with insecurity about their asylum status and experience lengthy legal procedures made some of them feel as if they were not listened to at all. The different views between age groups may, however, be connected to different understandings of the phrase 'listened to'. According to the report, most of the younger children interpreted 'listened to' as meaning that their opinions were heard in class, by COA and they were loved by their parents and friends: people in their close living circle. By contrast, some of the older children explained 'listened to' as not being ignored during the asylum procedures, and being granted the right to stay in the country.

8.0 Children's views on addressing the barriers to participation

Key messages

Obstacles encountered by children

- Barriers to effective participation were described in terms of personal factors, such as lack of confidence and fear of making the wrong choice (sometimes combined with too wide a range of choices). This lack of capacity was often related to the attitude of adults towards the young and it is important for adults to help children develop maturity and develop decision-making skills (SOS Children's Villages, Poland).
- The negative or indifferent attitudes of adults towards children and young people were thought to be a major factor holding back their participation, although fear of negative peer reactions was also widespread. Some children described how adults often assume they know best, or give tokenistic attention to young people's views (Off the Record, UK).
- Others noted that the interaction with adults is poor; adults sometimes betray children's trust, and there is lack of a culture of discussion in families and schools (Office of Children's Ombudsman, Greece). Teachers were not always thought to consider children and young people's views, but instead to impose their own (Office of Children's Ombudsperson, Croatia).
- Practical barriers were significant. Children and young people described how adults rarely devote sufficient time to listening to them. Language difficulties can undermine self-confidence; sometimes meaning that children cannot say exactly what they want, or can result in their marginalisation. Cultural and religious factors can also hinder participation for some children and young people, particularly girls (Somali Development Group, UK). Living with insecurity (e.g. for migrant and refugee children) can also make participation more uncertain and fragile (Roots, Greece; Yohri, Netherlands).

Solutions proposed by children

- Factors regarded as critical to improving relations and communication between children and adults included good relationships and trust. For young people in a range of residential settings (in Poland), good relations with carers and trust and time devoted to children were considered key to promoting effective decision making. Similarly, parents should provide children with opportunities to participate from a young age an appropriate environment for this to happen (Greek Children's Ombudsman).
- Young people felt they should be informed about forthcoming decisions a reasonable amount of time in advance, and would also like more opportunities to raise issues directly with decision-makers (Off the Record, UK). They believed that mental health professionals should be provided with specific training on how best to engage young people in their treatment and care, and this should be carried out by young people themselves.
- Listening on the part of teachers and other professionals should be improved. Young people thought that support and encouragement was needed from adults (e.g. teachers, other professionals, and parents) to create the conditions for meaningful participation in decision-making (Office of the Children's Ombudsperson in Croatia).
- Teachers should take account of their proposals for improving lessons, and pay particular attention to encouraging all students to express their opinions (Greek Office of the Children's Ombudsman). It was also proposed that there should be more coverage in the media about events for young people and greater efforts to publicise young people's views.

Children's experiences of participating in the project

- A range of outcomes were reported and/or observed for children who took part in 11 participation projects including: improved self-confidence; greater competence at undertaking research; and enjoyment in self-expression and in debate. Participants showed interest in listening to different experiences from peers, different schools, areas and environments, and showed respect for the opinion and personality of others. Ultimately, they were satisfied at being able to express opinions freely.
- There were problems with: lack of motivation among young people; ambivalence about the relevance of 'participation' in situations where basic needs and rights were not felt to be met; lack of time to complete the project effectively; and specific difficulties relating to the methods.
- Training was very useful in explaining the concept of 'participation' and its relevance to children and young people. But this understanding was not shared by all groups, particularly when 'participation' seemed a distraction from other everyday concerns. For example, in the Roots project, children in the multicultural school in Athens were keener on practical skills training (e.g. on getting a job to support their families) than on training in participation.
- Developing appropriate research tools, particularly on the complex issue of participation, proved difficult for some of the children and young people. In some cases, it was hard to strike an appropriate balance between the need for the projects to respond to the study objectives and the desire to give children autonomy over the issues they wanted to explore.

Learning points from undertaking peer research with children

- At the outset, children and young people should be provided with full information in an accessible form about any proposed study and the role of a peer researcher. The design of research projects needs to consider carefully the circumstances in which peer-to-peer research may be effective and where it may not.
- Appropriate preparation and training is essential for all children and young people who will act as peer researchers. It is important to take time to explore the skills and interests of each individual child and tailoring their involvement in the project accordingly. Effective peer research also requires that a sufficient amount of time is allotted for tasks to be completed, and the 'pacing' of activities must be actively managed and supervised by adult staff throughout the duration of the project.
- The environment within which peer research takes place is always critical, and must provide an appropriate setting where the work can be easily conducted in conditions of safety and security for all the children and young people involved.
- For peer research to be successful, all adults involved - co-ordinators/organisers/facilitators - need to have an understanding of and commitment to what is involved, the demands that it will place on them and their time, and be flexible enough to respond to all the issues that arise.
- The process of peer research becomes more meaningful to children and young people if they can see there is some tangible outcome for their efforts. Children and young people should be supported to overcome their difficulty in making specific and realistic proposals for change.

8.1 Introduction

The second of the two chapters presenting the evidence from child-led strand of the evaluation focuses on the obstacles children encounter when attempting to participate, and solutions that children propose to address their lack of participation in different settings and contexts. The chapter concludes by considering the project processes, describing the nature and extent of child participation within the projects, children's views of their experiences, challenges encountered in the projects, and learning points.

8.2 Obstacles encountered by children

Children encounter a range of obstacles when attempting to participate in decision-making, including individual factors, adult attitudes, lack of time, language issues, culture and religion, and lack of security. Many of these were found to be common across a number of the partner projects, even though they took place in very different contexts. Interestingly, only one of the partner reports (SOS Children's Villages Croatia) mentioned cutbacks as a result of the financial crisis, which had had the effect of limiting young people's involvement in certain activities.

8.2.1 Individual factors

Some of the barriers are a result of personal factors, as the report from SOS Children's Villages in Poland pointed out. Diffidence and fear of making the wrong choice were suggested by the interviewees as major obstacles children and young people faced when attempting to make decisions. Too wide a range of choices was reported as problematic, with respondents sometimes unable to select between options. The interviewees also emphasised that decision making entails taking responsibility for the choices, which often deters young people from trying.

Having said this, some of these factors appear to relate to the attitude of adults towards the young. The report went on to argue that:

'It is most important to prepare children for maturity, talk to them and teach the art of making choices, let alone to cultivate good relations between the young and their carers. If a family does not set a good example of discussion, negotiation, or compromise, and the children are not even granted minor influence on daily matters, they will be afraid of taking decisions in future and will not consult the adult.'

In the survey carried out by the Office of the Children's Ombudsperson in Croatia, *'children and young people believed that they themselves, their characters and their traits might just be the biggest obstacle they face when it comes to expressing their opinions and participating in decision making'*. The report went on to suggest that children and young people came to realise some of the main obstacles to their participation were factors such as shyness, timidity, insecurity, lack of motivation, low self-esteem, a lack of information, and ignorance of children's rights.

Some of these factors were also central to the particular experience of young people in the research for the Black Young Carers project in the UK. Half the young carers found shyness the main barrier to their participation. Young carers were very clear that they felt unable to talk to adults that they didn't know and trust. Yet often they had to tell their story to lots of different professionals, such as teachers, youth workers and social workers. One young person felt that every time she talked about her caring responsibilities, she was somehow being disloyal to her parents whom she cares for.

It also appears that young people feel that their age is a barrier in itself (*'No-one cares if you're under 16'*. Girl, 15, UK) This was confirmed by interviewees from SOS Children's Villages in Poland, who commented that the prevailing opinion was that the older the child or young person was, the more informed their choices would be (*'Age strongly affects our ability to take decisions; the older you are, the more experience you have'*. Girl, 15) The report notes that the respondents' observations refer to the circumstances of foster care, where the residents have to mature fast – and at the age of 18 they become self-reliant (unless they extend their education) (*'I would like to make my own decisions. I am already old enough, especially that I am in foster care. In the end, we mature faster than in standard families.'* Boy, 16).

Nevertheless, it is also important to acknowledge that children develop at different paces, and that age must be set alongside issues of maturity. As the report on the activities with young children at Newstead put it: *'On this project some children's advanced levels of emotional development allowed them to have the assertiveness and articulation to participate, while other children did not have these qualities and thus participated less'*.

The reports of SOS Children's Villages in Poland, and the Office of the Children's Ombudsperson in Croatia, also both highlighted that children and young people may encounter difficulties in making decisions within peer groups. In these cases, fear more generally or fear of being ridiculed, low status in the group hierarchy and group pressure are major factors deterring young people from expressing their opinions openly.

8.2.2 Adult attitudes

One of the most commonly cited barriers to participation was the attitudes of some adults. For example, young people interviewed for the Off the Record report in the UK argued that the negative attitudes of adults were problematic (*'adults assume they know best', 'lack of respect for young people', 'adults often give token attention, but dismiss young people's views as trivial', 'when I disagree with something, I may voice my opinion but it can be ignored and the decision is made whether or not I agreed - even if it may sometimes be regarding me'*). Sometimes too many adults got involved in an issue at the same time, or they did not listen, or they made the wrong assumptions. *'Adults are one of the key difficulties young people face in trying to participate, mainly because of negative attitudes adults seem to have about young people and their ability to participate'*. Moreover, not one person asked felt that the mental well-being needs of young people were listened to and understood and comments were overwhelmingly negative here (*'As I have mental health issues, often decisions are made without my input'*). These young people all had firsthand experience of mental health issues and their responses were therefore based on their experiences of their treatment.

The report of the Greek Children's Ombudsman concurred that a significant obstacle to children's participation was the negative or indifferent attitude of adults. This can be related to the often poor quality of relationships and / or interactions between children and adults, the ways in which adults sometimes betray children's trust, and the lack of a culture of discussion in families and schools. SOS Children's Villages in Poland cited a range of linked factors, such as children's supposed 'inexperience', the belief that adults always know better, and misunderstandings and poor communication.

In the research of the Office of the Children's Ombudsperson in Croatian schools, it was reported that teachers' indifferent and arrogant attitude, rigid methods and anger may prevent children and young people from expressing their opinions; teachers do not give due consideration to their views, but instead impose their values and force their opinion on students. However, mistrust and fear of negative peer reactions was also a factor.

A more mixed picture was evident among the children from Opatija in Croatia, and opinions appeared to vary according to age. High school students stated that they would like adults to involve them more often in decision-making. Some of them thought that adults were primarily responsible for young people's non-participation, because they were not interested in their views (*'Adults will not listen to us because they say we have not yet matured'*). This then caused apathy among young people who felt that nothing would be achieved by participating. High school students also believed that they could not change the attitudes of adults if the adults themselves could not do so and did not want to.

Younger participants were less critical of adults. Children aged 10-13 involved in the Children's City Council thought that adults from the City Council took them seriously. But they were concerned that some adults were not informed about children's issues and didn't know about their activities. Some also didn't want to answer questions posed by children during interviews.

Responses were more positive among younger children (aged 7-9) who generally felt that parents and teachers did listen to them. However, they also gave some reasons why adults sometimes don't listen to children (*'They don't listen to us because they are talking on cell phones'; 'My dad doesn't listen to me because he is constantly on the computer or he goes to play water polo.'*).

8.2.3 Other reported barriers

8.2.3.1 Lack of time

Lack of time was a barrier repeated in several reports. On the one hand, it was often stated that many young people are overloaded with commitments and studying for school. This interferes with their ability to participate in relevant fora, and when young people want to participate they sometimes don't have time (Opatija). It was also argued that adults sometimes didn't or wouldn't make sufficient time to listen to children (*'parents' weariness, wrong/bad time to have a conversation, lack of time for an easy-going discussion due to parents' work, indifference, power'*, report of Children's Ombudsman in Greece).

Lack of time was a particular concern for young people from the Black Young Carers project in the UK. They had very short amounts of time to themselves and generally they wanted and needed to catch up with their education, and then to be involved in leisure activities with their friends. However many young carers also felt guilty or worried when they were away from the people that they cared for, and this often prevented them from participating in the activities they wanted to. Being out at school all day was a worry for them too and they felt bad about going out later in the day.

Time issues are particularly relevant when working with young children, especially because time is a difficult concept for young children to understand. Staff in the Newstead project observed that the children's level of participation was affected heavily by the time allocated for particular activities. For example, allowing the children to devise the research questions themselves took much longer than the one session that had been allocated for it. Waiting for interviews to take place was also very challenging as the children sometimes lost patience and interest and then didn't want to participate.

8.2.3.2 Language issues

Some projects highlighted the ways in which inability to speak the main language in a particular country impacted negatively on young people's ability to participate. For example, young people interviewed by the Somali Development Project (UK) cited language barriers as one of the main obstacles they faced. Sometimes, language difficulties both undermined self-confidence and meant that the young person could not express themselves how they wanted. In other cases, it was the parents' lack of English skills that resulted in the young person missing school in order to support them.

Similarly, young refugees interviewed for the Yohri report (Netherlands) stated that sometimes people didn't listen to them properly because they did not speak Dutch. But this was not always the case; others said that Dutch nationals did make special allowances in this area (Afghan girl, 13: *'Dutch people listen to me very well. For example, they are quiet until you stop speaking.'*).

The most clear-cut example of how language could either be an obstacle or alternatively a factor that enables participation came from the Roots project in Greece. In the multicultural school, communication amongst everyone participating was a problem. Most children could hardly speak Greek or English, and amongst themselves they spoke different languages. The facilitators and some of the teachers were bilingual (Greek and English) but could not speak any of the children's languages of origin. Whilst a couple of children refused to speak English and left the group as they felt they were wasting their time, some children found ways to break the language barriers by helping each other. In some cases children asked another child to translate into their native language. They all agreed that helping each other understand made their participation stronger.

In contrast, the children from the Filipino community were fluent in three or maybe four languages. They all attended Greek schools and spoke Greek fluently and they were all fluent in English and their parents' language as well as others. The report on this research commented:

'We ended up with a mixture of Greek and English and between them they also used Filipino. We encouraged them to speak whatever language came naturally to them, especially when they had their own groups and the facilitators did not participate. We observed that they used all three languages as a mix. This made their participation fluent since if they did not remember how to say something in one language they immediately said it in another. They even helped the facilitators by translating to us whenever needed. This made everyone in the room, facilitators and children, feel included in the group'.

8.2.3.3 Culture and religion

For some partners, the different cultures of the children contributed to a significant communication barrier to their participation. In the Roots project, for instance, due to cultural issues, girls were less eager to speak and participate than boys were. They were more introverted and needed plenty of encouragement from the facilitators to speak up in the group. In the case of the multicultural school, one of the facilitators concluded:

'The two girls coming from countries that have serious social, religious problems, could not understand what it is like living in a democratic state and having the right to life and protection, as they have experienced utter deprivation in their countries. They believed that stating their opinion could get them "in trouble" with the authorities and participating in groups made them "a target" for the authorities or other groups'.

When talking about their rights some of the children compared them with their culture: *'children's rights are ok, but in everyday life we find many opposite behaviours'*. A typical example was a girl from India, whose mother was afraid for her safety and did not let her go out of the house without an escort. As a result a teacher escorted her home after school and someone had to also escort her to the afternoon sports activity (basketball practice). The group tried to help her participate when she requested that the project be done at the activity room of their school; all students agreed to her request.

Cultural differences also impacted on children interviewed for the Somali Development Group, who felt that religious and cultural differences prevented them from having a voice. In some cases children stated that parents' lack of understanding about rights in the UK had restricted them as children. Again, boys had more input into decisions than girls – although ultimately parents made most of the decisions and had the final say. Some children expressed frustration about their lack of involvement in decisions, and one thought that British children are more involved in decision-making within their families.

8.2.3.4 Lack of security

Lack of security was mentioned as a significant obstacle in several reports, particularly those of Yohri (Netherlands) and Roots (Greece). The situation of the children from the multicultural school in Athens was particularly worrying, and is symptomatic of a wider issue. According to the Roots report, they had been raised and live now in a very unstable environment. Most of them had arrived in Greece recently after travelling in extremely dangerous and hazardous conditions to get there. Most did not have residence status, making them feel unsafe and insecure about their lives and their futures. They lived in poverty and went to schools that were like prisons. The report concludes:

'They are a group of children from different cultures, trying to survive in a completely alien culture to them all, in Greece. They did not seem used to participating in group activities. Additionally participation in discussions seemed like a completely new experience for them. Stating their mind was difficult and expressing themselves seemed like something no one ever asked them to do before.'

The situation of the children from the multicultural school was far more fragile than that of the children from the Filipino community. Even so, it was not easy for the Filipino children to participate in groups with people they didn't know well. As a result, *'they all said that they felt more comfortable to participate in discussion amongst their peers or at home. Within their community they feel safe to be themselves, making participation easy for them.'*

8.3 Solutions proposed by children

Children and young people proposed a range of solutions to address their lack of participation. These included efforts to improve relations and communication between children and adults; more information and more opportunities to have a say and raise issues directly with decision-makers; more (and better) listening on the part of teachers and other professionals; better publicising of children's views in the media; and measures to build security for migrants and refugees.

Some stated how they thought that relations between adults and children could in general be improved. As the report from Opatija (Croatia) put it, *'Children want to be more engaged themselves. They also believe adults should help them in participating, and that children should have more conversations with adults and listen to adults more so the adults will listen to them'*. Interestingly, children did not feel that the responsibility for making changes rested solely with adults. Younger children said that *'If they behave better towards adults, adults will listen to children more'*. Whilst there may be some truth in this, it is nevertheless important to remember that adults ultimately have more power to both set the framework for family relations and to influence how interactions are negotiated. One might speculate that if children believe they should take more responsibility for 'behaving better'; this may in some ways reflect their relative powerlessness vis-à-vis adults.

Some deeper insights were proposed by the children interviewed in Poland. They identified a range of factors they felt enhanced children's participation in decision-making, especially in their relations with parents and carers. These included:

'In-depth and frank discussions, considering the range of possibilities, compromising, suggesting alternative solutions, devoting time, openness, developing trust, a trusted person, consulting peers, awareness of one's preference, and appropriate age.'

The report went on to state that young people consider good relations with carers, trust and time devoted to children to be the key factors promoting effective decision making:

'A young person treated seriously is self-confident and shows a strong belief in his or her ability to make the right choices. Partnership and mutual respect inculcated in children results in young people with positive self-image and competence to take good decisions.'

The report concludes that communicating openly and volunteering one's opinions should be appreciated and practiced both by young people and adults:

'To help children in making decisions one should be open, show different solutions, suggest achievable options, and most importantly – talk to the young a lot.' (Girl, 15)

'I would like adults to know about children's ideas because we are often right.' (Girl, 11)

'To help children make decisions adults have to talk to them a lot, (...) ask about their passions and interests, and listen.' (Girl, 15)

'I always state whether I like a suggestion or not. If one is not frank, it invites problems.' (Boy 16)

In response to the frustrations about their lack of participation, especially in decisions about their care, young people from the Off the Record group (UK) felt they would like to have more of a say and for their views to be taken seriously. In particular, young people felt they should be informed about upcoming decisions a reasonable amount of time in advance, so they could participate in them. This would enable them to get their points across and have them taken into account. They would also like more opportunities to raise issues directly with decision-makers. One 18 year old, in treatment for mental health issues, felt that many decisions relating to her treatment were made without her input: *'I would just like adults to explain (validly) why they are making this decision and for me to have more right to veto so they have to give more consideration.'* More positively, a case study was cited of a young person who was given some responsibility over their own care, which made them more willing to cooperate. As the report put it:

'They were not left alone to decide and were given the appropriate support when making the decision. In addition, having the opportunity to make their own decision meant that the young person was aware of what was going on and not left in the dark. Young people feel frustrated by people making decisions for them and not being kept informed; even if a decision must be made in the person's best interests, this should be fully explained to them which it appears does not happen enough.'

As a solution, young people believed that mental health professionals should be provided with specific training on how best to engage young people in their treatment and care; contrary to current training, this should be carried out by young people themselves, drawing upon their own experiences. Finally, it is clear that young people in this project did not feel adults took their views seriously; indeed stereotypes of young people prevented them from expressing their views and being heard.

For the young people from the Black Young Carers project (UK) it became apparent that they really do look to adults outside of their family for support and encouragement. With the exception of one or two, all the young carers seemed to be looking for an adult mentor who they could go to at any time for advice and guidance. They wanted one point of contact who could help them access their needs, be a shoulder to cry on, and advocate on their behalf with other agencies such as schools and social services.

The young people in the study by the Greek Children's Ombudsman provided a range of suggestions for improving participation. In relation to the family, they suggested that parents should give their children opportunities to develop their self-confidence and participate from a young age. Decisions should be *'discussed in a friendly environment, with understanding, reason, conversation, agreement, space and time'*. In school, teachers should not only be concerned with the curriculum, the regulations and the timetable, but should also take account of students' proposals for improving lessons and their delivery. They should also pay particular attention to encouraging more reticent students to express their opinions. They also indicated there should be more coverage in the media about events for young people and more opportunities should be given to publicising young people's views. More time should also be provided for initiatives and actions taken by young people.

'I think we should participate in various groups and show that we are also active citizens, or participate in social solidarity actions as for example gather clothes, food, medicines for those in need. This is already being done at our school'. (Girl, 15)

In Croatia, children and young people surveyed by the Office of the Children's Ombudsperson suggested several strategies to overcome the obstacles. These included: creating the conditions for meaningful child and youth participation in school decision-making; information-sharing and dialogue between children and adults based on mutual respect; support and encouragement from adults (e.g. teachers and other school-based professionals, parents, decision-makers in education and the society as a whole); acknowledgement of children and young people's advice and assistance; and teaching adults about children's participation rights. They suggested that students themselves needed to learn to persist in their efforts to exercise their right to participation, and should familiarise themselves with their participation rights. They should also get organised in Student Councils and other student representative bodies (*'Students should organize efforts to make their voices heard'*).

Some of these conclusions were echoed in the comments of the peer researchers in the SOS Children's Villages research, also in Croatia. They stated, for example, that *'lectures or lessons about children's rights should be conducted in every school, since there are many children who are not familiar with their rights and the protection of these rights.'*

The research by Somali Development Group highlighted the importance of living in conditions of security, if children and young people are going to be able to participate effectively. Many children stated that they had a harder life before coming to UK. They commented positively about the availability in the UK of free health care, and girls in particular mentioned the benefits for them of free education. Having said this, in some cases children stated that parents lack of understanding about 'rights' issues in the UK had restricted their participation. One suggestion was for discussion groups or forums to be established so that parents and children could explore these issues together.

Although refugee children and young people in the Yohri research also stated that their circumstances were relatively good in the Netherlands - and better than in their own country - most of them lived in fear of being expelled. This undermined the extent to which they felt able to participate in various spheres. Whilst their primary 'solution' was for children to have the right to stay in the Netherlands, they also wanted asylum procedures to be shorter and fairer; and for asylum-seeking children to be treated in a more 'friendly' way. More practically, they proposed improvements in their conditions so they would have better places to live.

The younger refugee children wanted to have the opportunity to participate in more fun activities, like swimming, soccer, games and also more classes.

Given the young age of the children involved in the Newstead project, it was not considered realistic that they would themselves propose solutions. But based on the project and children's reactions to it, staff concluded that a number of changes should be introduced to the functioning of the early years centre. For example, the 'Settling In' information for parents will be amended to reflect the key learning points brought about by the children's comments with Juliette Bear, and will also include a section for the parents to discuss with their children. Whereas in the past exit interviews with leaving children have been conducted by adults alone, these will now be redesigned so that *'the exit interview process from henceforth will belong to the children; they will have the opportunity to make decisions on the location, create the questions, ask the questions, film the interview, and photograph the interviewee'*. It is also intended that a dedicated staff training session will focus on the role and philosophy of the children's committee. Although these may seem like small-scale changes, together they reflect a subtle change in philosophy towards an approach which is more focused on child participation.

8.4 Intergenerational meetings

Bringing children together with adults to engage in dialogue, reflection and inquiry is a central feature of any good participatory process. Following completion of individual project activities, intergenerational meetings were organised in the Netherlands and Greece.

In the Netherlands, Yohri prepared their intergenerational meeting at a prior evaluation meeting, where the young researchers learned how to formulate their main findings into key messages, and practised their presentation skills. At the intergenerational meeting, they then presented the research results in their magazine to about 100 professionals from youth care institutions and the municipality of Amsterdam. This was followed by a plenary discussion on the topic of the participation of all children. Since the group felt more at ease on the individual level, they mingled afterwards with attendees to discuss their experiences. Although Yohri did not formally measure these results, the children's verbal feedback showed that the experience had built their confidence and that the audience were receptive to what they had found.

The intergenerational meeting set up by the Children's Ombudsman in Greece was preceded by a day where 15 young people exchanged views regarding the conclusions of the research and prepared an impressive list of detailed questions. Next day, the intergenerational meeting was attended by 12 young people who had shown particular interest, as well as a range of adults who hold important positions of responsibility regarding decision making on children's issues⁵¹³.

⁵¹³ Those invited to participate were: the General Secretary for Youth, the General Secretary for Welfare, the Director of Secondary Education of the Ministry of Education, the Head of the National Commission of Human Rights, the Director of the Department of Mental Health and Social Welfare of the Institute of Child Health and the Public Prosecutor of Juveniles in Athens.

During the meeting, the findings from the research by the young people were presented by them, and they had the opportunity to address questions to adults about the ways in which the right to participate was addressed in various fields. The meeting itself was a considerable success, and ideas were developed about further activities. As the final report of the Children's Ombudsman put it:

'The duration scheduled (i.e. two hours) proved to be insufficient as young people wanted to discuss many issues and the adults participating were equally eager and contributed immensely. Young people stated they were satisfied they had been able to communicate with the adults invited to the meetings and understand the way they think and act, depending on the role, the responsibilities and the personality of each one. Furthermore, ideas were exchanged about future activities and cooperation of the agencies aiming to improve the monitoring of welfare institutions, the advancement of children's and young people's access to support services, the support of Roma children's socialisation, etcetera'.

The young people themselves were equally positive about the outcome (see comments in box below):

Table 8.1 Outcomes from an intergenerational workshop – Children's Ombudsman project, Greece

'Intergenerational communication was of course a bit different than I expected, but still it's the first time for all of us and quite a different experience than the ones in our usual daily routine... I feel genuine joy for the meeting and the discussion with dear friends from the Ombudsman'.

'I would like to express my enthusiasm for this meeting, which really pleased me so much! Apart from meeting new people - which was definitely a very interesting part - and the exchange of views with peers, we had the chance to sit at the same table with adults having important positions relating to children. I was impressed by their willingness (at least of most of them) to listen to our views. I was also surprised by the fact that even though they had a heavy work programme, they dedicated time for us and accepted to listen to us. I believe we needed a lot more time, but again I'm sure lots of positive things came up! I feel very lucky...'. (girl, 15)

'Apart from the fact that I was given the chance to make new acquaintances, we had to confront people older than us and exchange views. I was very much impressed by the willingness of most of them, if not all, to answer our questions and try to help us. I believe this meeting was the first step in order to realise whatever has been discussed previously' (boy, 15).

Comments from young people on the intergenerational meeting, report of the Children's Ombudsman in Greece

8.5 Challenges encountered in the projects

While feedback from children and staff was very positive in the majority of the projects, some challenges were encountered.

8.5.1.1 Problems with motivation

One challenge mentioned by several projects was the lack of motivation, or sometimes the loss of motivation, of some young people during the project. Off the Record (UK), for example, found it challenging to motivate children and young people to take a lead in the research: *'Young people were positively encouraged to take part, but most young people turned this opportunity down.'* In part, this appeared to be due to the project coinciding with the exam season and then the summer holiday period, but the report also suggests it was due to lack of interest too. Whilst this represents the extreme end of the scale among the projects, even those that were very successful in engaging young people noted some level of drop-out.

8.5.1.2 Ambivalence about participation

The training most projects ran appears to have been very useful in explaining the concept of 'participation' to children and young people, and its relevance to their lives. But this understanding was not shared by all the groups, particularly when 'participation' seemed a distraction from other pressing everyday concerns.

This was most evident among the children in the multicultural school in Athens (Roots, Greece). In the first meeting with the children, they were more eager to participate in a lesson on how to find a job than a discussion where they had to have an opinion and participate. After talking with them the coordinators said they realised that the children and young people wanted the project to change into something more 'practical' for them, and needed some goals in order to have a reason to participate.

For some children and young people addressing other more pressing concerns in their lives (e.g. lack of food, security or immigration status) also meant that they had limited interest or time to take part in peer research. The Roots project (Greece) also commented: *'the lack of energy from the lack of food led to less active participation as time went by'*.

8.5.1.3 Lack of time

A widespread theme coming back from the partner reports was lack of time to carry out the project effectively. Given the considerable time that was required to identify partner organisations and contract them to carry out project activities, many of the projects began too late in the school year (April/May). As a result children and young people had less availability, or had more school commitments that had to take priority over participation in the projects. By the time the exam period was over, they were tired and less willing to take on new activities.

Clashes with exams were a key issue, for instance in the UK. *'Young people are still learning to manage their time and often take on tasks that they are unable to stick to, despite their best intentions. Their lives are often very chaotic, with volunteering competing for attention with studying and managing friendships'*. They rightly conclude that workers need to be very mindful of this, and explore with young people realistic deadlines, tasks and goals.

8.5.1.4 *Issues in the research process*

A range of issues arose with the research process itself. The children and young people involved had, in the vast majority of cases, no previous experience of carrying out research and were learning new skills as the projects progressed; this made the research process challenging.

Developing appropriate research tools, particularly on the complex issue of participation, was difficult for some of the children and young people. In some cases, it was hard to strike an appropriate balance between the need for the projects to respond to the objectives of the overall study and the desire to give children and young people autonomy over the issues they wanted to explore within the given framework.

Conducting individual interviews effectively requires skills such as active listening, probing responses, staying focussed on the topic, and ensuring the discussion flows. Even though children and young people were usually able to practice interviewing in the training and workshops provided, it was unsurprising that sometimes they found it hard to stay on track. The report from SOS Children's Villages in Poland noted that there was a temptation to compare opinions and exchange views, especially when the participants found the issue a strongly emotional one.

Focus groups were also challenging to manage and steer. The peer researchers had difficulty coordinating the discussion and allocating the available time fairly among the different thematic areas (Greek Children's Ombudsman). The researchers also struggled to formulate questions in their own words, based on the interview schedule they had been given beforehand. Some participants found it hard to focus on the subject and quite easily strayed from the question.

The settings for interviews and focus groups were appropriate in most, but not all, cases. Yohri (Netherlands) suggested that if they had conducted focus groups in a more formal setting, like a class room or youth club, the young researchers might have been able to secure more interviews. Roots (Greece) had to abandon plans to interview at a Roma camp, when security problems became a concern. They also worked in a multicultural school, where the poor environment created significant psychological stress, and violent and racist incidents were commonplace; this negative climate undoubtedly made it much harder to complete the research.

Finally, since peer research was new territory for several of the projects, some staff tended to underestimate at the start the importance of their role and the time they would need to devote to it. In particular, it appears the data analysis and writing up phases were accorded insufficient attention in planning the project.

8.6 Learning points

The child participation research undertaken by the partners leads to a range of learning points:

- ***At the outset, children and young people should be provided with full information in an accessible form about any proposed study and the role of a peer researcher.*** This will enable children to express an informed view on whether they want to take part in the project and to discuss any uncertainties or concerns they may have. A good example was provided by SOS Children's Villages in Poland, where each local coordinator held a briefing on the project and participation principles, including information about the project objectives, the commitment required, and training and support available.
- ***The design of research projects needs to consider carefully the circumstances in which peer-to-peer research may be effective and where it may not.*** Projects should make sure that motivation is provided for participants; and that young people find the chosen topic of participation accessible and concrete and relevant to their lives.
- ***Appropriate preparation and training is essential for all children and young people who will act as peer researchers.*** This should be thorough enough to cover different research methods, skills in conducting interviews, and using media equipment. It should also address the feelings and emotions that children may experience, and pay attention to issues of safety and support. Children should be given the opportunity to practice skills and build their confidence through games and role play. Background information and knowledge about children's rights should also be included, tailored to the particular topic of the research. The training needs to be appropriate for the age and developmental stage of the children involved.
- ***Peer-to-peer research will benefit from taking time to explore the skills and interests of each individual child and tailoring their involvement in the project accordingly.*** Whilst some children may be very effective interviewers on a one-to-one basis, others may be better at leading groups, and or carrying out specific tasks associated with the project (e.g. analysing data, taking photos, making posters). Project co-ordinators and organisers need to be sensitive to the potential contributions that each child can make, whilst seeking to ensure personal and skill development for all.
- ***The environment within which peer research takes place is always critical, and must provide an appropriate setting where the work can be easily conducted in conditions of safety and security for all the children and young people involved.*** This includes addressing issues of access to suitable participants and addressing access and safety concerns.
- ***Effective peer research requires that a sufficient amount of time is allotted for tasks to be completed.*** The 'pacing' of activities must be actively managed and supervised by adult staff throughout the duration of the project. Peer research projects involving children and young people in formal education should be conducted in the early or middle part of the school year to avoid exam period clashes.
- ***For peer research to be successful, all adults involved - co-ordinators/organisers/facilitators - need to have an understanding of and commitment to what is involved,*** the demands that it will place on them and their time, and be flexible enough to respond to all the issues that arise.
- ***Quality peer research – and good research generally - will take account of 'equalities' issues, and the impact of factors such as age, gender, race, disability, and sexual orientation on the research process and findings.***

- ***The process of peer research becomes more meaningful to children and young people if they can see there is some tangible outcome for their efforts.*** In this study, for example two 'intergenerational meetings/workshops' were set up so that the peer researchers could engage directly with professionals and others who were in a position to make decisions relating to the issues they addressed in their research. Whilst this requires additional preparation on the part of the partners and the peer researchers, their experience suggests that there are significant gains to be made from establishing processes of this kind and they should be replicated. Such meetings should be of sufficient length that issues can be explored fully, and informal and small enough that young people feel able to contribute actively and are not overawed.
- ***Children and young people benefit greatly from extending formal and informal opportunities to get to know each other and exchange views about topics of interest.*** This was viewed positively by several projects, particularly when children and young people were brought together who would not otherwise meet, either because of their living situation or location. Whilst not the primary objective of peer research, it is often a by-product of it.
- ***The capacity of children to participate in peer research - even those who are very young - is impressive.*** More than one project noted that peer research can help to foster democratic values in children.
- ***'Rewards' can be helpful in encouraging children and young people to complete tasks and to thank them for their participation.*** An appropriate reward will depend on the particular context of each project. In one project, partners took children on outings of the children's choice, in other projects they gave children small gifts, such as pens or notebooks. Whatever the approach, rewards tended to be well-received.
- ***Children and young people should be supported to overcome their difficulty in making specific and realistic proposals for change.*** In the projects undertaken for this study, children and young people were often able to identify problems they faced and were very critical of existing institutions and approaches towards them but less able to suggest solutions. In part, this appears to reflect the fact that although the children and young people in the projects were invited to propose solutions, they did not have any power to implement these.

'Imagine' (the Lennon song) is about peace and dreams. Just imagine if everyone respected children's rights and if all children had the right to say their opinion and all children could participate, and maybe grownups could listen...'

(Girl, 15, Roots project, Greece)

9.0 EU-level actions on child participation, and evidence of their effectiveness

Key messages

- The Rights of the Child is a relatively 'young' policy area for the European Commission, and embedding child participation has required a perceptual shift and additional resources dedicated to this policy area. The appointment of an EU Coordinator for the Rights of the Child, and the creation of a European Forum for the Rights of the Child were widely viewed to be important measures
- The review found a range of EU laws and policies including a focus on the child's right to be heard. Both the 2006 and 2011 Communications include a specific section on child participation, echoing Article 12 UNCRC. The Commission's 2013 Recommendation on Investing in Children⁵¹⁴ embeds child participation within the Europe 2020 Strategy, albeit without indicators to measure progress. Several pieces of EU legislation also include reference to a child's right to be heard, including the Brussels IIa Regulation⁵¹⁵, Dublin II Regulation⁵¹⁶, Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims⁵¹⁷, and Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime⁵¹⁸.
- Beyond legislation, EU institutions have made significant progress in promoting awareness, and are beginning to move towards building up their experience of direct child participation activities. Most examples of child participation activities have taken the form of consultation, through research with children, conferences, and stand-alone participation-focused projects. There is also a growing body of child friendly information available on a range of issues, including active participation.
- NGOs and children's networks play a significant role in driving EU level participation, by facilitating contact with grassroots networks and organisations; advising decision-makers; developing their own models of good practice, and undertaking campaigning and advocacy work. NGOs have also provided an important point of engagement with vulnerable groups of children.
- NGOs were mixed in their opinions on how well EU institutions are doing in this area. Most recognised the progress that has been made in establishing an agenda for the Rights of the Child and Article 12. A need was identified to improve channels for cooperation between the European Commission and NGOs, and to make EU policymaking more accessible. There was also a perceived need to go beyond ad hoc projects and to focus on capacity building.

⁵¹⁴ 20.2.2013 Recommendation: Investing in Children- breaking the cycle of disadvantage

http://ec.europa.eu/justice/fundamental-rights/files/c_2013_778_en.pdf

⁵¹⁵ Council Regulation (EC) No 2201/2001 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000. Online:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:338:0001:0029:EN:PDF>

⁵¹⁶ Council Regulation (EC) No. 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, L 50/1 25.2.2003. Online: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:050:0001:0010:EN:PDF>

⁵¹⁷ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA. Online: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32011L0036>

⁵¹⁸ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA". Online: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:EN:PDF>

- Despite these developments, the rights of the child remain significantly overshadowed by EU legislation, policy and programmes in the 'youth' field. This has resulted in some disparities in the support for participation on the basis of age. The 14 to 16 year old age group have benefited to a greater extent than younger children from the significant resources invested in this policy area.

9.1 Introduction

This chapter provides an overview of EU-level activities to support child participation. It begins by outlining how key EU institutions have addressed child participation in legislation and policy, including networking and awareness-raising. It highlights examples of child friendly information and participation in practice. The next section evaluates the overall picture of progress in EU institutions, identifying barriers to child participation as well as enablers. This is followed by a specific focus on the role of NGOs as a driver for child participation at the European level. Some of the most promising examples of practice both by EU institutions, and by European level NGOs, are showcased in boxed text throughout the chapter. These cover work to support child participation, in terms of legislation, policy, programmes and projects, as well as direct participation activities.

9.2 Overview of child participation in EU legislation and policy

The rights of the child is still a relatively "young" policy area for the European Commission, and one which since 2006 has received increasing recognition and begun to progress towards becoming more embedded within policymaking. Child participation, as well as a distinct area of responsibility for a team in the Fundamental Rights and Rights of the Child Unit within the Directorate-General for Justice and Consumers (JUST), it is also a cross-cutting theme for all policy areas, which has been described as "*quite a major perceptual shift*"⁵¹⁹ for the Directorates-General to take on board. The following subsection explores this process, based on evidence from EU stakeholders, who are officials working for the EU institutions, as well as from wider stakeholders from European level NGOs (see interviewee lists in [Annex One](#)).

9.2.1 European Commission policy and EU legislation

Major actions undertaken by each of the relevant European Commission Directorates-General are now considered in turn. These include a range of legislation and policy containing either a **specific** commitment to funding or to activities, or a **general** commitment to support participation and take account of children's views.

9.2.1.1 Directorate-General for Justice and Consumers (JUST)

The Directorate-General for Justice and Consumers (JUST) has promoted child participation across the Commission including through inter-service cooperation, as well as developing some key policy documents and legislation. The first official Commission document relating to child participation was the 2006 Communication: "Towards an EU Strategy on the Rights of the Child". It refers to Article 12 UNCRC and commits to "*gradually*" including children in all consultations related to their rights and needs.

⁵¹⁹ Information collected from EU stakeholder

"The Commission will promote and strengthen networking and children's representation in the EU and globally, and it will gradually and formally include them in all consultations and actions related to their rights and needs."⁵²⁰

While the Communication does not focus specifically on child participation, it recognises the need to communicate more effectively with children, which paved the way for increasing child friendly information (as seen below). The Communication is seen by some as *"a big step"* which *"laid down some basic strategy"* on child rights and set a mandate for further action on consultation, but also as *"too broad and too abstract"*.⁵²¹ It set in motion inter-service cooperation, created the position of a Commission Coordinator for the rights of the child, and established a European Forum for the Rights of the Child, which has provided an ongoing structure for championing child rights and child participation issues, albeit with relatively little direct involvement of children.

The Eurobarometer surveys in 2008⁵²² and 2009⁵²³ captured the views of 10,000 15 to 18 year olds across all Member States, and found that the greater children's awareness of their rights, the less satisfied they were about their opportunities to exercise them. A follow up qualitative Eurobarometer in 2010⁵²⁴ found a need to boost EU action in the areas of bullying, sources of support and vulnerable groups. The results of the Eurobarometer studies have been used to *"strengthen the case"* for children's participation with other Directorates-General, and fed into a second Communication from the Commission, the EU Agenda for the Rights of the Child in 2011 (EU stakeholder).

Table 9.1 EU institutions practice example: EU Agenda for the Rights of the Child (2011)⁵²⁵

Referring directly to Article 24 of the Charter on Fundamental Rights⁵²⁶, the EU Agenda focuses on *"a number of concrete actions in areas where the EU can bring real added value, such as child-friendly justice, protecting children in vulnerable situations and fighting violence against children both inside the European Union and externally."* It aims to reaffirm the commitment of EU institutions and Member States to concrete achievements in protecting children's rights, and for EU action to be *"exemplary"* in respecting the rights of children set out in the Charter and the UNCRC. There is a section promoting further action on child participation and awareness raising activities, with an explicit focus on the need to consult and *"listen to children"*.

"Full recognition of the rights of the child means that children must be given a chance to voice their opinions and participate in the making of decisions that affect them. Article 24(1) of the Charter requires the EU to take children's views into considerations on matters which concern them in accordance with their age and maturity."

⁵²⁰ 4.7.2006 Communication Towards an EU Strategy on the Rights of the Child. Online: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0367:FIN:EN:PDF>

⁵²¹ Information collected from EU stakeholder

⁵²² Flash Eurobarometer 2008 The Rights of the Child Analytical report
http://ec.europa.eu/public_opinion/flash/fl_235_en.pdf

⁵²³ Flash Eurobarometer 2009 The Rights of the Child Analytical report,
http://ec.europa.eu/public_opinion/flash/fl_273_en.pdf

⁵²⁴ Eurobarometer 2010 The Rights of the Child Aggregate Report
http://ec.europa.eu/public_opinion/archives/quali/ql_right_child_sum_en.pdf

⁵²⁵ Commission Communication on an EU Agenda for the Rights of the Child, COM(2011) 60 final
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52011DC0060:en:NOT>

⁵²⁶ 18.12.2000 Charter of Fundamental Rights of the European Union
http://www.europarl.europa.eu/charter/pdf/text_en.pdf

The EU Agenda for the Rights of the Child is seen as having provided a more tangible basis for action than its predecessor. Inter-service coordination has contributed towards key pieces of recent legislation (described below), including those relating to victims of trafficking, victims of crime, and the Dublin Regulation in relation to asylum applications, as well as the Recommendation "Investing in Children - breaking the cycle of disadvantage"⁵²⁷. The Directorate-General for Justice and Consumers (JUST) has pushed hard to include more of an emphasis on children's perspectives and their right to be heard under Article 12:

"A lot of this is attributable to the work of the [Fundamental rights and rights of the child] Unit ... the daily bilateral contact with inter-service staff... emphasising the Charter of Fundamental Rights, Article 24 and CRC. The Charter can be used as an entry point to CRC, which all Member States have ratified."

(EU Stakeholder)

EU stakeholders generally thought that the level of coordination within the European Commission had improved in recent years with regard to children's rights more widely, and child participation issues specifically. An expert meeting relating to the Dublin Regulation (No 604/2013)⁵²⁸ was given as an example, although involvement from NGOs that represent children does not necessarily mean involvement of children themselves.

"Slowly but surely we are getting results... other Directorates-General are coming to the [Fundamental rights and rights of the child] unit as a source of expertise, behind the scenes. [...] NGOs and international organisation contributed to policy discussions on the child's right to be heard. And encouraging directorates to speak with NGOs that do represent children is a big step".

(EU Stakeholder)

There were a range of views from wider NGO stakeholders, including a call for a greater focus on the exchange of good practice, and bringing practitioners together. Some were more critical about how well the inter-institutional aspect of the Commission works in relation to child participation:

"There is not enough exchange between the European Commission initiatives and those of the European Parliament. And even less with the Member States."

(NGO representative)

Some NGO stakeholders praised the efforts of the unit (see below on cooperation with NGOs); while another suggested that the scale of influence could have been greater if situated in the context of social exclusion work in the Directorate-General for Employment, Social Affairs and Inclusion (EMPL). One described the European Forum for the Rights of the Child as a useful platform, for example, in 2012 and 2013 when it looked at child protection systems, with participation emerging as a particular theme from the debate. Another portrayed the Forum as a missed opportunity to listen to children's views on matters affecting them.

"The EU institutions should be an example. At the annual Forum on the Rights of Children... it is always quite disappointing because there is not any child participation. It needs a process to feed in children and young people's views. This year it is on child protection – they need to consider children as experts in matters affecting them."

(NGO representative)

⁵²⁷ Council Recommendation of 20.2.2013 "Investing in Children- breaking the cycle of disadvantage" http://ec.europa.eu/justice/fundamental-rights/files/c_2013_778_en.pdf

⁵²⁸ REGULATION (EU) No 604/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:EN:PDF> stateless person (recast)

The participation of individual children in settings such as criminal proceedings, trafficking and asylum has been included in key recent legislation. Extensive provisions are made for children who are victims of crime, including specific guidance on the right to be heard, in the 2012 Directive *"establishing minimum standards on the rights, support and protection of victims of crime"*⁵²⁹ Article 1 sets out its primary objective, to enable individual children to participate, by promoting a child sensitive approach, and Article 10 contains the right to be heard.

Article 1: *"The purpose of this Directive is to ensure that victims of crime receive appropriate information, support and protection and are able to participate in criminal proceedings. [...] A child-sensitive approach, taking due account of the child's age, maturity, views, needs and concerns, shall prevail."*

Article 10: *"Member States shall ensure that victims may be heard during criminal proceedings and may provide evidence. Where a child victim is to be heard, due account shall be taken of the child's age and maturity."*

The Brussels II Regulation⁵³⁰ also includes key provisions on the child's right to be heard. The current review of Brussels II is likely to lead to a strengthening of those provisions.

Child participation has featured in a number of the more recent studies commissioned by the European Commission, including the emphasis placed on child participation in the current study. The 'Study to collect data on children's involvement in criminal, civil and administrative judicial proceedings'⁵³¹ had *"a big focus on children's rights to be heard... it will be shining the spotlight on the data gaps, the legislation gaps, and the policy gaps... raising the bar, Europe-wide"*, which is where there should be real added value from the involvement of the Directorate-General for Justice and Consumers (JUST). Many of the indicators developed through the study are aspirational in nature (especially outcome indicators which need to reflect the outcomes for children), and will challenge Member States to report against them. It is hoped that this will ensure greater transparency.

The EU's competencies mean that it cannot dictate about child participation to national, regional and local level authorities, but it has some leverage in terms of deciding the priorities for funding programmes, such as ESF and other structural funds. Through the Rights, Equality and Citizenship Programme (formerly the Fundamental Rights and Citizenship Programme and the Daphne III Programme) the Directorate-General for Justice and Consumers (JUST) has funded several examples of participation mentioned in this chapter. It has also sought to ensure the implementation of Article 12 is embedded in all rights of the child projects, e.g. on capacity-building for practitioners. Priorities set on projects on violence against children seek to ensure the involvement of children, so that projects are implemented with children, not only for children. Feedback from European NGOs suggested that this is *"very, very competitive, so tends to go to bigger institutions and universities, rather than children and young people led NGOs"*. In response, DG Justice and Consumers comments that indeed these calls are largely over-subscribed and very competitive, but that the focus is on quality and how well applications are aligned with the priorities set in the call.

⁵²⁹ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA". Online: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:EN:PDF>

⁵³⁰ Council Regulation (EC) No 2201/2001 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000. Online: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:338:0001:0029:EN:PDF>

⁵³¹ European Commission Directorate-General Justice (2013) *Summary of contextual overviews on children's involvement in criminal judicial proceedings in the 28 Member States of the European Union*. Online: http://bookshop.europa.eu/is-bin/INTERSHOP.enfinity/WFS/EU-Bookshop-Site/en_GB/-/EUR/ViewPublication-Start?PublicationKey=DS0313659

Table 9.2 EU institutions practice example: funding to promote child participation

This Fundamental Rights and Citizenship (FRC) Programme funding programme to prevent and combat violence against children and women has prioritised training on the rights of the child, communicating with children and child-friendly justice. Projects highlighted by stakeholders as examples of the EC promoting participation through the FRC funding programme include the Children's Rights for All project⁵³² run by Inclusion Europe, which develops support mechanisms to increase the participation of children with intellectual disabilities in decision-making, school or leisure activities. Beat Bullying⁵³³, is delivering a European project, funded by the Directorate-General for Justice and Consumers (JUST) through Daphne, with six countries, offering mentoring and counselling in schools and youth groups, and online. School aged children complete two days training in schools then run the peer mentoring service in schools, and they can also mentor other young people on the project social network. They promote "digital citizenship":

"We promote it as a voluntary opportunity and personal development opportunity. We use the term social action, to mean a sense of being able to change their environment and their world."

(NGO stakeholder)

9.2.1.2 Directorate-General for Education and Culture (EAC)

The Youth policy and programme Unit in the Directorate-General for Education and Culture (EAC) is responsible for the implementation of the EU Youth Strategy (2010-2018) as well as for the implementation of the non-formal and informal learning opportunities in the field of youth in the new Erasmus+ programme (2014 – 2020) and in its predecessor the Youth in Action programme (2007-2013).

The EU Youth Strategy identifies Youth Participation as a field of action, with a focus on democratic life, such as voting for EP elections, and on civil society.⁵³⁴ A key action is the Structured Dialogue⁵³⁵ involving consultations with young people and youth organisations at all levels in Member States, and at EU Youth Conferences organised by the Presidency countries to gather feedback on the identified priority (see boxed text example below). Within the framework of the EU Youth Strategy, European Youth Weeks are organised every 18 months or 2 years and include a broad range of events and activities targeting and involving youth.

A recent Study on Youth Participation in Democratic Life⁵³⁶ aimed to look at the strengths and weaknesses of youth participation, to formulate policy recommendations to enhance participation. A number of methods were used to engage young people aged 13 to 30 in the study, including a Facebook group. A key conclusion from the study is that young people are willing to participate but the lack of availability of tools and systems can serve as barriers. DG EAC regularly conducts Flash Eurobarometer survey on European Youth, the latest one was published in 2013 and focused on youth participation⁵³⁷.

⁵³² <http://www.childrights4all.eu/>

⁵³³ <http://www.beatbullying.org/>

⁵³⁴ http://ec.europa.eu/youth/policy/participation_en.htm

⁵³⁵ http://ec.europa.eu/youth/policy/implementation/dialogue_en.htm

⁵³⁶ EACEA 2010/03: Youth Participation in Democratic Life

⁵³⁷ http://ec.europa.eu/public_opinion/flash/fl_375_en.pdf

The Youth in Action programme supported young people's projects mostly for the 15+ age group, which is seen as having a positive impact (see also example of Children's Voices Against Poverty in section below):

*"The focus is on including as many young people as possible to feel part of something bigger, the European platform. Even if they are not heard at a national level, they can be heard on the European level. This is bottom-up and very empowering."*⁵³⁸

(European NGO stakeholder)

European NGO stakeholders have suggested widening the target age range to provide funding similar to Youth in Action for younger children's participation activities, which is harder to find. There is a reported need to more closely align policies and programmes for children with those for youth.

The new Erasmus+ programme will continue to support the successful formats of activities from the past and has widened the age range for eligible participants in order to allow the participation of young people from 13 years onwards.

9.2.1.3 Directorate-General for Employment, Social Affairs and Inclusion (EMPL)

The Directorate of Social Policy Europe 2020 drafted the Recommendation "Investing in Children - breaking the cycle of disadvantage", adopted in February 2013 as part of the Social Investment Package, which proposes a long-term social strategy to help overcome the current crisis and to strengthen the capacity of individuals. One pillar of the Recommendation deals with children's rights and specifically the right to participate⁵³⁹. This calls on Member States to step up their activity on participation, by putting in place mechanisms that promote children's participation in decision making that affects their lives. Stakeholders reported some disappointment that participation is the only one of the three key themes not to have a corresponding set of indicators. The wording goes further than much legislation nevertheless:

Table 9.3 EU institutions good practice example: Recommendation "Investing in Children - breaking the cycle of disadvantage" (2013)⁵⁴⁰

"Enable and encourage children to express informed views, ensuring that those views are given due weight and are reflected in the main decisions affecting them:

- *Use and further develop existing tools to involve children in the running of services such as care, healthcare and education, as well as to consult them on relevant policy planning through mechanisms adapted to their age;*
- *Support the involvement of all children in existing participation structures; reach out to and support the participation of children from disadvantaged backgrounds;*
- *Encourage professionals working with and for children to actively involve them, raising awareness of related rights and obligations;*
- *Implement the child's right to be heard in all justice-related decisions and promote child-friendly justice, in particular by giving children effective access to court and judicial proceedings."*

A European NGO stakeholder described the Recommendation as a "departure for the EU" in terms of recognising the problem of child poverty, and from a rights perspective. It addresses the right to education and the right to access to support for children in care or coming from care, which is reported to be the first time that this target group have been mentioned. It was highlighted as an example of strong partnership with child rights NGOs.

⁵³⁸ http://ec.europa.eu/youth/index_en.htm

⁵³⁹ <http://ec.europa.eu/social/main.jsp?catId=1060&langId=en>

⁵⁴⁰ http://europa.eu/epic/about/index_en.htm

"We'll see how it's adopted at national level. Nothing major has come of it. But it's about principles and ideals, a real boost for organisations advocating at an international level. It highlights the good partnership between [NGOs] and rights platforms in Europe ... It's not about participation per se, although it is an element, but it is what underlines participation."

(NGO representative)

As EU stakeholders begin to build up experience of this area, many lack confidence and are wary of tokenistic attempts. When asked for examples of relevant work, stakeholders cite examples of participation in activities in different sectors such as sport, recreation and cultural activities, which have no links to decision-making. They also point to generic work on children and young people, which does not include any child participation, suggesting limited understanding of what is meant by the term.

In developing the Recommendation, the unit themselves have not involved children directly, and as the bulk of their work has been more traditionally focused on work, employment, welfare benefits, this is a new angle for the Directorate-General for Employment, Social Affairs and Inclusion (EMPL), who commented that they were *"not sure active participation fits with the work we do"*. There is some evidence of some related work, such as involving children in a Presidency conference in 2012, although stakeholders recognise that this was *"symbolic"* as it was a high level meeting so not realistic for children to be actively involved.

9.2.1.4 Directorate-General for Migration and Home Affairs (HOME)

Stakeholders generally consider that awareness of the rights of the child and levels of interest in child participation are strong in EU *legislation* pertaining to asylum, migration and home affairs. For example, the Directive (2013/33/EU) *"laying down standards for the reception of applicants for international protection"* emphasises the need to act in the best interests of the child. According to Article 23, Member States should assess these, taking *"due account"* of four factors including *"the views of the minor in accordance with his or her age and maturity."*⁵⁴¹ The same wording about assessing a child's best interests is included in Article 6 on *"Guarantees for minors"*, within the recent Dublin Regulation (No 604/2013)⁵⁴².

The Directive *"on preventing and combating trafficking in human beings and protecting its victims"*, pays particular attention to the child's best interests, *"in accordance with the Charter of Fundamental Rights of the European Union and the 1989 United Nations Convention on the Rights of the Child"*. When assisting child victims, Member States should take *"due account of the child's views, needs and concerns with a view to finding a durable solution for the child."* They should adopt a child-rights approach in initiatives to strengthen policy to prevent trafficking, including research, information, awareness-raising and education (Directive 2011/36/EU).⁵⁴³

⁵⁴¹ DIRECTIVE 2013/33/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 June 2013 laying down standards for the reception of applicants for international protection (recast). Online: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0096:0116:EN:PDF>

⁵⁴² REGULATION (EU) No 604/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast). Online: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:EN:PDF> stateless person (recast) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:EN:PDF>

⁵⁴³ DIRECTIVE, 2011/36/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA. Online: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF>

The Child Sexual Abuse and Exploitation Directive, adopted in December 2011 includes provisions on protection of children, on the rights of children to be provided with appropriate support, counselling and treatment (during court proceedings), as well as awareness-raising. It for example requires that the specific actions to assist and support child victims in enjoying their rights under this Directive are undertaken following an individual assessment of the special circumstances of each particular child victim, taking due account of the child's views, needs and concerns. (Art 19.3).

Article 20.3 also sets standards for interviews with a child in criminal proceedings to ensure that the child's right to be heard can be exercised in the best possible way:

- a) interviews with the child victim take place without unjustified delay after the facts have been reported to the competent authorities;
- b) interviews with the child victim take place, where necessary, in premises designed or adapted for this purpose;
- c) interviews with the child victim are carried out by or through professionals trained for this purpose;
- d) the same persons, if possible and where appropriate, conduct all interviews with the child victim;
- e) the number of interviews is as limited as possible and interviews are carried out only where strictly necessary for the purpose of criminal investigations and proceedings;
- f) the child victim may be accompanied by his or her legal representative or, where appropriate, by an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.

DG HOME closely monitors the implementation by Member States of their obligations under the directive.

9.2.1.5 Directorate-General for the Environment (ENV)

The Directorate-General for the Environment (ENV) is not represented in the inter-service group at the Commission, and an EU stakeholder commented that although a lot of their legislation takes account of children's needs, children and particularly children's participation, are rarely named in legislation, especially older legislation. They publish a lot of information for children on recycling and cartoons (see below), although the relevance of this to child participation is limited. There was consultation on social justice and the environment in 2013, which the Directorate-General for Justice and Consumers (JUST) was supporting, in which they aimed to get children onto the agenda.

9.2.1.6 Directorate-General for Health and Food Safety (SANTE)

A recent proposal (2012/0192) for a new regulation on clinical trials emphasises the need to adapt the consent procedure to the age and maturity of children. Article 31 sets out special conditions for clinical trials on minors which as well as asking for a legal representative, include the following:

"(b) the minor has received all relevant information in a way adapted to his or her age and maturity, from professionals trained or experienced in working with children, regarding the trial, the risks and the benefits;

*(c) the explicit wish of a minor who is capable of forming an opinion and assessing this information to refuse participation in, or to be withdrawn from, the clinical trial at any time, is duly taken into consideration by the investigator in accordance with his or her age and maturity."*⁵⁴⁴

⁵⁴⁴ 2012/0192 (COD) Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on clinical trials on medicinal products for human use, and repealing Directive 2001/20/EC.
Online: http://ec.europa.eu/health/files/clinicaltrials/2012_07/proposal/2012_07_proposal_en.pdf

A representative from the Directorate-General for Health and Food Safety (SANTE) highlighted that the 2008 EU pact on mental health and wellbeing has a strand focussed on young people and education settings.

"The pact is designed similar to an open method of cooperation, so, it can involve children as stakeholders. The Commission's work on mental health has focused on children as a theme, and parents and teachers are a target for information and consultation together with children".

9.2.1.7 *Directorate-General for Communications Networks, Content and Technology (CNECT)*

The Digital Agenda for Europe⁵⁴⁵ is a flagship initiative under Europe 2020, the EU's strategy to deliver smart sustainable and inclusive growth. As part of the Digital Agenda, the Commission published a Communication⁵⁴⁶ outlining a European Strategy for a Better Internet for Children. The strategy proposes a series of actions grouped around the following main goals: stimulate the production of creative and educational online content for children as well as promoting positive online experiences for young children; scaling up awareness and empowerment including teaching of digital literacy and online safety in all EU schools; create a safe environment for children through age-appropriate privacy settings, wider use of parental controls and age rating and content classification; and combat child sexual abuse material online and child sexual exploitation. The Commission works with Member States, industry and civil society to implement this strategy, in particular the Safer Internet Programme⁵⁴⁷ aims to empower and protect children online, by setting up Safer Internet information Centres, comprising awareness centres, helplines and hotlines (to report child abuse material). The SICs work with national youth panels whose representatives then take an active part in the annual Safer Internet Forum meeting (see below), which are run by European Schoolnet.

9.2.1.8 *Commission Representations in the Member States*

An important role of the Commission Representations is to engage with citizens directly in each Member State, and to inform them about the role of the EU, with children and young people, sometimes described as a main target group. The Commission Representation in France has communications staff who have regular contacts and established partnerships with youth organisations, including youth councils, and they suggest that other Representations have staff who focus only on working with children and young people.

Contact with children and young people undertaken by EC Representations is often via schools and a range of initiatives, some of which offer opportunities for child participation. Activities include resources such as a million "Passports to the EU" given to children, schools competitions and role play sessions. EC Representations across Europe are involved in 'Citizens' Dialogues', where children come to talk to a Commission representative, with two organisations, Bite the Ballot and EUouth. The Back to School programme involves European civil servants returning often to their own school, to answer children's questions, and listen to their views.

In the UK, 30 schools work with classes in preparation for a popular "Mock Council of Ministers", where two representatives from each school take on the roles of different Member States, in an initiative run with the British Council. An adult representative from the initiative reported that: "...everyone raves about it who takes part. And there's a spin-off effect. There may be 60 people taking part but two or three times that many are involved in discussions so it has a wider impact."

⁵⁴⁵ <http://ec.europa.eu/digital-agenda/>

⁵⁴⁶European Strategy for a Better Internet for Children, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - COM(2012) 196 final. [Online: http://ec.europa.eu/information_society/newsroom/cf/dae/document.cfm?doc_id=2170](http://ec.europa.eu/information_society/newsroom/cf/dae/document.cfm?doc_id=2170)

⁵⁴⁷ <http://ec.europa.eu/digital-agenda/en/creating-better-internet-kids>

Some recent progress was reported for EC Representations in terms of making more children-friendly information available, including in local languages and containing a more pedagogical approach. Stakeholders working for the Representations understood their role as promoting “*Participation through different sectors in society- healthcare, education, rights*” (EU official) through EU awareness activities, events, school visits and publications aimed at children. The EC Representation in Romania undertook 93 school visits for the “Europe, Our Home” campaign, part of the European Year of Citizens, informing more than 2700 pupils and 100 teachers on European issues in the first semester of 2013. The campaign received 3726 different visitors to its website⁵⁴⁸ and 1375 likes on Facebook during this period, as well as 60 local press items about the school visits.

One official argued that the Representations’ work to inform children about the EU could support any potential participation opportunities, in the same way as other ‘child friendly information’. A further official referred to games, quizzes and competitions explicitly aiming to inform children about how to exercise their rights.

“It depends if you take a narrow view of participation or a bigger view. We do lots of work helping young people to engage with the EU, so we’re not saying ‘what do you think?’, but we’re preparing them for when they do want to engage, so they know what they are engaging with... Participation is not our remit, but we do the groundwork, getting children ready so they know what to do when they are asked to participate.”
(EU stakeholder)

Only eight of the 28 Representations agreed to contribute to the study (BG, FI, FR, MT, NL, RO, SK, and UK), and several more responded that they lacked the relevant knowledge and information required to answer the questions about child participation practice by the Representations and other EU institutions.⁵⁴⁹ One passed it on to a national children’s network to complete. This evidence supports the finding that there is a low level of awareness of child participation among some EU stakeholders.

9.2.2 Policies of other EU institutions

9.2.2.1 European Parliament

EU stakeholders reported that the European Parliament is seen to be doing a lot of work in terms of being “open” to groups of children to attend certain meetings, although the level of child participation is unclear. One example is “The Pirate Party”, involving children and young people from different Member States. The European Parliament also exercises financial controls (including for research studies), and has important influence in this area.

⁵⁴⁸ www.europacasanoastra.ro

⁵⁴⁹ There were repeated attempts to consult with Commission Representations in all Member States.

9.2.2.2 Committee of the Regions (CoR)

The Committee of the Regions (CoR) undertakes some work relating to children's rights more widely, although there was little evidence reported of addressing child participation per se. One of the commitments of the CoR is to mainstream child rights in all activities, and it has an annual dialogue with the Fundamental Rights Agency. The CoR have published some opinions on child rights, for example, at the 20th Anniversary of the Convention of the Rights of the Child in 2009 there was a meeting specifically focused on child rights.⁵⁵⁰ In 2010, the CoR issued an opinion (2010/C 267/10) on the Rights of the Child recommending that:

"Local and Regional Authorities fully exploit existing structures facilitating cooperation and the exchange of best practice in the field of the rights of the child. In this respect, innovative measures to promote cooperation and more effective partnerships between LRAs across different EU Member States should be supported at European level".⁵⁵¹

This particular opinion was led by the Commission for Citizenship, Governance, Institutional and External Affairs (CIVEX), which sits with CoR, and covers child rights, alongside justice, home affairs and fundamental rights. One of its members is a special correspondent for children. More recently, CIVEX underlined the importance of consistently observing the UN Convention on the Rights of the Child with regard to the reception of asylum-seekers, refugees, migrants and unaccompanied child refugees (Opinion issued on 3-4 December on the efforts to promote genuine solidarity on a real European migration policy).⁵⁵² CIVEX have also held roundtable discussions with UNICEF on Child Friendly Cities⁵⁵³, as well as conducting study visits in a range of relevant areas (such as the right to education from early childhood⁵⁵⁴).

9.2.2.3 European Economic and Social Committee (EESC)

The EESC adopted an opinion on the EU Agenda for the Rights of the Child in 2012, supporting the work of the Commission regarding child participation:

"Proper participation by children in the preparation of decisions concerning them and in the evaluation of programmes is necessary; it would also be useful to measure their satisfaction and evaluate their opinions. The EESC welcomes the EC's efforts to involve children and to support their participation in all issues relating to them. It is also essential to incorporate the views of professional organisations and professionals working with children."⁵⁵⁵

⁵⁵⁰ <http://www.toad.cor.europa.eu/corwipdetail.aspx?folderpath=CIVEX-V/001&id=20588>

⁵⁵¹ Opinion of the Committee of the Regions on 'Local and regional cooperation to protect the rights of the child in the European Union', (2010/C 267/10). Online: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52010AR0054&from=EN>

⁵⁵² Opinion of the Committee of the Regions on The efforts to promote genuine solidarity on a real European migration policy, 109th plenary session, 3-4 December 2014, online: <https://dm.cor.europa.eu/cor/2014/layouts/download.aspx?SourceURL=50005999/5728/cor-2014-05728-00-00-ac-tra/cor-2014-05728-00-00-ac-tra-en.doc>

⁵⁵³ Roundtable discussion with UNICEF on Child Friendly Cities, 25 November 2013, <http://cor.europa.eu/en/news/Documents/roundtable-unicef.pdf>

⁵⁵⁴ CIVEX study visit, "The right to education from early childhood: the Reggio Emilia approach and the experience of nursery schools and education centers in Reggio Emilia", 13/14 March, <http://cor.europa.eu/en/activities/commissions/civex/work-progress/Documents/Background%20document%20Reggio%20Emilia.pdf>

⁵⁵⁵ Opinion (2012/C 43/08), Opinion of the European Economic and Social Committee on the 'Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — An EU Agenda for the Rights of the Child <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:043:0034:0038:EN:PDF>

In the daily work of the EESC, other relevant examples of work concern youth participation (in this case, the focus was on secondary schools, ages 15-18) and a recent event run by Europe Integration Forum on the integration of migrant children,⁵⁵⁶ which produced a summary report.⁵⁵⁷ The new president of the committee asked young people for ideas of what topics should be the focus of his new mandate. This was done by consulting with schools.

9.2.3 EU Agencies

9.2.3.1 Fundamental Rights Agency

The Fundamental Rights Agency (FRA) of the EU have done a mapping of regulations on ethical approval, relevant authorities and informed consent for involving children, across ten EU Member States, in order to facilitate child participation work by other teams within the FRA and the results are available online⁵⁵⁸. In 2013 and 2014 FRA interviewed children in nine Member States on their experience of the justice system. The research results will be published in 2015.

9.2.4 Participation in practice at EU level

9.2.4.1 Types of participation and child-friendly information

Similarly to the approach taken in the mapping of activity at a country level, EU level actions have been identified and grouped into different types of participation drawing upon the guidance developed by Lansdown (2011): consultation, collaboration and child-led activity. However, in looking at EU level activity, an additional category of activity was also commonly found. Specifically the mapping exercise and stakeholder interviews have highlighted a wide range of **awareness raising and information giving** activities undertaken by the European Commission, characterised by the provision of child-friendly information. Reflecting on the available literature, this activity is not directly child participation. However it does reflect an aspect of participation in General Comment 12 of the Committee on the Rights of a Child⁵⁵⁹ which defines participation as a process which includes information sharing, so we examine this activity here.

9.2.4.2 Child-friendly information from EU institutions

The following table highlights examples of child-friendly information, which are explored further in the subsection below. Two categories of this type of activity emerged: child-friendly information to help children and young people understand what participation is and how they can get involved; or to raise awareness about EU citizenship more generally. In this sense it can be viewed as a mechanism that potentially facilitates the process of participation across other levels (consultation, collaboration and child-led). Most common, however, was the provision of child friendly information which appeared to serve the sole purpose of raising awareness in relation to specific themes such as health or environment.

⁵⁵⁶ <http://www.eesc.europa.eu/?i=portal.en.events-and-activities-european-integration-forum-9>

⁵⁵⁷ http://ec.europa.eu/ewsi/UDRW/images/items/static_38_194129951.pdf

⁵⁵⁸ <http://fra.europa.eu/en/news/2014/looking-how-eu-member-states-involve-children-research>

⁵⁵⁹ UN Committee on the Rights of the Child's General Comment No 12 (2009) on the right of the child to be heard. Full text available at: <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-GC-12.doc>

Table 9.4 Sources of child friendly information from EU institutions

EU institution	Child friendly information to support child participation
European Commission	<u>EU website on the Rights of Child</u> on-line resources on children's rights targeting 0-12 and 13-18 years old through games, quizzes, videos, and child friendly versions of EU legislative and non-legislative documents.
	<u>European Youth Portal</u> ⁵⁶⁰ offers European and national information and opportunities that are of interest to young people in Europe; it covers 33 countries and is available in 27 languages, and covers the eight themes of the EU Youth Strategy. It also includes online tools to help children and young people to participate in the Structured Dialogue and other consultative processes.
	<u>A website</u> bringing together the numerous child-friendly publications produced by the Directorate-General for the Environment (ENV) (see below)
	<u>Let's Explore Europe</u> on-line book and games providing with general information on Europe for 9-12 year olds.
	"Back to School" initiative: one-day presentation of EU work from EU civil servants, at primary and secondary school across Europe.
	Farmland: An interactive game launched in 2008 for children aged between 9 and about animal welfare. http://www.farmland-thegame.eu/home_en.html
	<u>Be healthy- be yourself</u> : Online resource concerning youth health http://ec.europa.eu/health-eu/youth/
	<u>Europa diary</u> – A diary providing practical tips and 'know-how' on becoming healthier and safer ⁵⁶¹ . http://ec.europa.eu/consumers/europadiary/uk/rights/index_en.htm
	<u>Tasty bunch campaign</u> : A child friendly website promoting healthy living. The website included an interactive treasure hunt game that ran for 8 weeks to coincide with Tasty Bunch road show that took place in 2010 http://ec.europa.eu/agriculture/tasty-bunch/food-stories/vegetables/index_en.htm
Commission Representations in the Member States	<u>Network of Europe Direct Info Centres</u> work with schools to inform children about European citizenship
	<u>The Magical Adventures of Tommy & Rosy</u> (Malta) on-line information, cartoon DVD and storybook on EU targeting children aged 9 to 14.
	<u>E-rights</u> (Malta) on-line tool targeting teenagers and students informing about rights, youth and citizen initiatives within EU.

Action 11 of the EU Agenda for the Rights of the Child was to set-up a single entry point for children to find child friendly information about the European Union and the rights of the child. The main output was a web page called 'Kids' Corner' with links to child-friendly material from the Directorate-Generals across the Commission. Most examples found in Table 9.4 are collated on this online tool, targeting 6 to 12+ year olds.

⁵⁶⁰ <http://europa.eu/youth/>

⁵⁶¹ http://ec.europa.eu/consumers/europadiary/uk/rights/index_en.htm

Figure 9.1 Screen shot from Kids Corner website



A part of the portal is the website on the rights of the child, with content split into age categories for the 0-12 and 13-18 age groups, for which they have received positive feedback from child participation academics and from children themselves. The website also included some child-friendly summaries of EU legislation. An EU stakeholder commented that some of the child friendly content on such sites has been too static and has not been updated on a regular basis, and that whilst the intentions were positive, the content was too general to meaningfully engage children. It was

acknowledged that more needs to be done to engage with children via social media and mobile technologies, but the European Commission has not had the resources for this work.

A popular approach to raising awareness, is websites aimed specifically at children, many of which have been collated on the Kids Corner web page. Views from NGO stakeholders were mixed:

"The European Commission has recognised its vital role in making EU-related information child-friendly and accessible and has made considerable steps in that direction. Kids' Corner is a platform that shows great promise and would be extremely beneficial if it gets widely popularized and spread around more topics and ways to share or create content. EU institutions should step beyond access to information – information is crucial for meaningful child participation, but is just the beginning."

(NGO representative)

"If a child sees infantile pictures, this is not appropriate. And the website needs to be monitored... does it help? Is it used? [Child participation] needs to be implemented in local surroundings by NGOs who work with those children, not by putting EU legislation in child language"

(NGO representative)

Common across these websites is a colourful design and use of illustrations that would be attractive to children. The information is provided in a format that is intended to be easy to understand and there are often interactive elements in the form of educational games.

On a similar theme and often accessible through these child friendly websites, are a range of publications targeted specifically at children. Similar to the websites, they seek to provide information to children about a range of issues from general information about the EU and its institutions to specific issues such as healthy eating in a format and design that is accessible and attractive to children.

Figure 9.2 Examples of publications targeted at children



Produced by the Directorate-General for Communication (COMM), the Let's Explore Europe booklet is aimed at 9 to 12 year olds, gives an overview of Europe and explains briefly what the European Union is and how it works. It is available as an online publication and in hard copy.

A Directorate-General Energy story book published in 2005 about climate change.



Other examples include providing EU legislation in an easy to read format and language⁵⁶². The Commission has produced a range of easy to read versions of legislation across a range of policy areas including human rights, education, training, youth and sport; culture; and environment. These versions are not, however, specifically targeted at children.

- The use of other media formats for providing information are also evident as potential ways to deliver child friendly information. Examples of animation and short films were found as a way to deliver information to children:
- Directorate-General for the Environment (ENV) – “*Tommy and Rosy*”: A short animated film that uses cartoon characters to focus on how to respect the environment as well as each other⁵⁶³.
- European Parliament (EuroParl TV): A series of online DVDs about different aspects of the European Commission and issues that affect young people⁵⁶⁴.

A key issue of these materials is the extent to which they are directly promoted to children or specifically how their existence is made known to ensure children are able to benefit. One route used commonly is to provide child friendly materials to teachers or other professionals who work with children to use as resources, for example:

- Directorate-General for Health and Food Safety (SANTEO) – Consumer classrooms: Child friendly materials on consumer issues for use with children e.g. quizzes, lesson plans with separate materials for children aged 12 to 14 and 15 to 18⁵⁶⁵ are available for teachers through this website.
- Europa – Teachers' Corner - This website specifically brings together material produced by various EU institutions in order to help children learn about the European Union and its policies. Resources are available for teachers of different age groups of children, specifically under 9, 9-12, 12-15 and 15+ years.
- Directorate-General for the Environment (ENV): Teaching notes provided for all the online stories disseminated by the Directorate-General for the Environment (ENV).⁵⁶⁶

⁵⁶² http://europa.eu/legislation_summaries/index_en.htm

⁵⁶³ <http://tommy-rosy.eu/>

⁵⁶⁴ <http://www.europarl.europa.eu/en/young-parliament/backstage.aspx>

⁵⁶⁵ <http://www.consumerclassroom.eu/>

⁵⁶⁶ <http://ec.europa.eu/environment/pubs/children/children.htm>

In other cases, materials are available to support a wider initiative. The Tasty Bunch website launched by the Directorate-General for Agriculture and Rural Development (AGRI) in 2011 was part of a wider campaign to support healthy lifestyles amongst children. An accompanying road-show toured schools across several Member States.

The extent to which children themselves have (if any) input in their design and development of any of these materials and activities was not clear. Interviews with staff from the units that host and promote these websites and publications have explored this and in some cases suggested that children's involvement has been informal and ad hoc, for example, children of staff working in the relevant units have given feedback on materials. This was the case for the Tom and Lila series, a series of books produced by the Directorate-General for the Environment (ENV). For the materials aimed at 15-17 year olds on Climate Change, there was limited child involvement in design and production. Instead, Geography teachers at European schools in Brussels were contacted to ask for feedback on a previous publication and how this could be updated; although the intention was to involve some children from these schools once specific content is being designed (this project is currently on hold because they were in between contracts with publications contractors). This example seems typical of the approach, as teachers are targeted to assess likely content/uptake rather than children themselves.

The decision to target children seems relatively ad hoc too, and there is no ring-fenced budget for child-friendly publications within the Directorate-General for the Environment (ENV). In the past, other communications activity has had a focus on children which was acknowledged as been due to the personal interest/priorities of Commissioner Wallstrom (2000-2004) who was very keen to have children's involvement in Green Week, an annual awareness raising communication initiative. Typically activities included art competitions/poster competitions and winners attended Green Week conference to receive prizes.

"Children were pushed to the side... Every year we look ourselves at priorities and audiences that need to be targeted... I try to do something each year linked to kids but this year it hasn't been possible due to being between contracts and as we wanted to see if the App took off."

(Directorate-General for the Environment
(ENV))

Measuring impact of child friendly materials is most often in terms of demand. Continued high demand for the Tom and Lila books and other child-friendly materials is perceived as evidence of their success. The number of languages in which materials are available is seen as influencing the demand, in the experience of the Directorate-General for the Environment (ENV).

9.2.4.3 Consultation by EU institutions

Looking at potentially higher levels of participation, the mapping of EU activity found examples of individual services undertaking consultation exercises with children. These have included both time limited research exercises to gather children's views on specific issues as well as general calls to feedback views through websites. Examples of both types of consultations are in the table below.

What is less clear from the mapping exercise to date is the extent to which this consultation is a two-way process. There is little evidence of any feedback of the results being given to the children that were involved in the consultations. It should be noted that consultations with children must conform to the National Code of Conduct Practice and other relevant national legislation regarding informed consent and confidentiality. For example, Eurobarometer opinion polls are carried out in accordance with the ESOMAR guidelines⁵⁶⁷.

⁵⁶⁷ The guidelines do not impose a de facto minimum age restriction for opinion polling, but they do set out principles to ensure that high ethical standards are upheld; that interviewing is appropriate to the ages and cognitive abilities of

Table 9.5 Consultation by EU institutions

EU institution	Consultation activities
Directorate-General for Education and Culture (EAC)	<u>Youth Participation in Democratic Life</u> study on participation of youth (13-30) in democratic life, which relies on youth focus groups and survey. Involved a large scale survey with young people, a sub-set of which were pre-voters aged 16-18 in 7 countries (Austria, Finland, France, Hungary, Poland, Spain and the UK) The study focused on the reality of youth participation and perceptions.
	<u>Flash Eurobarometer 375</u> European Youth – interview 15-30 youth on their participation in Democratic Life.
	<u>Flash Eurobarometer 319a</u> Youth on the Move, interview 15-30 youth on their participation as citizens.
	<u>The Youth on the Move Card initiative</u> to enhance youth participation and mobility. Youth have been consulted for the project design.
Directorate-General for Justice and Consumers (JUST)	<u>Flash Eurobarometer 235</u> and <u>follow-up</u> (273) on The Rights of the Child. Interviewed 15-18 year olds children on awareness, knowledge, protection and policy priorities regarding their rights.
	<u>Qualitative Eurobarometer</u> on the Rights of the Child. Focus groups involving children between 15 and 17 on children rights awareness, obstacles to exercise them, and policy solutions.
	Evaluation of legislation, policy and practice on child participation in the European Union (EU). The methodology for the current study involved consultation and collaboration with children and young people (see previous chapters).
Directorate-General for the Environment (ENV)	Green week 2013 : dedicated session to youth, including the submission of questions from children around Europe and students debate with experts.
Directorate-General for Health and Food Safety (SANTEO)	<u>European Pact for Mental Health and Well-being</u> annual conferences as part of the Open Method of Coordination. Participation of the European Youth Forum in the launch of the pact and through conference interventions. Young people user representatives spoke at the opening of this conference, and young people spoke (or were represented) in each session. Typically these were people from Sweden/other Nordic countries but other MS were represented (e.g. Portugal). An article by student after Stockholm event about her experiences which attracted some visibility.
	A study to be completed in 2015 on online marketing to children involves consultation of and testing with children
	<u>Supreme</u> online platform to prevent suicide, targeting young adults 14-24 years old, design based on youth preferences (focus groups and interviews). Effectiveness will be evaluated by students.

the child or young person, and that the welfare of the child is the over-riding consideration:

http://www.esomar.org/uploads/public/knowledge-and-standards/codes-and-guidelines/ESOMAR_Codes-and-Guidelines_Interviewing-Children-and-Young-People.pdf

EU institution	Consultation activities
Directorate-General for Communications Networks, Content and Technology (CNECT)	<p>European Network of Safer Internet Centres promotes safe and responsible use of the Internet and mobile devices to young people. Involvement of youth panels as experts, tester.</p> <p>EU Kids Online Research - One of the best known pieces of research co-funded by the European Commission - under the EU safer/better internet programme - is EU Kids Online⁵⁶⁸. Outputs include a 2011 report based on a survey of 25.000 9-16-year-old children and their parents in 25 countries⁵⁶⁹ and a 2014 report (based on individual and group interviews of children aged 9-16 carried out in 2013 in nine EU MS) on the meaning of online problematic situations for children: results of qualitative cross-cultural investigation in nine European countries⁵⁷⁰.</p>
European Council	<p><u>Investing in Children conference</u> (Cyprus Presidency) involved both representatives from the Cyprus Children's Parliament, and the Eurochild groups in the workshop on participation.</p>
European Economic and Social Committee.	<p>Annual European Integration Forum: 9th Forum, '<u>The Integration of young migrants in the European society</u>', with European Commission.</p>
	<p><u>Your Europe, Your Say.</u></p> <p>Gathering of Young People from one secondary school per Member State, who do mock sessions of the Committee (see explanatory leaflet⁵⁷¹). Facebook page following these events is an opportunity for young people to stay in touch and contribute after the event.</p> <p>Annual participation event, <u>Your Europe, Your Say</u> with 15-18 year olds from one secondary schools in each MS</p>
Fundamental Rights Agency	<p><u>Children have their say</u> 2010 conference, includes participation of children in a workshop on justice and protection for children.</p> <p>In the context of its children and justice work (see below), FRA looked at the rules in all Member States governing the involvement of children in research and has put the results online for the benefit of the research community⁵⁷².</p> <p>FRA surveys include respondents of 16 and over (e.g. on violence against children). Survey questions to those aged 16 and over may raise questions on experience as a child (e.g. survey on violence against women)</p> <p>Children in justice: 2013 and 2014 interviews with children in nine Member States, research results forthcoming in 2015.</p>

⁵⁶⁸ www.eukidsonline.net

⁵⁶⁹ <http://eprints.lse.ac.uk/33731>

⁵⁷⁰ <http://eprints.lse.ac.uk/56972/>

⁵⁷¹ <http://www.eesc.europa.eu/?i=portal.en.your-europe-your-say-2013-documents.28033>

⁵⁷² <http://fra.europa.eu/en/news/2014/looking-how-eu-member-states-involve-children-research>

9.2.4.4 Collaboration activities by EU institutions

There is some evidence of **collaborative exercises** amongst the participation-related activities delivered by or on behalf of EU institutions. Looking at the different stages of the policy/programme cycle, the collaborative activity at EU level was characterised most commonly as children being involved in the feeding back of results. The most common way this was delivered was the involvement of children in a final conference or seminar presenting the results of a project.

In other examples, the specific role children played was sometimes difficult to establish to accurately identify the specific stage and contribution they made. For example, the Directorate-General of Employment, Social Affairs and Inclusion (EMPL) involved children alongside other stakeholders in several meetings/workshops undertaken as part of the process to design the fifth pillar of the Recommendation on "Investing in Children: breaking the cycle of disadvantage".

As part of the EU funded Youth in Action programme, links were made between a European anti-poverty meeting, and a children's meeting, which included vulnerable groups collaborating with youth workers and a graphic designer, and led to a publication of their opinions being delivered to the adult meeting. There is no evidence about how far their views were listened to.

Table 9.6 EU programme and European NGO practice example: Children's Voices Against Poverty (2012)

As part of a Youth in Action project, children from five Member States met to discuss poverty and social inclusion. They produced their own magazine, *Speak Up Against Poverty*, which they distributed at a European Investing in Children meeting during the Cypriot presidency. The project was run by PCCPWC, funded by the Cypriot National Agency for the EU Youth in Action programme.

Other examples have been established of children being involved at earlier stages of the policy/ programme cycle. For example, the Directorate-General for Health and Consumers (SANCO) (2009) *Be Healthy, Be Yourself Conference*⁵⁷³ was attended by 200 children and 300 adults from across Europe as the first event of the *Be Healthy* initiative. During the event children contributed to the discussions which sought to identify the key issues and priorities for the programme going forward. Positively, in this example, the children were invited to a pre event, facilitated by the European Youth Forum which sought to give them the confidence to express their views during the main conference.

The EU Youth Conference⁵⁷⁴, is part of the Structured Dialogue⁵⁷⁵, organised by each EU Presidency country to identify policy priorities through debates between youth (organisations) and policy-makers. Consultations with young people and youth organisations at all levels in Member States, and at EU level involve older children as well as young adults.

Consultations with young people and youth organisations at all levels in Member States, and at EU level may involve older children as well as young adults. National Working Groups have been set up and Member States have expressed their willingness to enhance the transparency and visibility of the process and monitor its follow-up. The European Youth Portal has recently been upgraded to include an online participation platform to enable National Working Groups to reach out to more young people from a wider range of backgrounds.⁵⁷⁶

⁵⁷³ <http://ec.europa.eu/health-eu/youth/>

⁵⁷⁴ http://ec.europa.eu/youth/news/2014/youth-conference-social-inclusion-young-people_en.htm

⁵⁷⁵ http://ec.europa.eu/youth/policy/implementation/dialogue_en.htm

⁵⁷⁶ <http://europa.eu/youth/sd>

Table 9.7 EU institutions and European NGO practice example: Structured Dialogue

This consultation is structured in terms of a series of themes and events where young people⁵⁷⁷ can discuss the agreed themes with EU policy-makers and politicians. A range of events and activities at a national and local level are also organised within the same process. The European Youth Forum is a key player in the Structured Dialogue, with its Vice-President acting as chair of the European Steering Committee and the European Youth Forum providing its secretariat. It has also promoted better recognition and quality of non-formal education by youth organisations and organised activities linked to the 2011 European Year of Voluntary Activities Promoting Active Citizenship.

The Youth Partnership⁵⁷⁸ (YP) between the Directorate-General for Education and Culture (EAC) and Council of Europe has been running for 15 years, and focuses on the training of youth workers, specifically 'multipliers' (train the trainer), research and knowledge transfer. There are various elements of participation activities, including the focus on citizenship and training youth to become trainers themselves. The Youth Partnership has an Advisory Group⁵⁷⁹ which gathers the principal youth organisations, to contribute towards defining its objectives and activities. The YP commissioned some research which should provide potential evidence of consultative activity with children.

However, the age range of the respondents has varied depending on the subject and focus of the research which in turn is dependent on when it is defined that children become active in youth cultures and youth organisations.

Other initiatives include elements of children collaborating in participation activities, taking on specific roles and responsibilities, as well as influencing the development of a project. An example from the Directorate-General for Health and Food Safety (SANTE) is an online platform to prevent eating disorders, Pro-youth⁵⁸⁰, targeting 15-25 year olds. Young people have been involved in its development and are trained to deliver interventions.

9.2.4.5 *Child-led activities with EU institutions*

The mapping of EU activity has found little evidence of **child led activity** supported by the European Commission or other EU institutions, apart from through its funding programmes. One potential example that falls under this category is the encouragement of children to organise their own events through programmes such as Spring Day.⁵⁸¹ This annual grant scheme provides financial support for events that focus on the European theme of the year. Insufficient evidence is available on the specific projects funded and the application process to robustly assess the extent to which this does facilitate child-led activity.

9.2.5 *Evaluation of progress and challenges for child participation at EU level*

9.2.5.1 *Progress in changing expectations*

The low response rate from some EU officials who were invited to contribute to the study also implies that some institutions do not see child participation as relevant to them. However, on the other hand, evidence from EU stakeholders who agreed to take part shows acceptance of the principle of child participation, albeit with less detail on how to achieve this. It has been suggested that this progress is part of a wider tendency towards improving child participation among different stakeholders.

⁵⁷⁷ It is important to note that these activities may involve older children but also participants outside of the definitions of children 0-18. Limited information is available to determine specifically the extent and scale to which children 0-18 are involved.

⁵⁷⁸ <http://youth-partnership-eu.coe.int/youth-partnership/training/index>

⁵⁷⁹ <http://youth-partnership-eu.coe.int/youth-partnership/about/managementstructures.html>

⁵⁸⁰ <https://www.proyouth.eu/home.html>

⁵⁸¹ http://ec.europa.eu/malta/youth/schools/spring/index_en.htm

"Firstly, we're observing increased global attention towards children's participation. There's a growing momentum - it mobilises stakeholders from all levels and sectors, it increases investments in the field and builds the capacity of professionals and communities. Secondly, there's an accelerating wave of educational approaches, forms and programmes both in formal and non-formal education that focus on the concept of participation as a major factor forming the nature of modern individuals and societies alike."

(NGO representative)

Several EU institutions highlighted above have made significant progress in developing legislation, taking account of work done by others gathering the views of children when drafting legislation, promoting awareness and networking, and are beginning to move towards building up their experience of direct child participation activities. Most examples are of consultation via studies, presence at conferences and specific stand-alone participation-focused projects. However, there are increasing expectations that EU institutions should not only invite children to events and conferences, but encourage them to participate more fully, and feel they have an important role to play. According to a positive assessment by an EU stakeholder, there is a perceived trend of increasing young people's involvement in decision-making, for example, that has developed over several years.

There is some evidence of children's views influencing policy development, for example when captured through studies such as Eurobarometer, but little other indication that their views are acted upon. There are therefore very few examples of practice that meet good practice criteria about being meaningful, sustained and collaborative. Some EU stakeholders themselves identified the issue of a lack of expertise across the Commission for overseeing meaningful participation, which is linked to the issue of the Commission structure, mentioned below.

Wider stakeholders such as NGOs operating at European level, who support children to take part in the participation opportunities that exist, offered mixed feedback on their experiences.

They recognise the progress in accepting the principle of child participation, but have yet to see this being realised in practice, and express some frustration with the particular lack of collaborative opportunities, with children who attend meetings, *"just commenting on a process"*.

"The EU generally accepts that they should be heard, but is not acting on their decisions and opinions... Sometimes it is more tokenistic... It looks good, to the public, to include children, for example, people of different ages in a photo doing activities together. When children dare to say things that adults don't, or that are politically incorrect, it can be quite disconcerting to really listen. I can't see any progress made in actually implementing children's participation within the EU institutions."

(NGO representative)

One stakeholder praised the efforts of the Fundamental rights and Rights of the child unit at the Directorate-General for Justice and Consumers (JUST), and the involvement of European level NGOs, but underlined the need to lead by example and for guidelines on how to include children and feed their views into programmes.

"I would say despite the best intentions, it is a bit tokenistic. From the [NGO] perspective, if you think about what level [of implementation there is]. Certain programmes such as Youth in Action and Erasmus Plus clearly state that young people should be able to [participate]. This is very, very good, but it doesn't state how young people are to feed in...the Directorate-General for Justice and Consumers (JUST) is quite active in pushing it [the agenda]. Lots of people are happy with [their work]."

"The [Fundamental rights and rights of the child Unit] is very happy to meet people. We have input. They have done a lot but have a lot more to do, particularly in defining what they want from child participation. I'd love to see some form of participation with organisations, to include the children's ombudsman. Develop a set of guidelines to really include those children's voices, and how. And practise what they preach too... This might be idealistic but it is most problematic at national levels. We need to bring in national stakeholders, not preach down."

(NGO representative)

There is a perceived need to go beyond ad hoc project based opportunities and develop mechanisms for sustained participation by children in processes that contribute to EU decision-making.

"It is very unlikely that young people will sit with a representative from the Council of Regions and someone from the Directorate-General for Employment, Social Affairs and Inclusion (EMPL) to hammer out a decision...but there should be some kind of strategy [to improve this]".

(NGO representative)

9.2.5.2 EU stakeholders' understanding of child participation

When asked for examples of relevant work, many EU officials cited examples of participation in activities in different sectors such as sport, recreation and cultural activities, which have no links to decision-making. They also pointed to generic work on the theme of children and young people, which does not include any child participation, suggesting limited understanding of the term. The lack of understanding appears to be a key explanation for why EU institutions lack confidence in developing meaningful appropriate participation activities that go beyond stand-alone studies, ad hoc project based activities, or tokenism. This is compounded by a lack of political will, as well as by the other barriers included in this section. The active involvement of children in policy and legislation requires separate structures, the setting up of child protection policies, and so forth, obviously takes time. The staffing and time constraints imposed on officials to deliver draft legislation or define policy and these are real and significant barriers to the design and integration of any meaningful child participation strands. Legislative processes are relatively rigid and there are no mechanisms to factor in child participation. There are calls from a European NGO stakeholder for specific guidelines that set minimum standards in order to avoid attempts that are seen as tokenistic, which could have a positive impact in the same way as inclusion of Roma voices is seen as having improved. A European NGO stakeholder cited a cliché, where young people are showcased, rather than involved in decision-making, for example, with one Roma child and one disabled child, who have 15 minutes on stage and have their photos taken. DG Justice and Consumers (rights of the child) specifically refrains from involving children in a tokenistic manner and states that the results of this study will help inform policy development in this regard.

"There is a need for guidelines as to what we mean by participation. It has to come from the EU in partnership with NGOs, who can organise on their own national level to raise awareness. Then funding would be made available and as with Roma participation, which has really taken off, this would lead to a more inclusive voice. We need minimum standards as it falls below that minimum, to just showcase children and young people and just be there. We need to have something concrete to take to the social ministries and say let's try and do something. It doesn't cost much, it's the political will."

"The same as most policy documents now, they all have a message that you should include child participation without saying how. [...] But we have already established the importance of child participation... How do we make it meaningful and inclusive? The Directorate-Generals for Justice and Consumers (JUST), Employment, Social Affairs and Inclusion (EMPL) and Education and Culture (EAC) all have a big role to play in defining how we do it."

(NGO representative)

An example was given of existing guidance for the de-institutionalisation process which states the need to involve children who are institutionalised, but without being specific, which could be problematic, for example, if a 15 year old has been in an institution for ten years, with everything done for them, and their opinion has never been asked before.

Linked to a lack of understanding, some stakeholders felt that negative attitudes remain about children's capacity to understand the work of decision-makers and to participate, especially for younger age groups. For participation to meet good practice criteria, it should be meaningful and relevant, which raises legitimate concerns about the kind of material children should be expected to take an interest in. Paternalistic values can be a barrier, and there may be a risk that parents and families feel threatened or excluded from processes

"Children are used to keeping their opinions for themselves and rely heavily on adults' permission and approval. When combined with unreformed school systems, such attitudes create an extremely aggressive attitude towards opinion and inclusion environment. Parents, once they give their consent to let their children participate, are often excluded from the programmes, but without recognizing them as key stakeholders and partners, we are significantly hindering the whole process."

(NGO representative)

9.2.5.3 Lack of formal participation mechanisms

EU stakeholders recognise that there is currently a gap in terms of formal mechanisms for child participation in EU institutions' decision-making:

"Where we have come under criticism is for children physically participating in European Commission business."

(EU Official)

A need is recognised in embedding the child participation culture at two levels of EU work, to have more direct contact with children, and to embed child participation in funding programmes – this is already been done in the Rights, Equality and Citizenship Programme.

The Council of Europe has developed a co-management structure to support youth participation. This is seen by some stakeholders as a potential model for the EU to adapt and adopt.

"The Council of Europe is more progressive than the EU. For example, part of the core management system includes a Youth Advisory Council, on youth related issues that deals with all questions about funding and youth policy. So all decisions are made together. The Youth Advisory Council collaborates with a group from the CoE in decision-making... We have campaigned for the EU to have a similar system, with the European Youth Forum as they are now discussing the next 7 year funding programmes. It is just an example of something that could work... At the Parliament it should be more than just listening sometimes, but an effective mainstreamed approach to children and young people."

(NGO representative)

"More focus and resources are needed to create new or strengthen existing representative systems and platforms for children to exchange opinions and get involved in planning and implementation of activities. Without working channels for people to communicate and meet – the second logical step if information is sufficient, the participation of children will remain a commitment on paper."

(EU Official)

9.2.5.4 Commission structures and processes

There are clear procedures for EU decision making and the various steps to be completed and these rules do not include child participation. It is therefore even more difficult to respect children's participation rights, where there is no established process, remit or corresponding resources to do so. One of the main challenges is that the Commission is not organised in such a way as to make the children's participation straightforward.

"As an institution, we [The European Commission] are far removed from children, although we fund activities that are focused on them."

(EU Official)

The legalistic and often long-winded nature of Commission processes are seen as making it more complicated to involve children in EU decision-making, for example, the need to go through multiple drafts, and impact assessment boards. Where children do input ideas for content or even style and design of materials, the Commission is liable to veto material that does not fit usual expectations of a Commission document, causing EU stakeholders to feel concerned about the need to manage children's expectations about the limits of their influence.

A Commission representative identified that the centralised communication system can also be a barrier, when it would be more useful to have the resources and the flexibility to respond to what schools want in terms of *"people visiting to talk to children"* providing child-friendly information sessions about the EU, which *"really enthuse people – more than an essay on why they like learning languages."*

Overall, consultations with stakeholders from a number of the Directorates-General suggests that the more limited activity at this level is partly due to perceived issues of logistics and the practicalities of the Directorate-General Units, which would make it difficult to work directly with children without having established links with networks or groups of children. As a result where activities were evident these were typically more localised and facilitated through existing structures or networks of children. A stakeholder from the Directorate-General for Communications, Networks, Content and Technology (CNECT) reported that it is not easy to mobilise two children from each EU country to attend the Youth Panels and annual youth meetings held before each wider Safer Internet Forum.

"Children aged 11-17 cannot simply travel alone, so there are logistical implications, as they sometimes travel with parents."

Another practical barrier is that much EU funding requires co-financing, which is difficult for activities that would be truly child-led, especially for vulnerable groups and anyone who is not part of membership organisations with fees. A European NGO stakeholder suggested that *"for other groups who don't have that resource, but have the capacity"*, such projects should be exempt from finding that 25% funding. An alternative suggestion was to let children and young people document the number of hours they put in as their contribution.

9.2.5.5 Language and media used to engage children

A stakeholder from a Commission Representation argued that the challenges of engaging children are linked to wider challenges of engaging citizens, but exacerbated by cultural differences between EU personnel and the population.

"We are lots of old white people and sometimes lack the vocabulary to engage young people."

(EU Official)

This view is supported by a European NGO stakeholder, who proposed that to support participation, there is a need to train decision and policy makers to work and interact with young people without coming across as being condescending:

"Guidelines should incorporate some kind of involvement of young people, not realistically in the decision-making but in the process, to organise and inform young people in their media and language."

(NGO Representative)

A "back door issue", that has occurred independently of specific efforts to increase child participation, was reported by an EU stakeholder to be that *"the emphasis on social media means we [European Commission] are de facto involving younger people more"*

The European Commission political culture and language, and disconnectedness from the lives of most vulnerable children was seen as a barrier to participation.

"the language [of the European Commission, communications and recommendations...] is so complex and too indirect. The Commission and their counterparts are far from the work of organisations on the ground".

(NGO Representative)

9.2.5.6 Inclusive participation

A major barrier to EU institutions developing good practice in child participation is the challenge of ensuring that such activities include vulnerable groups of children, those of different ages and children who are not already part of organised groups. The main outstanding gaps in child participation work from the perspectives of some EU stakeholders were: poverty and those at risk of violence; children with disabilities; children in institutional care, which is a current focus of European structural funding; younger children, an area where the work of the Commission as regards child participation is heavily criticised externally.

EU stakeholders and NGOs recognise that a key challenge is how to reach non-organised young people, as youth organisations are a key route to access young people but on average only 10% of all Europe's young people are reported to participate in or be members of an organisation:

"It will always be a challenge to reach children who don't have a voice... to overcome a lack of representativeness".

(EU Official)

"Democratic youth-led organisations that are very established are all well and good, but inclusion is an issue... We're not hearing the categorical voice of young people. The European Youth Parliament wants to include [a wider range of young people], but can only make contact through other similarly organised youth organisations and groups."

(NGO Representative)

"[Participation] is difficult to do with excluded children, to bring them in... At the other end of the social spectrum are children who have had a more privileged life, an education and family support. It is problematic when you bring these two groups together".

(NGO Representative)

There was a call to respect the wishes of children from groups such as care leavers or Roma, who may not necessarily wish to be identified with these groups. There is seen to be a lack of appropriate mechanisms to engage certain groups.

"For the most vulnerable and excluded children, it is only possible to re-integrate with very good methodologies. So it is almost a dream to get them to participate in processes to change policy; even at a local level".

(NGO Representative)

On the other hand, several key NGOs whose core work is with vulnerable groups have had some success in involving vulnerable children, showing that with the right approach and expertise, it can be possible.

"There are links with child poverty and wellbeing as we always try to involve disadvantaged groups... We launch a call through member organisations every time we're asked to participate. We stress that we'll give preference to children from disadvantaged backgrounds."

(NGO Representative)

Child victims of trafficking are very high on the agenda, with the EU strategy tackling children as a priority with very strong legal framework.

The current financial situation in many EU countries is seen as affecting children's rights, with participation, often seen more as a luxury component of progress, rather than as an investment in the future. Institutions tend to keep their resource for more pressing matters which slows the overall process.

We now go on to look at the role of NGOs operating at European level in relation to child participation work.

9.3 The role of NGOs as a driver for EU level child participation work

9.3.1 Key NGO perspectives on child participation

The role of NGOs as a driver for child participation work emerges as an important finding at EU level, as well as in individual Member States. NGOs contribute in a number of ways, which can be seen as three main groups of activities that are direct cooperation with EU institutions' participation activities, seeking to influence EU participation work through advice, advocacy, research and training; and, thirdly, by developing their own models of participation practice which act as good practice examples.

Examples of key large NGOs, with European regional offices as well as work going on in Member States, include SOS Children's Villages⁵⁸², which works with children in care or leaving care, and Save the Children. Eurochild⁵⁸³ is a network of organisations and individuals working across Europe to improve the quality of life of children and young people. They define child participation as in Article 12 from the UNCRC *"making that right something that all children can enjoy. We need to create the conditions, structure and awareness for that to happen."*

IFM-SEI⁵⁸⁴ is an international umbrella organisation for child and youth-led movements, where children and young people are involved in all levels of decision-making, from their local groups to the world congress. Member organisations educate children about their rights often through peer education. In their view, children can participate in a meaningful way in political decision-making processes, or in the life of their community and family.

⁵⁸² <http://www.sos-childrensvillages.org/>

⁵⁸³ <http://eurochild.org/>

⁵⁸⁴ <http://www.ifm-sei.org/>

This means not just being listened to, but having their opinions taken into account, and being properly informed about the participation.

"It doesn't make sense to just say to children in the street "hey, what do you think about this new street", without more information. It is not just about being consulted, they need to have ownership to be doing things for themselves, organising their own spaces and activities."

9.3.2 NGOs' support for EU participation activities

NGOs cooperate directly by enabling children to undertake participation activities with EU institutions, as well as delivering programmes with a participation element, funded by the Commission. They occupy a key linking role, positioned as they are between decision-makers, and work on the ground with children, that is often undertaken by national level organisations, which are part of a larger NGO, a European level network or umbrella organisation.

An EU official commented that the European Commission funds projects that work via intermediaries to engage with children, including work around bullying and children with disabilities, or capacity-building for judicial and other practitioners (e.g. staff providing alternative care).

Two more main structures for supporting participation across Europe are the European Youth Forum⁵⁸⁵ and the European Youth Parliament⁵⁸⁶. Both these organisations have young people representatives across European countries. The European Youth Parliament has a national committee of young people in each Member State while the European Youth Forum draws on national youth forums. Both these structures appear to be strong in terms of providing forums for young people to express their interests and are a key mechanism for different units of the European Commission to involve children their work.

9.3.3 NGOs' advocacy role

In an advocacy role, for example, as partners participating in steering groups, NGOs encourage EU institutions to prioritise child participation. A Child Rights Action Group (CRAG) is a loose network including Eurochild, Save the Children, Scouts, European Youth Forum and other NGOs advocating on children's rights in Brussels, who are pushing for children's participation. In November 2013, they adopted a Manifesto for Children's Rights for the 2014 European elections,⁵⁸⁷ among others, to urge parliamentarians to be aware of the importance of child participation and include funding for it as an integral part of programmes.

9.3.4 Awareness raising by NGOs

NGOs contribute to raising awareness within EU institutions about child participation in a range of ways including research and advocacy. EU officials have highlighted the importance of research and data collection to complement EU work, for example, when implementing the EU Agenda for the Rights of the Child. Raising awareness of child participation and networking among relevant organisations are seen as key aspects of NGOs' role.

"As an umbrella organisation, much of the work is not directly with young people, we work with trainers and group leaders to increase their capacity and give them space to reflect on how to increase children's rights. We use a Council of Europe child friendly version of the Recommendation on Child Participation for training which is more understandable for children as well as for adults."

(European level stakeholder, NGO)

⁵⁸⁵ <http://www.youthforum.org/about-2/>

⁵⁸⁶ <http://www.eypej.org/area.3>About-EYP.html>

⁵⁸⁷ <http://childrightsmanifesto.eu/>

Some NGOs undertake or commission research studies to raise awareness of certain aspects of child participation, for example, the Children's Rights for All projects run by Inclusion Europe to investigate the implementation of the UNCRC in respect of this vulnerable group among children with intellectual disabilities. The EU contributed funding for this study under the Daphne III programme⁵⁸⁸. It found that that across Member States, children with intellectual disabilities are hardly ever provided with the opportunity to express their views, leading to a more focused 2013 study of participation – the Hear our Voice project⁵⁸⁹, funded under the Fundamental Rights and Citizenship Programme.

The European Network for Children of Imprisoned Parents⁵⁹⁰ is involved in child-friendly justice issues, and seeks to boost awareness for this vulnerable group. It was involved in research on COPING (Children of Prisoners, Interventions and Mitigations to Strengthen Mental Health) with over 700 children in four Member States over three years, which received FP7 Framework funding⁵⁹¹. Groups of young people participated in the launch conference, and their recommendations were presented as part of the general recommendations.⁵⁹²

9.3.5 Examples of good practice developed by NGOs

Some NGOs have developed models of good practice in child participation, which provide examples of how to turn some of the principles, values and concrete actions that feature in their campaigns, into a reality in the context of their organisations. The experience of developing their own work informs their role as a driver for EU-level child participation. Their structures and remits mean that most of the challenges for EU institutions developing meaningful inclusive practice outlined in the previous section do not apply in the same way to NGOs. However, the basic challenge remains of how to involve all groups of children in decision-making that is usually dominated by adults, within the aspects of NGOs work that are often professionalised.

They too have their own language and culture in their internal structures that requires a perceptual shift to open up to children's involvement, where it is deemed appropriate. This section examines a few key innovative examples, which could be used for benchmarking, without claiming that they have all the answers.

9.3.5.1 Child participation in conferences

Conferences are often seen as a prime opportunity to involve children, but also present risks of tokenism and alienating children through the process of trial and error. The Eurochild annual conference in 2013 opted for a specific mixture of consultation, collaboration and child-led elements, having learned from the experience of children leaving open workshops in the past, "*because they were not engaged and it didn't suit them.*" There was emphasis on the importance of making sure that children and young people know what to expect in each of the opportunities to participate that are outlined in the boxed text below.

⁵⁸⁸ http://inclusion-europe.org/images/stories/documents/Project_CRC/Results/European_Report/EN.pdf

⁵⁸⁹ <http://www.childrights4all.eu/>

⁵⁹⁰ <http://childrenofprisoners.eu/>

⁵⁹¹ <http://www.eurochips.org/images/1374138579.pdf>

⁵⁹² <http://www.eurochips.org/documents/1363703427.pdf>

Table 9.8 European NGO practice example Eurochild annual conference (Milan, Italy, November 2013)⁵⁹³

Children from six countries took part in the Eurochild annual conference, including some who were unaccompanied asylum seekers, migrants involved with school integration projects and some affected by the Greek economic crisis. There was a children's meeting for under 18s, as well as the several opportunities to participate in the adults' conference:

- Opening session
- All the dinners
- A slot in the final session to bring their own messages to that at the end of the week, about how children's voices can contribute better to social inclusion
- A special child-led session, with a limited number of places, which 24 children organised in the way that they wanted, to interact with 24 adults on their own terms
- Workshops where projects were presented by children and young people as regular conference participants (including some who were under 18 at the time of the projects)
- Two of those who delivered presentations of their projects sat on a panel alongside adults too.

The conference was entitled "Building an inclusive Europe – the contribution of children's participation", and co-hosted by L'Albero della Vita Foundation in cooperation with the Italian national Ombudsman for Children, Municipality of Milan and the PIDIDA network

9.3.5.2 Child participation in internal structures

Within the internal structure of SOS Villages, a stakeholder reported that "*Participation has really been integrated on the local level of the activities undertaken*". By the nature of SOS work with those in or leaving care, the children and young people involved come from vulnerable groups. Representatives from the local level feed into the International Youth Council⁵⁹⁴, "like a parliament" and choose an area that they feel confident to work on:

"There is an International Youth Council body of young people who have come through SOS programmes, to represent young people in SOS and highlight to external organisations, including the EU, issues of young people in care, e.g. the right to good quality public housing, education... Recommendations won't pass unless they pass through the International youth Council... [Adults] draft it. It's not practical for them to draft [a Recommendation], but if they're not happy with something, it won't pass."

9.4 Conclusion

This chapter has outlined some achievements and some barriers to participation in the EU institutions. Several EU institutions have made significant progress in developing legislation, promoting awareness and networking, and are beginning to move towards building up their experience of direct child participation activities. Most examples are of consultation via studies, presence at conferences and specific stand-alone participation-focused projects. EU institutions have developed child friendly information online and in other formats, about a range of issues, including active citizenship and participation.

The chapter has also highlighted the experiences of European NGOs, their views of participation in the EU, and their expectations from the EU. The experience of NGOs developing their own models for child participation informs their role as a driver for EU-level child participation, as a key partner, facilitating contacts with child participation networks and organisations, as well as undertaking campaigning and advocacy.

⁵⁹³ <http://eurochildannualconference2013.org/>

⁵⁹⁴ The International Youth Council is made up of national and local young representatives from SOS villages and other settings aged around 15-23, to complement the organisational structure, to make children and young people's voices heard and be inclusive.

Their structures and remits mean that most of the challenges for EU institutions developing meaningful inclusive practice do not apply in the same way to NGOs. While structural barriers are likely to remain, it seems there is some room for improvement in terms of awareness and expertise.

When asked for examples of relevant work, many EU stakeholders cite examples of participation in activities in different sectors such as sport, recreation and cultural activities. However, there are not many examples involving children in decision-making. They also point to generic work on children and young people, which does not include any child participation, suggesting limited understanding of the term. In addition to the structures and processes of policy-making, the language and culture of EU institutions can act as a barrier, requiring a perceptual shift to further open up to children's involvement, and make sound assessments of where it is deemed appropriate to undertake child participation activities. Mainstreaming child participation could entail making such assessments a more routine part of the process.

Progress has been made in legislation and attitudes, with recognition of the need for child friendly communication and occasional consultation. The groundwork for its further practical application has been laid through successful experiences of ad hoc project based opportunities. Although developing mechanisms for sustained child participation in processes that effectively contribute to EU decision-making may be currently unfeasible, there is scope to further develop models of good practice on how to include children, and for the Commission to aspire to lead by example. The EU is also well placed to support participation efforts by Member States and NGOs, for example, through funding programmes and promoting good practice.

10.0 Conclusions and recommendations

This final report has presented the detailed findings from an *evaluation of legislation, policy and practice on child participation in the European Union*. In the previous chapters, we first set the background context for the study; the aims and methodology. We then reviewed the findings from the country mapping, to establish the legislative frameworks that exist across the EU28 relating to Article 12 UNCRC, and the key issues affecting their implementation. The subsequent chapters went on to examine the practice dimensions of child participation; examining in turn the main forms that participation has taken; the nature and extent of potential 'good practices', and the evidence for impact and outcomes. We then provided a detailed account of the child-led strand of the study; examining children's views of what participation means to them, and how the barriers documented through the research might be addressed, before turning to consider the actions that have been taken at EU level.

In this final chapter, we reflect on the key findings from the study, related to the objectives and requirements from the TOR, and we offer some overall conclusions from each strand. We then go on to present and explain a series of recommendations for policy and programme development. Finally, we draw together the evidence from the study to present a set of practical guidelines for implementing children's participation.

10.1 Conclusions from the country mapping

10.1.1 The legislative response to Article 12 UNCRC

The study has shown that the *legal provisions for implementing Article 12 UNCRC vary considerably across the EU*. Whilst the overall level of recognition of UNCRC and its supporting institutions was generally high, the accompanying legal frameworks have been slower to become established. Comparatively few Member States have reflected Article 12 within their National Constitution, and only a handful of countries have instituted a comprehensive Children's Act or Code. In a few exceptional cases, Article 12 remains absent from the majority of key national legislation, with no evidence that General Comment No. 12 of UNCRC⁵⁹⁵ has influenced policy development in a meaningful way.

Overall responsibility for implementing child participation has typically rested with a number of different official bodies and institutions at a national level. Just under half of Member States had appointed a dedicated Children's Ombudsman or Children's Commissioner at the time of writing, although this would seem to be an expanding area, with some countries having recently extended the powers of their existing Ombudsman to provide and expanded remit for monitoring children's rights. Their role across the EU has been very significant in mobilising resources and conducting independent reviews and research.

In most countries, a number of separate ministries can be identified with oversight of the majority of policies and programmes relating to children and young people. Responsibilities are rarely defined in terms of 'child participation', however, and this usually forms part of a wider remit for citizenship and youth activities. There is also very limited evidence for a cross-Government agenda for child participation within the EU, which has emerged in recent years for other related policy areas (such as child poverty prevention). This is perhaps surprising, and would seem to represent a potential gap; especially given that Article 12 UNCRC as both a substantive right, *and* a basis for the realisation of all other rights.

⁵⁹⁵ UN Committee on the Rights of the Child's General Comment No 12 (2009) on the right of the child to be heard. Full text available at: <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-GC-12.doc>

10.1.2 Structures and networks

Nearly all countries have also seen the development of children's participatory structures and networks. Most have followed a conventional representative democratic model, with children and youth councils at national and local levels and children and youth parliaments at a national level; with varying degrees of involvement in the equivalent adult decision-making structures,. NGOs have been consistently active in promoting participation, playing a lobbying and advocacy role as well as building capacity through training and awareness-raising. Much trail-blazing of children's participation has also taken place at a municipal level, where authorities working individually or as part of a network have shown leadership in this area. The Child Friendly Cities Initiative and the Children's Town Councils movement are two prime examples.

10.1.3 Budgets for participation

The **visibility of budgets for child participation** was generally found to be poor, with none of the EU28 having set in place a designated 'children's budget' at a national level, and the majority of expenditure remaining within other national budgets. One of the criticisms was a perceived lack of accountability for expenditure, which has avoided a wider debate about under-resourcing for the whole area of practice development. Funding for programmes with a child participation element has often fallen between the overlapping areas of 'children' and 'youth' provision, with the latter usually understood to cover young people from the ages of 14-25. This would seem to reflect that much child participation activity has originated from a citizenship and cultural agenda, rather than necessarily being rights-based and linked directly to UNCRC.

10.1.4 Implementing policy and legislation

A **gap between legislation and practice** continues to present one of the major barriers to realising children's participation. Even in countries where apparently comprehensive and binding legal frameworks exist; implementation has often been gradual and complex, with Article 12 taking force alongside other areas of child rights legislation and the establishment of national child protection systems. The various interpretations of Article 12 imposed by Member States have sometimes had the consequences of excluding particular groups of children by way of their age or status. For example children under the age of 10 or 12 remain excluded from certain provisions within Member States where this is considered below the age of competence. Moreover, the capacity for professionals who work with children to assess their competence to participate was found to be considerably lacking at a local level within the EU, and it is evident that systematic training and professional development has not always kept apace with legislation. Compounding this situation, many services and organisations do not have systems or procedures in place to enable the participation of children as a matter of course, or to monitor and review their work in this area.

A further challenge relates to **enforcement**. Very few countries have set in place a framework for assessing compliance with Article 12 or imposing remedies. Article 12 is still **relatively untested in case law**, and its implementation has been much slower to be realised in sectors of high political importance where the legal framework is clearly established. The status of asylum seeking children is a notable example, where Member States have often given primacy to immigration law over child rights. Healthcare is another sector where the implementation of Article 12 has had to navigate the arena of medical ethics and codes of practice, and where progress on the ground – particularly for decisions beyond those affecting individual care – has been slow. These legal barriers are also cross-cut by the issue of **public acceptance** and **political will**. Throughout the study, it was evident that children's participation is widely viewed as a 'soft' policy area, and that there is an insufficient appetite in most countries for more substantial investment.

Children's participation has also been lacking in the monitoring of Article 12, with assessments often being adult-initiated and led. A promising model used in several countries is that of training 'young inspectors' to participate on an equal footing as adults in holding services to account, although these examples have tended to be small scale. Child Rights Impact Assessments have also been trialled in some countries; with the aim of future-proofing new policies with a potential impact on children's lives. These have often originated within the NGO sector or been championed by Children's Ombudsmen. There would seem to be good potential to further raise awareness and to extend the take-up of these tools and frameworks.

As we have discussed within this report, the low levels of children and young people's participation in political processes in the EU also presents a wider challenge to realising their rights. It must be concluded that greater steps in the political enfranchisement of children (especially with regard to lowering the voting age) goes hand-in-hand with improving the mechanisms for children's participation in all spheres of public life.

10.1.5 Sectors and settings

Coverage of Article 12 and its interpretation has varied across the EU at a sector level. In the main, the child's "right to be heard" is the most prominent in legislation within the **education**, **justice** and **child protection** sectors, for decisions affecting individual children's immediate welfare – adoption, custody or, care proceedings, or where the child is a victim or perpetrator of crime. Similarly within the **health** sector, the most widespread examples of legislation related to children's consent to medical procedures. The *practice* within these sectors was found to be highly varied, however, with some big differences between the participation rights afforded to children within different Member States based on ages and exemptions. Legislation has needed to navigate the tensions between children's interests and legal guardianship and parental custody.

The situation for more vulnerable groups of children such as those with mental health problems or receiving psychiatric care was found to be poorly defined within many countries, whilst children in **alternative care** settings and **children with disabilities** were often shown to have fewer participation rights. This was particularly, although by no means exclusively, found to be the case in countries where the deinstitutionalisation of the care sector is still ongoing. Child participation was often found to be weakly defined within legislation for **recreation** and neighbourhood **planning**. However, a greater abundance of examples of good practice examples were found at a local level, relating to children participating in local planning decisions and in the development of playgrounds, youth spaces or programmes. Again, this highlights the gap between legislation and practice, with many of the strongest examples of children's participation in their 'everyday lives' being initiated at a local level through schools or community settings.

The country mapping found that schools and early education settings provide a key universal point of engagement in social learning with adults. In practice, however, there is an immense variation in the quality and extent of participatory practices within educational settings. Perhaps the pinnacle of this practice is some of the examples of 'democratic schools', where children's participation is embedded in "*everyday pedagogic approaches*", and relates both to individual and collective participation rights. In many schools across Europe, however, children's participation is focussed principally on formal school structures and committees, and levels of participation in wider decisions relating to teaching and learning, school policies (including for behaviour, bullying and exclusion) remain low across the EU. The non-participation of Roma children in formal education at secondary stage is of particular concern and there are clear relationships between the child's 'right to be heard' and risk and protective factors for Early School Leaving (ESL).

10.1.6 *Types and levels of participation*

The study explored the different levels of participation within the EU, using Lansdown's framework⁵⁹⁶, which distinguishes between ***consultative, collaborative and child-led practices***.

As might be expected, consultation has provided the norm for the majority of practice examples mapped through the study. There was a predominance of specific time-bound projects, events or research studies with the aim of eliciting children's views and experiences to inform change, but largely following an adult-led agenda. Consultative participation was found at all geographical scales, including the EU-wide examples such as the Euro-barometer studies on child rights. Examples of collaborative participation were less widespread, and tended to relate mainly to the design or planning stage of the policy cycle – for example, through co-design in schools; town planning exercises or some examples of practice from educational and care settings. Child-led participation was rare and tended to relate to leisure time, or civic participation. They highlight the challenges that children face in initiating a dialogue with adults on their own terms.

This study suggests that the over-riding priority is to ensure the availability of different forms of participation in all areas of children's lives. The suitability of particular mechanisms is contextually specific. For example, formal structures such as councils and youth parliaments are the most frequently documented example of participatory practice and yet they often lack engagement with adult decision-making, and are fraught by challenges of ensuring that they are 'representative' (i.e. often being critiqued for engaging the 'usual suspects' of already actively participating children, and not reaching out to other groups of children who are more marginalised). In contrast, examples were identified through the study of a variety of other types of participatory initiatives, ranging from media projects, to democratic development activities.

10.1.7 *Measuring good practice*

Building on Lansdown's framework, and taking into account other relevant tools⁵⁹⁷, the evaluation team developed a refined set of quality criteria for assessing good practice. These are summarised below.

⁵⁹⁶ Lansdown, G (2011) A Framework for Monitoring and Evaluating Children's Participation: A Preparatory Draft for Piloting

⁵⁹⁷ Including: the International Save the Children Alliance Practice standards for child participation, the UNCRC, and Council of Europe recommendations and Hear by Rights standards

Table 10.1 Revised framework for assessing good practice in children's participation

1. **Inclusive** - All children have an opportunity to actively participate
2. Participation is **voluntary, informed and transparent**
3. Children's **contributions are valued, respected** and taken seriously
4. Children have the opportunity to **influence and/or initiate the agenda**
5. The context and approaches are **appropriate and child friendly**, according to **age and maturity**.
6. **Opportunities for learning** (adults and children) are built into the participation process
7. Children have **active roles in all phases of the decision making cycle**, not just expressing a view:
 - Inquiry and analysis (Exploring/researching issues and synthesising results)
 - Involves discussion and reflection
 - Developing / communicating proposals for action/change
 - Monitoring and evaluation
8. Participation is **meaningful and relevant** for participants (children are fully aware of the context of their participation and have a common vision /sense of ownership and commitment)
9. Children's contributions are **confidential and free from risk**
10. Participation increases awareness, builds social capital and **empowers children**
11. Children receive **support, training and resources** where needed
12. Participation involves **dialogue and collaboration with adults**
13. Activities are **monitored and evaluated**
14. There are clear measurable **benefits / outcomes** for participants
 - Policy /practice impact; and / or
 - Benefits for children/community
15. Possibilities are created for children to **take action / implement the solutions**
16. Participation is **on-going / sustainable**, and not a one-off event.
17. Participation is **linked to wider civic and/or organisational decision making**
18. **Systems and culture of learning and change** exist in response to children's participation

10.1.8 Barriers to child participation

An immediate observation from the country data was the ***lack of understanding of what children's participation means***. Across the study, there was a tendency for respondents to describe examples of good practices in providing services or information to children, or to discuss participation interchangeably with child rights in general.

This highlighted several issues. First, it is apparent that the lack of monitoring and evaluation in this field has made it very difficult to raise awareness about what effective participation is and how it should be measured. Second, the study underlined the highly contextual nature of participation. In some Nordic countries, for example, a strong culture of participation has developed somewhat independently from UNCRC and the definitions and reference points are quite different, whilst forms of participatory practice in some Eastern European countries take as their reference point school self-governance and youth groups from the Communist era, which have shaped contemporary practice.

One of the major issues raised by the study, however, relates not just to the fact that there are different understandings of participation, but more fundamentally that there is a lack of understanding amongst *professionals* and a lack of knowledge and commitment to children's rights. The country studies underlined the extent to which legislation is only as effective as the training that enables it to be implemented. This is too often viewed as a 'social work' agenda, with front line professionals lacking the time and opportunities to acquire these skills and support the participation of children. Similarly, it is too often taken for granted that educationalists will automatically acquire the expertise through their initial training.

The research points towards the importance of *affecting change at an institutional level*, where most of the existing Kite-mark schemes are targeted in order to embed participatory practices systematically. In practice, it has often fallen to NGOs to fill the gap in appropriate training and standards. Some of the most prominent examples have been undertaken on a multi-professional basis; with social workers, psychologists, judges and other specialists undertaking joint training to develop competences in this area.

Training and awareness-raising for children was also raised as a priority. The country evidence showed that if children are to exercise participation rights, they need to understand these and have the opportunity to 'try them out'. The experiences from evaluated projects across the EU and reinforced by the child-led strand of the current study is that children have a limited knowledge of child participation, despite the abundant resources that are now available in many countries. Participation is simply not a priority for many children unless it can be made tangible to the everyday issues that affect their lives. This has arguably been one of the key factors underpinning the success of participation within youth work settings and in representative organisations for specific groups (children in care, children with disabilities) – the existence of a strong 'call to action'. Indeed, children's activism has been found throughout the country mapping, and some of the examples have related to protest groups and direct action.

More widely, *public attitudes as to how children's roles in the society are viewed* have had a constraining influence on child participation in many countries; particularly relating to scepticism about children's competence, often seen as a result of the legacy of totalitarian rule or traditionally paternalistic attitudes.

10.1.9 Enabling factors

The country level research indicated that participation is assisted when national Ministerial strategic decision-making is joined up and coherent, and when municipalities take a lead to champion child rights, working closely with child and youth councils. The existence of transnational networks such as the Child Friendly Cities Initiative has also acted as a catalyst for change, whilst NGOs have often played a central role in keeping momentum for child rights – particularly where governments have fallen short. Beyond these factors, the use of public awareness campaigning and structured dialogue; training in the value and mechanics of participation – both for children themselves and for teachers, social care and health professionals, and targeted measures for vulnerable or under-represented groups of children emerged as being key enabling factors. Some of the most effective examples found within the study included multi-professional training and development, to embed a shared understanding of participatory practices across different areas of competence and to break down professional boundaries. The significance of individual professionals carrying out their roles as key workers, mentors or advisers to children and young people should not be underestimated with respect to fostering effective participation.

Finally, child participation has been much assisted where good practices have been widely shared. As we have seen, this often goes hand-in-hand with setting in place mechanisms to monitor and evaluate, which remains an area for further development. The study evidence would certainly seem to indicate that greater opportunities for children to participate in undertaking their own research, and developing the skills to capture and reflect upon the challenges to participation, would be invaluable.

10.1.10 *Impacts and outcomes*

This study has shown that children have a valuable potential role to play in influencing policy and practice, where there are appropriate dialogue structures in place, and where both adults and children have opportunities to gain the competences needed for effective participation.

The main evidence of impact relates to participation activities at a local level (*groups of children*), where the benefits are most tangible and measurable. Here, children have often been able to observe and articulate the changes to their everyday lives in settings such as schools, care, and their local neighbourhoods. In some instances children's participation has directly shaped planning decisions on a small scale (such as the redevelopment of public spaces, playgrounds, and children and youth facilities), whilst in more exceptional circumstances children have been supported to play a role in municipal planning processes. Whilst highly relevant, however, these examples often remain distanced from decision making that affects children at a group – at a 'macro' level.

Greater challenges clearly exist at a national policy level (*children as a group*). The most commonly found examples of national policy impact relate to children's participation in developing youth strategies or action plans, and raising awareness of policy issues through child-led research, or via children's forums or parliaments. These impacts are usually achieved via timebound consultative participation, and predominantly through lobbying, consultative events and research. Children have sometimes also been directly involved in appointing Ombudsmen or other officials. Nonetheless, there is still much variation in how child participation is implemented between different Member States, and real influence over decision-making is often elusive and subject to adult coercion or controls. Patterns across sectors and settings also suggest there is more participation and therefore increased chances of impact in some sectors than others. These include education (mainly through school councils), care (through participation in care planning), youth work projects, and local planning (especially through consultations on neighbourhood developments and recreation).

There are, of course, also numerous examples of positive outcomes for *individual children*, relating to participation decisions affecting their care, education or treatment within justice settings. In the fields of child protection, healthcare and education amongst others, examples were found where children's right to be heard has achieved direct results for their wellbeing and safety, albeit that these outcomes are infrequently monitored or evaluated in a systematic way. A few examples were found where children's participation has been more permanently institutionalised, and children have influenced practice on a larger scale. These examples relate to participatory inspection arrangements within the field of children's social care and child protection (UK and Sweden). Equally, there are sufficient examples to illustrate the negative impact on children's lives where they have been deprived of liberties, placed in inappropriate care, educationally excluded or suffered from ill health as a result of non-participation.

The study concurs with previous research on the subject of participation, demonstrating that meaningful opportunities for civic and social participation provide children with a healthy learning experience that has been shown to develop self-confidence, citizenship skills and pro-social behaviour, as well as fostering positive relationships with adults (through inter-generational dialogue). Children need the opportunity to enquire/explore/play with ideas before demonstrating more tangible gains in competence. Partly reflecting this issue; many of the larger programmes – especially in the 'youth' field – have focussed almost exclusively on personal competences associated with the *process* of participating rather than the end results in terms of changes (to children's circumstances, services, systems or policies). The evidence supports the findings from other recent studies calling for further research in this area.

Perhaps the single greatest challenge is to counter adult dominated structures of governance with education about children's participation and rights and a widespread failure to systematically integrate children's participation into policy making and services in a meaningful way. To do so, however, it is necessary to instate far more systematic monitoring and evaluation systems. A total of 22 out of 28 Member States have no standardised national monitoring on the rights of the child in place at all. The evidence where it does exist has tended to come from specific evaluated programmes; independent research; reports of Children's Commissioners, and the 'shadow' country reports prepared by UNICEF. This has resulted in a situation whereby judgements about impact rely quite heavily on the subjective views of experts.

10.2 Conclusions from the child-led research

The child-led strand provided a central role within the evaluation, in presenting an opportunity to engage directly with children from diverse social and cultural backgrounds through a set of 11 participatory projects in five Member States (Croatia, Greece, Netherlands, Poland and the UK). This work strengthened the evidence base for the evaluation by allowing for a deeper exploration of the research questions, drawing upon the children's personal experiences of participation, and providing tangible examples both of the inherent challenges of participation and of the outcomes for the children and adults who were involved. The design and implementation of the projects also constituted a participatory *process* in their own right, with the children playing a central role in conceiving the activities and analysing and reporting upon the findings alongside adults from child rights organisations.

10.2.1 Children's understanding and experiences of 'participation'

The child-led projects underlined the value that children place on their right to be heard and to have their views taken into account, irrespective of their background and circumstances. The majority of the children participating in the child-led research projects ***felt strongly they should have a say in key decisions that concern them***, despite a lack of consensus about what the term 'participation' should mean and what this might include or exclude. In practice, however, participation was nearly always experienced as being the most tangible and meaningful when viewed in the context of everyday interactions; at home, in school, or in the community. These findings strongly reinforce the evidence from the country mapping, which also illustrated the importance of participation in children's everyday lives.

The projects elicited a useful working typology of children's participation in decision-making, ranging from issues where children and young people had some degree of authority (e.g. over their dress, choice of friends and free time activities); to issues where they had limited decision-making (e.g. over choice of school or doctor, time spent watching TV), to areas of shared decision-making with adults (e.g. over room decorations, home rules and duties, trips, and food).. This resonates with the framework developed by Lansdown⁵⁹⁸, which explores issues where children have 'no influence'; 'limited influence'; 'moderate influence', or 'comprehensive influence' on decision-making.

Crosscutting these typologies, children and young people's understanding of participation was also clearly influenced by a range of personal factors and experiences, and according to their age, gender, ethnicity, and disability. The ***differences according to children's ages were particularly noticeable***, with older children (16 or 17) more likely to interpret participation as involvement in formal activities, such as forums or councils, in which they themselves (or their peers) had participated. In contrast children of 10-13 years were more likely to view participation in terms of respect for children's rights and their ability to decide, whilst those aged 7-9 years commonly described participation in terms of socialising, playing, helping parents with household activities, and caring for the elderly and disabled in their community.

⁵⁹⁸ Lansdown G. (2011) A Framework for Monitoring and Evaluating Children's Participation

The projects further underlined the balance that often needs to be struck between ***individual participation*** and ***family roles and responsibilities***. Certain groups of children drew attention to significant gender differences, largely based on cultural and religious norms; with girls in particular experiencing tension between their lives outside the home, and the restrictions they faced when at home. In most cases children had more input to everyday (shorter-term) issues, and less to 'serious' (longer-term) issues. This may reflect both the unwillingness among some parents to involve children in issues that they don't think concern them, and/or a desire to protect children from information and experiences parents feel they may find distressing. This tension between the prerogative for adults to protect children and to afford them opportunities to participate in society was also found within the other strands of the evaluation.

The child-led projects revealed particular concerns amongst children regarding the extent to which they are able to participate in ***decisions regarding their education***. Although numerous positive examples were given, children often criticised teachers for not taking time to listen, or for asking for students' opinions but not taking them into account. Indeed, the research showed that even where schools regularly encouraged students to express their views on school-related issues, disillusionment quickly crept in if students did not observe any changes as a result. Children's experiences of their teachers varied significantly, but the opinion was often voiced that teachers tended to impose their own values rather than always considering those of the children, and that discipline was too often used as a substitute for discussion or debate. These accounts help to illustrate the importance of building professional skills and awareness for child participation. Indeed, the country mapping arrived at similar conclusions regarding to training and development for teachers, social workers and care workers.

There was also a significant amount of criticism amongst the children of ***structures designed to encourage children's participation***. Student or youth councils, although considered useful by some at least some of the time, were regarded by others as being largely invisible, unrepresentative and/or ineffective for ensuring that the majority of children's views are heard on issues that matter to them. Perhaps the most positive comments were from the young people in Opatija, Croatia, who were very supportive towards the 'Children's City Council', set up to enable children to express their wishes and needs to decision-makers. This example illustrates the potential for strong examples of child-led structures, with direct links to adult decision-making, to create more meaningful opportunities for children's voices to be heard. A number of the examples from the Child Friendly Cities Initiative showed similar outcomes, as we discussed in the mapping strand.

10.2.2 Benefits of the child-led projects for children

The evaluation demonstrated that child-led research has a wide range of ***benefits for the children who are involved***, in terms of their own development. This was acknowledged in the very positive comments of children and young people about their experiences of participating in the projects. We saw how children from SOS Children's Villages in Croatia reported improvements in their self-awareness, and interest in civic and social issues, whilst children from other projects also reported having improved their communication skills and gained practical experience of designing and undertaking research.

The child-led projects further underlined how the participants often showed an eagerness to ***understand and empathise with the circumstances of other children***; especially those from different backgrounds to themselves, and to ***play a part in bringing about positive changes within their community***. Children from the different child-led projects sought reassurance that their findings would be heard and acted upon, rather than serving as a tokenistic exercise. The projects also provided very useful insights for the adults who were involved, and challenged their perspectives of the competences of the children they worked with.

All of these findings concur with previous studies, which show that skills gained from participatory action research are transferable to other aspects of children's lives (Kellett, 2006)⁵⁹⁹, and that effective participation can reinforce children's confidence and self-esteem (Lansdown, 2002)⁶⁰⁰. There is clearly a case for replicating and financially supporting projects of this kind, which have shown that children can play a much more active role than simply being the 'subject' of research studies.

10.2.3 Barriers to participation and children's proposed solutions

The child-led study reinforced the findings from the country mapping, in showing that **children often face multiple barriers to exercising their participation rights**. These barriers were described in terms of personal factors, such as lack of self-confidence, fear of making the wrong choice, or in some cases fear of ridicule from their peers or reprimand from adults if children spoke 'out of turn'. Cultural and religious factors also hindered participation for some children; particularly girls, whilst one group of migrant and refugee children who took part in the child-led research spoke of how insecurity in their living circumstances made participation more uncertain and fragile, and compounded their fears of speaking out against authority.

Cutting across all of these issues was a view that **children often have too few opportunities to be heard by adults, and that their views are not taken seriously enough**. Some children described previous incidences where they had been let down by adults, which had resulted in a degree of scepticism about the potential for challenging the status quo. The child-led projects also illustrated the learning process that is required for both children and adults to 'acquire' the skills for participation through inter-generational dialogue. The early engagement through some of the projects revealed confusion amongst children about what participation involves. This was coupled with a lack of motivation to dedicate time to the projects, unless the activities were made relevant to their lives. Some children also expressed ambivalence about 'participation' in situations where basic needs and rights were not felt to be met.

Taken collectively, the child-led projects indicate that a **lack of awareness and understanding of participation** (including amongst children themselves) is perhaps more of a barrier than it first appears. Participation was often considered a marginal activity, even a 'luxury', when compared with other challenges in children's lives (educational problems, bullying, poverty), and tended to be equated quite narrowly with formal 'civic engagement'. There would seem to be considerable scope for awareness-raising and education to ensure that more children understand the fundamental basis of the 'right to be heard', as a means for realising all other rights. The Eurobarometer studies on The Rights of the Child (2009⁶⁰¹ and 2010⁶⁰²) perhaps illustrate this point best of all, in drawing attention to the inverse relationship between children's awareness of their rights, and their satisfaction with their opportunities to exercise these rights.

⁵⁹⁹ Kellett, M. (2006) 'Pupils as active researchers: Using engagement with research process to enhance creativity and thinking skills in 10-12 year olds', British Educational Research Association Annual Conference, 6-9 September, University of Warwick, UK.

⁶⁰⁰ Lansdown G. (2002) Promoting Children's Participation in Democratic Decision-making, Florence: Innocenti Research Centre, UNICEF

⁶⁰¹ European Commission Directorate General for Justice, Freedom and Security (2009) *Flash Eurobarometer 273: The Rights of the Child*. Online: http://ec.europa.eu/public_opinion/flash/fl_273_sum_en.pdf

⁶⁰² Qualitative Eurobarometer on the Rights of the Child; 2010 Aggregate Report http://ec.europa.eu/public_opinion/archives/quali/ql_right_child_sum_en.pdf

Possible solutions were also directly explored with children through the study, through the child-led projects. These were wide-ranging, and the children's suggestions included: greater efforts to improve relations and communication between children and adults; more information and more opportunities to raise issues directly with decision-makers (including policy-makers) across a wide range of issues affecting children's lives; more (and better) listening on the part of teachers and other professionals; better publicising of children's views in the media; and measures to build security for migrants and refugees.

In particular, young people felt they should be informed about upcoming decisions a reasonable amount of time in advance, so they could participate in them. Where opportunities had arisen the past (whether at school, at home or within their community), these often came at a relatively late stage in the process when there was more limited scope to influence the outcome. An improved awareness and appreciation of children's competence to participate was thought to be part of the solution.

Although there was a consensus that relationships between adults and children could be improved in many areas, the responsibility for making these changes was not seen to rest solely with adults. It was widely recognised that this should be a two-way process, and that communicating openly and volunteering opinions should be appreciated and practiced by all, within a safe and supportive environment. The role of family was also considered important, and some thought that parents or carers should give children opportunities to develop their self-confidence and participate from a young age, so that this is normalised behaviour. There was also a strong message from the child-led strand that there should be more coverage in the media about events for children and young people, with more regular opportunities given to publicising children and young people's views and to counteract stereotypes. This final point echoes with the mapping strand, which found that there was comparatively little child participation activity within the media sector across the EU28.

10.3 Conclusions from the EU level research

The final area that was examined for the evaluation was the work of EU-level institutions in relation to UNCRC Article 12. As we have discussed in this report, it is clear that ***the rights of the child is a relatively 'young' policy area for the EU, and that embedding it, including child participation, across all areas has proven challenging***. The study found evidence of activities initiated by different EC Directorates-General, and emerging somewhat organically across different spheres of policy responsibility, with youth programming having provided the most longstanding forum for engaging with young people's active citizenship and personal development.

It would be fair to conclude from this evaluation that the appointment of a Commission Coordinator for the Rights of the Child and the establishment of a European Commission inter-service group on the rights of the child, the creation of a Fundamental Rights and Rights of the Child Unit in DG Justice and the European Forum for the Rights of the child have helped to galvanise these different actions and to ensure a stronger rights-based approach for children aged 0-18 in accordance with UNCRC. The study has highlighted scope for further development, however, with ***a need to go beyond ad hoc project-based opportunities and develop mechanisms for sustained participation*** by engaging children in meaningful processes that contribute towards EU decision-making and setting in place better mechanisms for monitoring the effectiveness of the work of the European Commission and other EU institutions in this policy area. A clearer road map is also needed on how to implement the raft of EU legislation reflecting Article 12, and to make this tangible and accessible to grassroots NGOs working in the field. It is expected that the results of this study will inform future policy development.

The European Commission faces the fundamental challenge of being far removed from the everyday lives of children, and perhaps ***the most direct and impactful contributions*** that it can make as an institution ***are to support cross-sector and transnational dialogue; to develop and fund pilot programmes and initiatives, and to continue to promote better data collection.*** The 2013 Recommendation 'Investing in children' stopped just short of common indicators for child participation at an EU-level, but this step might yet be taken. The Council of Europe framework and indicators also provide a widely available resource, which must be taken into account when considering how and through what mechanism(s) to gather data from EU Member States.

10.4 Recommendations

On the basis of the evidence reviewed for this study, we have identified a number of recommendations for policy and practice development. These are presented in turn, below.

10.4.1 Specific Recommendations For EU Member States

The first set of recommendations is intended for EU Member States. We have proposed a dual approach, aimed on the one hand at ***mainstreaming*** child participation processes and practices across all sectors and policy areas, and building the competence and capacity of practitioners and officials whilst also identifying a role for more ***targeted projects and pilot activities*** to provide fertile ground for further testing and innovation in this field, and providing tangible opportunities for collaboration between NGOS and official institutions.

Recommendation 1

- **To review the consistency with which the child's right to participate has been reflected within national legislation, policy and practice, and to acknowledge and where possible - take action - to address the gaps highlighted by this study.**

These gaps are country-specific, but include for example: age restrictions within legislation imposed on children's rights to participate; exemptions or gaps that have compounded the vulnerability of particular groups (e.g. asylum seeking children, children in alternative care and Roma children), and gaps in geographical or sector coverage.

Recommendation 2

- **To consider the merits of establishing a national cross-government strategy and / or action group for child participation, with representation from all key Ministries.**

This approach acknowledges the status of child participation as a right that underpins all areas of public life, and the emergence of similar cross-Government structures or forums corresponding with other areas of policy in some Member States, such as child poverty reduction. Such an action group might have a role in championing a cross-sectoral approach.

Recommendation 3

- **To consider introducing mechanisms for embedding child participation across all policy areas and sectors, through capacity building for practitioners**

The study has underlined that child participation is a shared priority, and that professional knowledge and competence regarding the child's right to be heard should not be restricted to a narrow field of children and youth work, but should rather extend to other areas of public life (municipal decision-making, health, housing and so forth). This mainstreaming approach requires a stock take with regard to the effectiveness of different professional training and development frameworks, and - potentially - investment in new or strengthened measures.

Recommendation 4

- **To consider providing financial support for programmes and initiatives addressing the priorities highlighted by this study, and based on Article 24 of the Charter and Article 12 UNCRC (including General Comment No. 12), with a view to the subsequent mainstreaming of approaches that prove their effectiveness.**

These programmes might include:

1. Actions to **develop cross-professional training and awareness-raising** in the field of child participation, with a focus on developing and embedding good practices / pedagogies, and sharing tools, frameworks and packages of continuous professional development.
2. Actions to support the **transnational exchanges of professionals, children and young people**, to facilitate the transfer of knowledge and good practice between Member States.
3. Actions **to support the development of infrastructure for children's participation**; where there is evidence of a shortfall in capacity at a national or regional level.
4. Actions to develop **public awareness-raising or media campaigns** with the objective of challenging stigma or stereotypes surrounding child participation, and with inbuilt monitoring and evaluation to review the effectiveness of such campaigns.
5. Actions to fund **pilot projects**; especially those that: demonstrate the potential to achieve collaborative and child-led participation; demonstrate the potential to raise levels of participation for vulnerable groups; especially children in alternative care, children with disabilities, or children facing discrimination due to their gender, race or sexuality; and, are designed and led by children and young people, with the appropriate support from child rights organisations, academics and / or public bodies
6. Actions to **develop frameworks or tools to improve levels of accountability by public bodies and / or organisations** in relation to children's participation. These actions should demonstrate backing by official bodies, and demonstrate evidence that they will be implemented in such a way as to improve children's participation rights based on Article 12. Potential examples include: Child Rights Impact Assessments, Child or Youth Inspector Initiatives and Kite-marking schemes.
7. Actions to undertake **empirical research to establish the impact of child participation**.

10.4.2 Specific Recommendations for the European Commission

The second set of recommendations is intended for the European Commission.

Recommendation 5

- **To reflect upon and discuss the study findings with EU officials, Member States, NGOs, Ombudsmen and representatives from national children's councils and parliaments.**

The publication of this study provides, as intended, an important opportunity for the European Commission to bring together a wide range of stakeholders at an EU and Member State level, and to take stock of the progress that has been made with implementing child participation in the EU, supported by research evidence. The European Commission might therefore consider organising discussions with stakeholders, and initiating debate in other ways.

Recommendation 6

- **To consider the merits of developing training and awareness-raising for EU officials on child rights including child participation based on the Charter and UNCRC.**

The report has highlighted the range of promising work initiated by different EU institutions to strengthen children's rights, but has also shown that child participation is understood and implemented in different ways. An inter-service programme of training and awareness-raising, grounded in the Charter and UNCRC would add value by ensuring greater clarity and consistency across the range of work that is undertaken by EU officials, including those working in the fields of 'children' and 'youth' policies respectively.

Recommendation 7

- **To review future EU initiatives, to ensure that child participation is factored into their design and implementation as a crosscutting theme**

Child participation underpins all other child rights. As such, it would be beneficial for the European Commission to identify a suitable mechanism to ensure that child participation is taken into account for EU-level initiatives on a cross-sectoral basis (i.e. across all areas, ranging from environment, to education, transport, housing and sustainable development, and so forth). This would ensure that children and young people's views are heard and acted upon at the stage when these policies are designed and developed, as well as being factored into their implementation. This requires a more systematic approach than consultation via surveys and events, and might include the participation of children in advising upon the implementation, monitoring and evaluation of policies so that the Commission is held accountable to children's views throughout the policy cycle. This approach is very much consistent with the Lansdown monitoring framework⁶⁰³. Examples might include:

- Establishing new Structural Dialogue mechanisms, such as an EU-level children and young people's consultative group(s) with representation from different EU Member States, to be consulted at key points during the design and development of new initiatives, and providing their views through any subsequent independent evaluation. This would provide a clear and visible mechanism for ensuring accountability.
- More widespread use of Child Rights Impact Assessments in relation to EU policy-making, so that the effects of policy decisions on children are fully taken into account. To ensure that such a mechanism was participatory, the Impact Assessment would need to include an appraisal by children and young people and not solely by adults.

Recommendation 8

- **To accompany future EU-level recommendations or directives that include reference to child participation with additional practical guidance; to ensure that there is a consistent understanding of what child participation entails, and how to ensure its effective implementation.**

A consistent message from the study is that, where legislation has been passed with a child rights dimension or where policy directives have been issued, these are often experienced as remote and bureaucratic by organisations and services working directly with children. This situation would be improved if future EU-level recommendations or directives that include reference to child participation are accompanied by practical guidance for implementation, and are supported with appropriate media or public information campaigns, with specific target groups in mind. These groups might include public officials, professionals who work with children, and children and young people themselves.

⁶⁰³ Ibid. (2011)

10.5 Practical guidelines for children's participation

The following table sets out some *practical guidelines* for institutions operating at an EU, national, regional and local level. These guidelines are presented as a check-list to help create the necessary conditions for realising children's participation, based on the evidence gathered through the study. They should be read in conjunction with the Framework for Monitoring and Evaluating Children's Participation developed by Lansdown (2011), which has been extensively piloted internationally⁶⁰⁴; the participation 'principles' from the **Council of Europe Recommendation**⁶⁰⁵, and the relevant legislative, policy and programme documents within individual Member States.

General Comment No. 12⁶⁰⁶ of UNCRC provides detailed guidance for governments and other stakeholders on how to implement Article 12 within legislation, policy and practice; including within individual settings. An accompanying **resource guide**⁶⁰⁷ is also available for General Comment No. 12.

Table 10.2 Practical guidelines for child participation

EU level	
<i>Suggested guidelines for official institutions of the EU</i>	<ul style="list-style-type: none"> a. <u>Promote further cooperation between individual EU institutions to share research and practice evidence for children's participation, and to foster a mutual understanding of what constitutes effective participation.</u> b. <u>Ensure that UNCRC Article 12 is fully understood and valued across the European Commission, and that children's participation is a crosscutting theme for the work of individual Directorates-General.</u> c. Consider the role of <u>publicity and communications campaigns</u> in the work of the European Commission as a means of providing targeted messages about children's participation rights, including the issues faced by specific vulnerable groups of children (e.g. Roma, migrant children and children with disabilities). This might entail drawing attention to contexts in which children's voices are not heard, and to include a focus on vulnerable and marginalised groups of children facing even more acute problems in accessing their participation rights, to raise awareness and promote debate. d. <u>Ensure continuing cross-sector collaboration between EU institutions and international child rights organisations, and maintain suitable forums to give this work focus.</u>
National level	
<i>Suggested guidelines for national Governments of EU Member States</i>	<p>National government and legislation</p> <ul style="list-style-type: none"> a. Review and withdraw any <u>reservations to UNCRC Article 12</u> that prevent its full implementation within national law, including any specific age limits in respect of a child's right to be heard. b. Review and seek to address any areas of policy where the <u>participation rights of specific groups of children</u> (e.g. unaccompanied migrant children) are constrained by existing legislation and take action if necessary.

⁶⁰⁴ Available at: <http://resourcecentre.savethechildren.se/library/framework-monitoring-and-evaluating-childrens-participation-preparatory-draft-piloting>

⁶⁰⁵ Council of Europe Recommendation CM/REC(2012)2 of 28 March 2012 of the Committee of Ministers to member States on the participation of children and young people under the age of 18: <https://wcd.coe.int/ViewDoc.jsp?id=1927229&Site=CM>

⁶⁰⁶ Available at: <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-GC-12.pdf>

⁶⁰⁷ Available at: <http://www.savethechildren.org.uk/resources/online-library/every-childs-right-be-heard>

Table 10.2 Practical guidelines for child participation

- c. Consider the case for introducing new legislation, where specific legal barriers exist to children's participation in individual sectors or settings, with attention to:
 - *Children as individuals* – the right to be heard within civil and criminal proceedings, and children's participation in decisions affecting their lives in relation to family life, health care and education.
 - *Groups of children* – the right for children of all ages to establish child or youth associations or parliaments, and to actively participate in political life, including engagement with national Government.
 - *Children as a group* – the right for children to be heard and to be fairly represented within the media and civil society.
- d. Review and identify where existing laws and policies regarding children's participation are not being implemented, and consider ways in which the monitoring of legislation can be made more transparent
- e. Seek to establish multiagency/stakeholder and interdisciplinary centres/networks of excellence around the mainstreaming and implementation of the child's right to be heard in your country
- f. Look at the standards, such as kitemarks, introduced in some countries and consider replicating these models
- g. Build on learning from projects and from other countries to make child participation a reality
- h. Review and consider the potential remedies that might be introduced, where organisations or institutions are in breach of Article 12; such as legal disposals or financial penalties, and / or identify ways in which already available remedies can be more effectively enforced
- i. Establish institutions such as Children's Ombudsman Offices, Children/Youth Parliaments, and Children's City Councils to ensure that children's views and interests are heard and represented in all relevant policy-making processes.
- j. Launch initiatives and meetings for children to exchange views, experiences and proposals freely with adults in key institutions and to engage in civic dialogue. Such opportunities should be accessible to young people, relevant to their lives, and avoid tokenism.
- k. Undertake awareness-raising, media and social media programmes about children's rights to raise awareness of participation among children, young people and adults as per the UNCRC requirement. Appropriate materials should be developed and made available on the internet, in schools and across professional associations.
- l. Pay particular attention to the importance of intergenerational aspects of child participation – integrated child participation that promotes intergenerational understanding, solidarity, communication and activities.

Monitoring and evaluation

- a. Review the arrangements for monitoring and evaluating child participation at a national level, and consider the case for introducing new data collection mechanisms, such as reporting by municipal authorities, or annual surveys to monitor children's views on their participation rights.

Table 10.2 Practical guidelines for child participation

	<ul style="list-style-type: none"> b. <u>Make available standards and monitoring frameworks</u> to aid the development of appropriate systems, structures and practices in organisations and services and across governance structures. Participation needs to be evaluated at all levels to monitor process and assess impact. c. Make the best possible use of <u>UNICEF country reports</u> as an auditing mechanism for child rights and child participation, and ensure that the report conclusions are publicly acknowledged and responded to. d. Ensure that monitoring also takes into account <u>budgets and financial support</u> for children's participation, so that there is greater transparency regarding support for children's participation across different areas of public policy (ranging from early years to 'youth' sector). e. Review and strengthen if necessary the arrangements for appraising the impact of new policies or programmes on children's participation rights, including the possible use of <u>Child Rights Impact Assessments</u>. f. Review existing arrangements for <u>cross-Government or inter-Ministerial communications</u> on the issue of child rights, to ensure that appropriate forums exist for sharing information on progress with implementing Article 12 across different areas of policy (health, environment), and to avoid unintended negative consequences of new legislation for child rights. <p>Training and professional development</p> <ul style="list-style-type: none"> g. Work with professional bodies, trade unions and civil society organisations to ensure that <u>training for UNCRC and Article 12 is embedded within all professional training and development programmes</u> for staff who come into contact with children, whether in the fields of education, healthcare, social work, justice, law enforcement or other fields, to ensure consistency in knowledge h. Review the quality and consistency of training materials covering UNCRC and child rights, to ensure that the content is <u>tailored towards the competences of professionals working in different sectors and settings</u> and is mapped to relevant professional standards with which they are familiar i. Review existing arrangements for <u>cross-Government or inter-Ministerial communications</u> on the issue of child rights, to ensure that appropriate forums exist for sharing information on progress with implementing Article 12 across different areas of policy (health, environment), and to avoid unintended negative consequences of new legislation for child rights. j. Work with child rights organisations to ensure that <u>Ministers and public officials</u> have a suitable knowledge of UNCRC Article 12, and that child rights are frequently discussed and debated in the political arena
Regional level	
<i>Suggested guidelines for regional authorities</i>	<p>Regional government</p> <ul style="list-style-type: none"> a. <u>Review regional legislation</u> to identify the extent to which UNCRC Article 12 is fully reflected, and take action to introduce further legislation if necessary. b. Make the best use of the <u>resources and toolkits</u> that are already available to consider children's rights within urban and regional development, such as the Child Friendly Cities Initiative (CFCI) and Framework for Action.

Table 10.2 Practical guidelines for child participation

	<ul style="list-style-type: none"> c. Make use of <u>child impact assessments</u> when undertaking new planning or development projects, to establish the effects on children, and engage children in gathering the evidence required to formulate views on impact d. Make connections with <u>urban or regional authorities</u>, to share knowledge and expertise in UNCRC, and practical examples of child participation e. Where policy areas (such as child protection, education, childcare, etc.) are the responsibility of regional authorities, consider how to ensure that the rights of the child including Article 12 are implemented f. Work with professional bodies, trade unions and civil society organisations to ensure that <u>training for UNCRC and Article 12 is embedded within all professional training and development programmes</u> for staff who come into contact with children, whether in the fields of education, healthcare, social work, justice, law enforcement or other fields, to ensure consistency in knowledge <p>Higher education institutions</p> <ul style="list-style-type: none"> g. Establish <u>programmes of undergraduate and postgraduate study</u> with a focus on child rights, and establish closer links with public bodies and civil society.
Local level	
<i>Suggested guidelines for municipal and local authorities</i>	<p>Local government</p> <ul style="list-style-type: none"> a. Where policy areas (such as child protection, education, childcare, etc.) are the responsibility of local authorities, consider how to ensure that the rights of the child including Article 12 are implemented b. Work with professional bodies, trade unions and civil society organisations to ensure that <u>training for UNCRC and Article 12 is embedded within all professional training and development programmes</u> for staff who come into contact with children, whether in the fields of education, healthcare, social work, justice, law enforcement or other fields, to ensure consistency in knowledge c. <u>Actively engage with local children and youth councils</u>, to provide meaningful opportunities for children and young people to gain experience of civic and public decision-making, and to foster a mutual and on-going exchange of views and information between child and adult participants d. Ensure that <u>consultations on new planning developments</u> include explicit requirements for children and young people to be heard, and ensure that appropriate mechanisms are in place for consulting with children e. Develop an <u>organisational policy for employees of local government services</u> that clearly states young people rights within their organisation. Strive for a culture of participation in organisations involving developing opportunities for dialogue and learning with, and in response to, children and young people.

Table 10.2 Practical guidelines for child participation

- f. Develop effective procedures for hearing children's voices and opinions in schools; including both structures for groups of children (councils and associations), and for individual children.
- g. Monitor and evaluate existing mechanisms that are in place to support children's participation, to understand how or whether they are effective, and develop a culture of reflexive practice to
- h. Publically share (good practice) projects and examples of where children are participating effectively, to provide 'exemplars' to challenge negative attitudes about children's ability to participate.

Practitioners (working with children across all fields)

- i. Place a greater emphasis on respecting children's rights to privacy. If information has to be shared, the permission of the child/young person should be sought. If this is not possible for whatever reason, the child should be informed that the information will be shared, and the reasons explained.
- j. Provide workshops for parents – e.g. on parenting skills, active listening, non-violent communication – address issues raised by the UN Convention on the Rights of the Child and explore and explain concepts of children's rights and children's participation.
- k. Provide children and young people with more opportunities to participate in decisions about the organisation of schools and early years centres (e.g. in relation to dress codes, timetabling, design issues, anti-bullying policies,
- l. Provide children in alternative care (residential care, foster care, or other settings outside the family) with accessible information about placement choices and enable them to express their views
- m. Develop targeted measures to support the participation of vulnerable, marginalised, and / or disadvantaged groups such as Roma, children with disabilities, asylum seeking and refugee children, whom may have more limited opportunities to participate than other children.
- n. Ensure all children have opportunities to actively participate in different ways, especially children who may be in vulnerable situations. On such occasions attention should be focused on the wellbeing and needs of the child to ensure they are not subject to further distress.
- o. Encourage children to take on active roles in particular exercising leadership and responsibility for different tasks. Ensure children and young people can initiate the agenda sometimes as well as respond to and influence adult agenda. In such instances, adults should think of their role as a resource or support.
- p. Ensure that children receive sufficient information about the context in which they are participating and have time to prepare. The purpose and context of participation should be transparent. Be sensitive to when children may not wish to participate – participation is a right, not a duty.

Annex One: List of key stakeholders consulted for the evaluation

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Key stakeholders consulted for the country research

Austria
Academic researcher; 21 March 2013
Austrian Committee on Family Law (Austrian Association of Judges), 1 July 2013
Austrian Youth Representation (BJV), 18 June 2013
Child and Youth Advocate for Styria, 13 June 2013
Child and Youth Ombudsman Vienna; 19 March 2013
Children's Counsellor in Custody Proceedings, Salzburg, 2 July 2013
Federal Ministry of Economy, Family and Youth; 14 March 2013
Federal Ministry of Economy, Family and Youth; 26 March 2013
Federal Ministry of Economy, Family and Youth; Member of the ARGE Partizipation; 20 June 2013
Institut für Jugendkulturforschung; 3 April 2013
Institute of Human Rights, Vienna; 5 March 2013
Judge, 8 July 2013
Kinderbüro (Children's Bureau), 2 July 2013
Network Child Rights Austria; 21 March 2013
Österreichische Kinderfreunde, 18 June 2013
University of Vienna, 20 June 2013
Welt der Kinder Vorarlberg; 22 March 2013
WienXtra; 1 July 2013

Belgium
Children's Rights Knowledge Centre (KeKi), specifically for JOKER instrument, 26 March 2013
Cultuur, Jeugd, Sport en Media Vlaanderen
Department Onderwijs, 5 July 2013
Directorate-General Droits de l'Enfant, 12 March 2013
Fedasil, Direction Gestion et contrôle du réseau, Collaboratrice Service préparation de la politique d'accueil, 19 July 2013,
Fedasil, Direction Gestion et contrôle du réseau, Service préparation de la politique d'accueil/coord cell MENA, 10 July 2013
FOD Justitie, Dienst voor het Strafrechtelijk beleid, Dienst jeugdproblematiek, 22 March 2013
Kinderen op de vlucht/Plate-forme mineurs en exil. 18 July 2013
Kinderrechten Commissariaat, 15 March 2013
Netwerk tegen armoede, 18 July 2013
Observatoire de l'Enfance, de la Jeunesse et de l'Aide à la Jeunesse OEJAJ 25 March 2013
Unicef, 25 March 2013 and 28 June 2013

Bulgaria
Administration of National Ombudsman, 28 March 2013
Agency for Child Protection, 18 March 2013
Bulgarian Child and Youth Parliament, 7 August 2013
District Court, 25 July 2013
International Social Services, 1 August 2013
Ministry of Justice, 15 March 2013
Ministry of Youth and Sport, 9 and 12 August 2013
National Network for Children Association, 28 March 2013
New Bulgarian University, 27 March 2013
Cedar Foundation, 13 August 2013
Social Activities and Practices Institute, 15 July 2013
State Agency for Child Protection, 27 March 2013

Croatia

Centre for psychological counselling, education and research, 22 March 2013

Centre for Social Welfare Split, 1 July 2013

Faculty of Education and Rehabilitation Sciences, 10 April 2013

Family Centre of Istrian County 5 July 2013

Ministry of social policy and youth, 2 April 2013

Ministry of social policy and youth, 3 July 2013

Ombudsperson, 4 April 2013.

Senior Counsellor, 4 April 2013

UNICEF, 20 June 2013

Union of Societies Our Children Croatia, 26 March 2013

Cyprus

Ministry of Education and Culture, 6 June 2013

Pan-Cyprian Coordinating Committee for the Protection and Welfare of Children (PCCWPC), 18 April 2013

Office of the Commissioner for the protection of Children's Rights 6 June 2013

Freelance researcher NGO 11 June 2013

European University Cyprus

Ministry of Justice and Public Order, 15 April 13

Ministry of Labour and Social Insurance 12 April 13

Ministry of Education and Culture. 10 June 13

Pan-Cyprian Coordinating Student Council (PCSC) 6 June 2013

Czech Republic

Agency for social inclusion in Roma localities , 9 September 2013

Český Západ, 9 September 2013

Czech Council of Children and Youth, 11 March 2013

Have Your Say project, 22 March 2013

Journalist , 8 September 2013

Mayor, 18 September 2013

Ministry of Education, Youth and Sports, 15 March 2013

National Children and Youth Parliament, 11 March 2013

National Institute of Children and Youth, 21 March 2013

Office of Ombudsman, 3 April 2013

Denmark

Children and Families Herlev Municipality, 19 June 2013

Children's Welfare, 10 April 2013 and 13 - 14 June 2013

Roskilde University, 11 April 2013

Roskilde University, 22 April 2013

Save the Children, 17 April 2013

The Appeal board, 11 April 2013

The National Council of children's Affairs, 11 April 2013 and 12 June 2013

The Ombudsman's Children's office, 9 April 2013

Estonia

Estonian Union of Child Welfare, 2 and 10 April 2013

Ministry of Education and Research, 14 April 2013

Ministry of Social Affairs, 27 March 2013

National Youth Council, 14 April 2013

Ombudsman for Children, 10 April 2013

Ombudsman for Children, 11 July 2013

UNICEF Estonia, 26 March 2013

Finland
Central Union for Child Welfare, 14 March 2013 and 28 June 2013
Finnish Refugee Council, 3 July 2013
Helsinki University Hospital, 4 July 2013
League for Child Welfare, 3 July 2013
Ministry of Education and Culture, 12 March 2013
Ministry of Social Affairs and Health, 15 March 2013
National Institute for Health and Welfare, 11 June 2013
Ombudsman for Children in Finland, 20 March 2013
Ombudsman for Minorities, 28 June 2013
Plan Finland, 26 March 2013
Researcher, 9 June 2013
Senior Project Manager NGO, 10 June 2013
The Centre of Excellence on Social Welfare in the Helsinki Metropolitan Area, 19 June 2013
The Finnish Youth Research Society, 18 March 2013
The Survivors group, 8 July 2013
Young Developers Group, 21 June 2013
Youth Research Centre, 10 June 2013

France
Academic, 26 March 2013
ANACEJ, 4 April 2013
ASET 93, 10 June 2013
AutonoMIE-ADJIE, 13 June 2013
COFRADE, 4 April 2013
Défenseur des droits, 22 March 2013
DEI-France, 20, 27 March 2013 and 18 June 2013
France Terre d'Asile, 11 June 2013
GISTI, 7 and 12 June 2013
HORS LA RUE, 14 June 2013

France

Individual expert, 17 June 2013

Institut des Mineurs de l'Université de Bordeaux, 28 March 2013

INTERNE, 14 June 2013

Lawyer, 18 June 2013

Germany

Deutscher Bundesjugendring, 21 March 2013

Deutsches Kinderhilfswerk, 5 June 2013

FH Kiel, 6 May 2013

FH-Erfurt, 7 June 2013

Ministry for family and youth affairs, 15 May 2013

Ministry of social affairs, 5 April 2013 and 21 - 22 May 2013

Ministry of youth, 21 March 2013

National Coalition for the Implementation of the UN-CRC in Germany/AGJ, 18 March 2013

University Berlin, 18 March 2013 and 9 April 2013

Youth welfare, 10 June 2013

Greece

Centre for the Protection of the Child "MITERA", 28 May 2013

Centre for the Support of the Child and the Family of the SOS Children's Villages, 5 June 2013

Centre of support of children and families, 30.5.13

Haidari Association of Parents, 31 May 2013

Hatzikonsta Institution, 5 June 2013

Institute of Educational Policy, 7 June 2013,

Kyriakou Child Hospital, 12 and 20 June 2013

MERIMNA, 4 June 2013

Ministry Labour, Social Security and Welfare, 31 May 2013 and 6 June 2013

Ministry of Employment, 8 April 2013

Ministry of Health, 5 April 13

Greece

National School of Public Health, 5 April 2013

SOS Children's Villages, 2 April 2013

The Greek Ombudsman, 1 April 2013

The Ministry of Education and Religious Affairs, Culture and Athletics, 2 April 2013

To Hamogelo tou Paidiou, 15 April 2013

University of Athens

University of Macedonia, 4 April 2013

University of Thessaloniki, 12 April 2013

Hungary

Committee on the Rights of the Child, 22 March 2013

Editorial Office for Child and Youth Programs, Media Support and Asset Management Fund, 27 June 2013

Foundation for the Democratic Youth (I-DIA), 27 March 2013

Ministry of Human Resources, 27 June 2013

Municipality of Budapest District 10

New Hungarian Youth, National Family and Social Policy Institute, 8 April 2013

Office of the Commissioner for Fundamental Rights, 27 March 2013

SOS Children's Village, Hungary

Tanoda in Bátorterenye, 17 June 2013

UNICEF, 10 April 2013

Ireland

Children in Hospital Ireland, 23 April 2013

Irish Refugee Council, 22 April 2013

Irish Secondary Students Union, 23 April 2013

National Youth Council of Ireland, 22 April 2013

Pavee Point, 23 April 2013

Youth Work Ireland, 22 April 2013

Department of Children and Youth Affairs

Ireland

Office of the Ombudsman for Children

Italy

Associazione 21 luglio

Ministry of Labour and Social Policy, 28 March 2013

PIDIDA

Save the Children

Save the Children Italy

University of Padua

Latvia

Cesis City Council

Cesis Youth Center, May 2013

Dobele society of children with disabilities and youth, June 2013

Foster parents' organization, 13 July 2013

Inspectorate on Child's rights' protection, 21 March 2013

Ministry of Education and Science

Ministry of Welfare, April 2013

NGO on Orphan children

Researcher 1, May 2013.

Researcher 2, May 2013.

Riga City Council

SOS Children Association, 28 August 2013.

State Agency on Children Rights' Protection, April 2013

Step by step

University of Latvia

Youth in action

Lithuania

Children Division, Ministry of Social Security and Labour

Expert, professor, 10 June 2013

Human Rights Monitoring Institute, 5 July 2013

Lithuanian Pupils Union, 3 July 2013

NGO Algojimas, 3 July 2013

Office of Ombudsman, 23 April 2013

SOS Children's Village, 1 and 9 July 2013

Vytautas Magnus University, 19 June 2013

Luxembourg

4Motion Asbl, , 24 June 2013

Association Nationale des Communautés Éducatives et Sociales a.s.b.l. (ANCES), 3 April 2013

Coalition Nationale pour les droits de l'enfant Luxembourg, 19 March 2013

Elementary School Kopstal-Bridel, 25 June 2013

Jugendparlament Luxembourg, 22 March 2013

Ministère de la Famille et de l'Intégration, Division Enfance, Jeunesse, Famille, Service Jeunesse, 2 July 2013

Ministère de la Famille et de l'Intégration, 20 March 2013

Office of the Ombudsman for children's rights in Luxembourg,

Ombudsman for children's rights in Luxembourg, 18 March 2013

Service National de la Jeunesse Luxembourg, 11 April 2013,

Service National de la Jeunesse Luxembourg, 27 June 2013,

Student council, Lycée de Diekirch, 4 July 2013

Youth Parliament , 4 July 2013

Malta

ADITUS Foundation, 7 August 2013

Child Advocate, 18 June 2013

Dar Osanna Pia, 24 July 2013

Emigrants Commission, 5 August 2013

Fondazzjoni Suriel il-Bniedem, 17 April 2013

Foundation of Social Welfare Services & Appogg, 16 May 2013

Office of the Commissioner for Children, 27 March 2013

St. Aloysius College, 22 April 2013

Netherlands

Defence for Children, 16 May 2013

Director, 25 April 2013

Education, Social Affairs and Youth Policy, 26 March 2013

Jongeren participatie, 17 April 2013

Kinderombudsman, 24 May 2013

Landelijk Clientenforum Jeugdzorg (LCFJ), 8 May 2013

Ministerie van Volksgezondheid, Welzijn en Sport, 27 May 2013

Nederlands Jeugdinstituut (NJI), 28 March 2013

Stichting Jongerenparticipatie, 8 May 2013

Poland

Przyjaciółka Foundation, 25 June 2013

Adam Mickiewicz University, 5 April 2013

Association for Legal Intervention, 26 June 2013

Centre For Citizenship Education, 2 July 2013

Centre For Citizenship Education, 5 April 2013

Civis Polonus Foundation, 1 July 2013

Committee of Experts on the Persons with Disabilities by the Ombudsman and the Commission for Social Dialogue on Disability in Warsaw, 28 June 2013

CRIS (Centre for Social Initiatives CRIS) , 9 July 2013

Poland
Department of Elementary Education, University of Lower Silesia, 12 April 2013
Expert Committee for Persons with Disabilities by the Ombudsman, Human Rights Defender Office, 2 July 2013
Ministry of Justice, Department of Human Rights, 26 March 2013
Ombudsman for Children, 5 April 2013
Polish Council of Youth Organizations
Small Form Cottage Care and Education Complex, 4 July 2013
The City Warsaw, Centre for Communication, Department of Social Policy Coordination, 4 February 2013
The Helsinki Foundation for Human Rights, 26 March 2013
Warsaw Family Support Centre, 9 July 2013
Youth councils, 19 July 2013

Portugal
Escola da Ponte
Institute of Child Support (Instituto de Apoio à Criança – IAC), 15 April 2013
Municipality of Aveiro –(Child Friendly Cities), 15 July 2013
National commission for the protection of children and young in danger, 15 April 2013
PhD, 7 April 2013
Puerpolis, ADCL, 1 August 2013
Residential care centre, 21 September 2013
University of Minho, 3 April 2013

Romania
Bathory School, 5 August 2013
Caritas, children with disabilities, 14 September 2013
Mental Health Centre of the Paediatric Hospital, Cluj-Napoca, 4 September 2013
Ministry of Education, Bucharest, 6 August 2013.
Ministry of Labour, Family and Social Protection, Direction of Child Protection, and Children Rights
Ministry of Labour, Family and Social protection, Directorate of Child Protection, 30 July 2013

Romania
National Agency for the Roma NAR, 6 August 2013.
PhD (parent of a child with Down Syndrome) 18 July 2013
Psychiatric Hospital
Radio, programs for children, 15 September 2013
Research center for Roma (Centrul de Resurse pentru Romi)
Roma Center for Health Policies – Sastipen, 7 August 2013
Ruhama Foundation
Școala Gimnazială Specială-Centru de Resurse și Documentare privind Educația Incluzivă/Integrată, 28 July 2013
Special School for Children with Hearing Disabilities, 16 July 2013
Special School for Visual Impairment, 4 September 2013
Word Vision, 3 September 2013.

Slovakia
Child crisis centre, 19 June 2013
Children of Slovakia Foundation, 4 April 2013
Committee for Children and Youth Ministry of Labour, Social Affairs and Family of the Slovak Republic , 22 March 2013
Department of the Protection of fundamental rights and freedoms, Office of the Public Defender of Rights -
Návrat (Homecoming), 30 June 2013
Slovak Coalition of Children's Rights, 25 June 2013
Slovak Youth Institute (Slovenský inštitút mládeže), 22 March 2013
UNICEF Slovakia, 3 April 2013 and 27 June 2013
University of Trnava, 10 April 2013
Youth Council of Slovakia (Mladez), 2 July 2013
ZPMPvSK, 5 July 2013

Slovenia
Association for the Rights of sick children, 5 October 2013
Association of Friends of Youth, 27 March 2013 and 2 April 2013
Counselling centre for children and adolescents and parents, 4 April 2013
Educational Research Institute, 29 March 2013
Infodrom at the national public TV, 5 October 2013
Ministry of Education and Sport, 5 April 2013
Ministry of Health, 27 March 2013
Ministry of Labour, Family and Social Affairs, 5 April 2013
Ministry of Social Affairs, 15 July 2013
Ombudsman office, 5 April 2013
Primary School Idrija, 20 June 2013
Slovenian Philanthropy, 19 March 2013
Social Protection Institute, 22 March 2013
Social work Center, Idrija, 18 July 2013
UNICEF Slovenia, 4 April 2013
University of Maribor, Faculty of Education, 22 March 2013
University of Primorska, Faculty of Education, 15 July 2013
Vrtec "Otona Župančiča" Slovenska Bistrica, 18 July 2013

Spain
CERMI (Organización Nacional de Ciegos Españoles y el Comité Español de Representantes de Personas con Discapacidad)
Down Syndrome Foundation (Fundación Síndrome de Down) Madrid.
FEAPS (Federación de Organizaciones a favor de Personas con Discapacidad Intelectual)
INJUCAM Federation (Federación para la promoción de la Infancia y la Juventud de la Comunidad de Madrid)
Leisure-time School of the Madrid Community (Escuela de Tiempo Libre de la Comunidad de Madrid)
ONCE Foundation
Spanish Children's Rights (Plataforma de Infancia de España)

Sweden

Centre for children's rights to health - Sahlgrenska Hospital and Queen Silvia's Child Hospital, 4 June 2013

Hälsöäventyret Oasen, 18 June 2013.

Local Child Rights pilot Meeting, 16 April 2013

Local Ombudsman for Children in Uppsala – BOIU, 12 June 2013.

Local Social Security Office, 19 June 2013.

Mälardalens University, 12 June 2013

National Board of Health and Welfare, 3 - 4 June 2013

Nordic Welfare Center, 14 June 2013

Pedagogue, 14 June 2013

PhD, 12 - 13 June 2013

Project Coordinator, 14 May 2013

Responsible for Children's Rights, 10 June 2013

Sachsska Children's hospital in Stockholm, 14 June 2013

Swedish Transport Administration, 12 June 2013

Tjejzonen, Association working for girls right's to a better mental health, 14 June 2013

UK

Academic - UK

Academic - Wales

Children in Northern Ireland

Children's Commissioner – England, 10 July 2013

Children's Commissioner Office – Scotland

Children's Commissioner Office - Wales

LGBT Youth North West, 27 September 2013

NICCY - Northern Ireland

Office of the First Minister and Deputy First Minister - Northern Ireland

Practical Participation

The Council for Children with disabilities, 10 July 2013

The Scottish Government, Directorate for Health and Social Care Integration, The

UK
Scottish Government, 18 June 2013
The Welsh Government
University of West of England
Voices from Care, 15 July 2013
Voices of Young People in Care (VOYPIC), 25 July 2013

Key stakeholders consulted for the EU-Level strand

EU institutions and EU agencies
Commission representation offices in Member States, UK and FR
Committee of the Regions
European Commission, Directorate-General for Communication (COMM)
European Commission, Directorate-General for Education and Culture (EAC)
European Commission, Directorate-General for Employment, Social Affairs and Inclusion (EMPL)
European Commission, Directorate-General for the Environment (ENVIR)
European Commission, Directorate-General for Migration and Home Affairs (HOME)
European Commission, Directorate-General for Justice and Consumers (JUST)
European Commission, Directorate-General for Education and Culture (SANCO)
European Commission, Directorate-General for Communications Networks, Content and Technology (CNECT)
European Economic and Social Committee, (EESC)
European Union Agency For Fundamental Rights, (FRA)

Wider EU stakeholders
Hear Our Voices
Council of Europe
Beat Bullying, NGO
European Network for Children of Imprisoned parents, EUROCHIPS
IFM-SEI
European Federation for Street Children
SOS Children's Villages, I Matter Peer Research Project
Eurochild
UNHCR

Annex Two: Good practice in children's participation

Note:

The good practices set out below are those that were identified during the evaluation. This list is not exhaustive.

Annex Two: Good practice in children's participation

Austria

Welt der Kinder / A Child's World⁶⁰⁸ is an NGO set up in the province of Vorarlberg which aims at promoting children's rights and children's participation in local and regional government and services. It receives strong support from, and works in close collaboration with, the province's Department of Families (*Familienreferat der Vorarlberger Landesregierung*). The work of A Child's World is a mix of project development, training and training on-the-job as well as coaching for people working in communities. The NGO also works on deepening training in methods of child participation; networking with NGO's; collaborating with schools, think-tanks and fora of shared learning. An annual conference "Childhood and Society", from 2014 and a biennial conference, Childhood, Youth and Society is planned, with a strong focus on participatory approaches. Examples of participation have included: children taking part in developing questionnaires that are aimed at exploring children's environment; children's conferences; theatre workshops; children's café; and Plant-for-the-Planet (environmental training for children, organised by children). A Child's World has trained facilitators in 12 communities, from very small ones with only 3000 habitants, to cities of 40.000 habitants. The results were displayed to decision-makers, which improved political support. The NGO finds that inviting children for cooperation and participation creates a positive dynamic amongst the children, with their parents and in neighbourhoods and communities. This contributes to a cultural change. www.weltderkinder.at

Children's counsellors in custody proceedings / Kinderbeistand provides advocacy and support for children in difficult family situations at court⁶⁰⁹. Children from age ten onwards must be heard by the judge in civil justice proceedings (parental divorce). Younger children also might be heard, which is usually done by other professionals (e.g. psychologists, social workers, youth authorities). Children who have reached the age of 14 have a proper legal status, rights to request information and rights of appeal. One of the most important legislative changes was the establishment of a children's counsellor in custody proceedings (*Kinderbeistand*), enshrined in the Children's Counsellors Act (*Kinderbeistand-Gesetz*). This is a specifically important measure with regard to children's participation in the framework of custody proceedings after parental divorce. It provides children from five up to 14 years of age in proceedings regarding parental custody and right to personal contact, with a children's counsellor. If circumstances so require and under the premise of their approval, children's counsellors are also provided for 14 to 16 year olds. The children's counsellor gives the child a voice, helps the child to articulate their thoughts, and supports children emotionally and legally. The children's counsellor is considered to have "mouthpiece function" for the child. Children (or their parents) do not have the right to involve a children's counsellor by themselves; this measure has to be ordered by the judge (either because the parents express their wish to do so, or because the judge estimates this measure as helpful for the child), but there is no obligation through legislation to provide a children's counsellor. There are so far large differences in provision between the nine Austrian provinces.

⁶⁰⁸ www.weltderkinder.at

⁶⁰⁹

http://www.coe.int/t/dghl/standardsetting/childjustice/Austria%20child%20assistant%20mode%20I_engl.pdf

Belgium

The Flemish Association of Schoolchildren⁶¹⁰ (Vlaamse Scholierenkoepel 'VSK') unites student councils (12-18 years) from all Flemish provinces and Brussels, all "types" of education and all the different school-nets in Flanders. It is fully run by the pupils themselves, involving direct participation by children and recognised by the minister. Since 2000 it has been subsidised by the Ministry of Education. The association participates, among others, in the Flemish Education Council.

The Flemish Youth Council (FYC)⁶¹¹ is the official advisory body of the Flemish Government on all matters concerning children and young people. This means that all Flemish Ministers have to ask the Flemish Youth Council for advice whenever they want to make a decision that will have consequences for children and young people. It also means that the Flemish Youth Council may give advice of its own accord, if policy makers forget to ask for advice or when the FYC deems it necessary. The council is composed of 24 youngsters. Since 2013 it has been supported and integrated under 'Ambrassade' which is an organisation of 35 civil servants that work to support youth, youth information and youth policy.

Stamp Media⁶¹² (BE) is a press agency run by young people (16-26) that expresses the view of young people on the latest news in the world. It has run news bulletins every month since May 2008. Reporting is done by young people themselves. It aims to reflect the point of view of young people, particularly on issues where their opinion is important and does not penetrate mainstream channels.

Vertical poverty consultation⁶¹³ with children from poor backgrounds and education authorities is enshrined via a legal framework in Belgium. In contrast to indirect forms of participation, 'vertical poverty consultation' involves children from poor backgrounds participating twice a year with the minister of a policy domain, through the structure of the Network against Poverty. Vertical poverty consultations are rooted in the decree on the fight against poverty (FL, 2003) which is explicit about the participation of the poor in anti-poverty policy development. It is based on a realisation that though parents are consulted, they may have very different concerns.

'What do you think'⁶¹⁴ is a UNICEF project whose aim is to promote children's right to freedom of speech and right to participation with vulnerable children. It is a long-term project where the process is considered to be as important as the outcome. Children are questioned on their opinions on issues that are relevant to their vulnerable situation and asked to indicate what is relevant and important to them. This project involves the genuine participation of children; through collaboration and shared realisation with adults. The project has been in existence since 2002. The groups involved include: (unaccompanied) migrating minors/refugees, (2004); children in hospital, including psychiatric care (2006); children with disabilities (2007); children in poverty (2010); children giving opinion on all sectors (2009) with the aim of providing input for the 2010 report on the rights of the child for the UN.; and children talking on the theme of equal chances in school (which was planned for 2013).

⁶¹⁰ <http://www.scholierenkoepel.be>

⁶¹¹ <http://vlaamsejeugdgraad.be/>

⁶¹² <http://www.stampmedia.be/>

⁶¹³ <http://www.vlaandereninactie.be/en/topics/poverty-child-poverty>

⁶¹⁴ <http://www.unicef.be/nl/page/project-what-do-you-think>

JOKER⁶¹⁵ is a child impact assessment instrument that can be applied to all proposed legislation that has an impact on children. The aim is to identify and mitigate any negative impacts of legislation on children across all domains. While it provides an instrument for ensuring participation it is not implemented consistently or rigorously as is seen as an extra burden.

Bulgaria

The Bulgarian Children's Council consists of child members who have developed a mechanism for child participation. The **Children's Council** has been set up with the State Agency for Child Protection since 2003. It consists of 35 representatives of children from the country's all 28 administrative regions and non-governmental organizations for disadvantaged children. The **Children's Council** is a consulting body to the SACP Chair and its main function is to represent the child viewpoint on policies and questions in the context of Art. 12 of the UNCRC." The council is formed by selecting a representative for an administrative area who is up to age 18. He speaks on behalf of the children of that area. The Children's Council includes students, as well as children from specialized institutions, from minority ethnic groups and children with disabilities. The Council meets several times a year with the help of an SACP expert team that creates the link between the children and institutions as well as helps set up and conduct meetings.

User involvement of children with disabilities in alternative care - An NGO called the Cedar Foundation⁶¹⁶ runs a project focused on the involvement of children with disabilities in alternative care as a step towards complete social integration. Due to difficulties in communication, and negative views of the rights and abilities of children with disabilities, adults customarily make decisions for children with disabilities or learning difficulties therefore excluding children from participating in decisions about matters that affect them. The aim of the project is to train professionals working with children and young people with disabilities in new ways of including their clients in all processes and encompassing decisions about their life. The good practice they employ is based on methods for planning with emphasis on alternative methods of communication, as one of the ways to protect the rights of the child. Children benefit through realisation of their abilities, self-knowledge, improved communication and greater opportunity for self-expression, newly gained confidence, freedom, self-esteem, changed status in hierarchical links and improved relationships.

Listen to the Child⁶¹⁷ coordinated by Social Activities and Practices Institute (SAPI), an NGO active on the national level, has created a model for child-friendly interviewing of underage participants in legal procedures (children as victims of crime). The model has special emphasis on raising the competence of professionals who interact with them. They also provide specialist support and child friendly interview spaces.

Bientraitance resilience network⁶¹⁸ is a project run by the NGO SAPI that works in four schools in Sofia, Shumen and Pazardjik to support children (7-12 years) to decide how to improve their school environment, in a way that promotes their development.

⁶¹⁵ www.keki.be

⁶¹⁶ http://www.cedarfoundation.org/Participation-Project-HRDP/book_ENG.pdf

⁶¹⁷ <http://www.sapibg.org/en/projects/deteto-svidetel/141-news/1287-standarti-za-razpit-na-maloletni-i-nepulnoletni-lica-uchastnici-v-pravni-procduri>

⁶¹⁸ <http://www.sapibg.org/proekti-socialni-deinosti/1436-bientretans-mreja-na-rezilians>

Croatia

Children's councils of Opatija aim to establish mutual respect, listening and communication between children and the City of Opatija. They aim to: develop and foster the idea of the City as a community of all citizens; to recognise and respect rights of all groups of citizens; to educate children to be able to exercise their rights, express their views and to make decision for themselves and others; and to develop the responsibility of children for decisions they make. The project is aimed at improving the quality of life of children in the community. It is financed by the City of Opatija and recognised at local and national levels.

Network of Young Counsellors of Child Ombudsperson. Young counsellors (12-18 years), elected democratically by their peers have regular meetings both on national and regional level. They work with the Child Ombudsman. There is an emphasis on training of youth counsellors by strengthening their skills for participation.

Cyprus

The Cyprus Children's Parliament Children are elected by their peers in schools to work on issues identified by children, seek to deepen understanding and come up with meaningful and applicable suggestions which are communicated to decision makers.

Pupil councils represent pupils in major decisions affecting them. They involve monthly meetings with the school's administration and teacher representatives where current issues affecting school life are discussed and decisions taken.

Commissioner's Youth Advisory Committee aims to get a closer understanding of children's views on issues that concern them. The Committee consists of 30 boys and girls, aged 13 to 17 years. The Committee members meet every two months and discuss issues related to children's rights. Twice a year the group meets with the Commissioner, to share their views, experiences and opinions on key issues.

Czech Republic

The **National Children and Youth Parliament**⁶¹⁹ is an autonomous and democratic group of children and young people that aims to support the interests of children and young people at the national level. It collaborates with various national institutions and carries out activities to develop and educate young people on issues that are of direct concern. It organises round tables, discussions with experts on various topics and educates children and youth about their rights and obligations. It contributes to public debate and has some influence over events on the national scale on behalf of children and young people.

Have your say⁶²⁰ ("*Kecejme do toho*")⁶²¹ is a structured dialogue initiative supported by the National Children and Youth Parliament and Czech Council of Children and Youth. Financed through Youth in Action Programme, the aim of the project is to create a nationwide inclusive platform for youth participation at national level with connections also to the European level. It helps young people to express their opinion on public issues connected to their lives. The project helps to shape discussions about hot topics and helps to communicate the outcomes of discussions to the public sphere e.g. to politicians, civil servants, civil society and media. It seeks to empower young people in society and promote the principles of democracy, social dialogue and youth participation.

⁶¹⁹ <http://www.participace.cz/npdm/>

⁶²⁰ <http://en.kecejmedotoho.cz/about>

⁶²¹ <http://en.kecejmedotoho.cz/about>

We Play for Our Region⁶²² (Hrajeme o náš kraj) is an initiative from Liberec region that aims to increase the awareness and participation of young people in decision-making processes in the region and regional policy discussions through direct contact with politicians in various discussions and volunteer activities.

Denmark

The National Council of children's affairs. The council advocates for children's rights, and acts as consultant for the government. The council undertakes 'panel studies', 'theme studies' surveys and interviews in order to give the children a voice and make sure children's perspectives are being put forward.

The 'Children Welfare' organization, assessor scheme is a private organisation working for children who have a social case and thereby the right to an assessor. The assessor is an educated adult who assists the child at meetings, explaining the rules and practices, and supporting the child's point of view. The assessor makes sure that the child understands the situation, informs the child of their rights, supports the child in putting their perspective forward and strengthens the child's participation.

Estonia

Youth organisations and National Youth Council (www.enl.ee/en); municipal youth councils; county level youth councils; pupils councils at schools and Estonian School Councils Union (www.escu.ee), youth groups in youth centres and in hobby schools and other forms of collective participation are the most frequent forms of participation in Estonia. These structures offer children and young people real opportunities to get engaged in decision making processes at different levels (organisational, local, county, national and international levels) on a permanent basis.

In addition, there are non-permanent, project based ways to engage children and young people in decision-making.

Finland

Young Developers⁶²³ is a Helsinki-based group of young people (aged 16-20 years) with experience of child protection services working with experts/social workers in the child protection field. They aim to communicate their views and experiences of child protection services and lobby politicians and decision makers. Young Developers received one of three Ministry of Justice Democracy Awards in 2012. Other similar groups have been set up in the meantime for the age group of 13-18.⁶²⁴

Survivors is an NGO funded project working with children in alternative care (especially foster care) to train social workers on how to work and communicate with young people. There is a national Survivors group made up of 18 members aged 17-27 (including 2 mentors). Survivors also has a local group in Helsinki and one in the North of Finland. The Survivors group started out providing peer activities, but now work with the Ministry of Social Affairs and Health and the Children's Ombudsman in an advisory capacity. Survivors works at a European level with Power4Youth (the youth led organisation of the International foster care organisation). They meet regularly and have contributed to recommendations to the European Commission. The Survivors group has adopted 54 recommendations, mainly relating to peer activities and to youth participation many of which have been or will be implemented at government level by legislative and policy changes e.g. the extension of the after-care-system from 21 years to 25 years. And for the first time the Finnish government have agreed to fund activities such as the Survivors group in 2014.

⁶²² <http://losonline.eu/projekty/hrajeme-o-nas-kraj-32/>

⁶²³ http://www.socca.fi/files/2834/Young_developers_a_new_method_to_increase_participation.pdf

⁶²⁴ Research on the young developers group is currently being carried out

We believe in you tour is a Children's Ombudsman led initiative (from 2011) run in partnership with the Central Union for Child Welfare and Pesäpury, a national association for the promotion of child welfare. It involved a national tour with meetings in six locations across Finland. In total 120 children who had experiences with welfare services and alternative care participated.

Safety Ne⁶²⁵ is a Finnish Refugee Council project (2012-2014) funded by the EU. The project involves a group of 20 peer-to-peer counsellors who provide information and social support to the asylum seeking children (12-18 years) in two reception centres in Finland.

Dialogue days⁶²⁶ are special days designed to evaluate services at local level. During the days, young people discuss services and give opinions to decision-makers. For example in the municipality of Pietarsaari, a municipal discussion day was organised for both decision-makers and young people. The event was organised in cooperation with the student/school councils.

France

Children's town councils⁶²⁷. The first children's town council was created by the City of Schiltigheim, near Strasbourg, in 1979, on the occasion of the International Year of the Child. The children's council of Schiltigheim still exists and, to date, 2,500 children's town councils now exist across France and involve young people aged 7 to 25.

Young immigrants free legal advice was set up by GISTI to enable young immigrants to ask for judicial help, seek advice on their rights and obligations and be kept informed about their participation in decisions concerning their requests for asylum or residence on French territory.

'Ateliers de démocratie familiale⁶²⁸, (**workshops of family democracy**) - The first two workshops of family democracy were created in Nantes by the parents of the Angel Guépin Malakoff school. In this school, children can express their views and participate in decision-making along with adults. Collective projects are implemented according to the democratic organisation of the structure, which comprise learning activities and a variety of community activities for children.

City of Chappelle sur Erdre Project⁶²⁹ - The main objective of the Local Educational Project of the City of La Chapelle sur Erdre is to promote, encourage and support the participation of children and young people. The main tools are workshops and debates that allow young people to propose concrete ideas of youth participation in the democratic life of the city.

Germany

The Democracy Campaign of Schleswig-Holstein was launched in the early 1990s by the Ministry for Social Affairs, Health, Family and Gender Equality, as a foundation for child and youth participation. It consisted of a coordinated set of measures to support the communities, youth welfare facilities and schools. 20 years of democracy campaigning by Schleswig-Holstein have now left a lasting impact. The law obliges cities, towns and villages in Germany to let children participate in construction decisions. The Democracy Campaign is based on the assumption that public authority decision making needs to be balanced by direct participation in communities. The building blocks of the democracy campaign in Schleswig-Holstein include: developing policies and providing materials for participation; legal anchoring of participation; financial support; training and preparation for participation.

⁶²⁵ <http://pakolaisapu.fi/en/our-work-in-finland/tukiverkko.html>

⁶²⁶ 'Child and Youth Participation in Finland: A Council of Europe policy review', Council of Europe, Strasbourg, 2011

⁶²⁷ <http://anacej.asso.fr/>

⁶²⁸ http://meirieu.com/ECHANGES/legal_atelier_democratie_familiale.pdf

⁶²⁹ <http://pel.lachapellesurerdre.fr/wordpress-pel/?cat=24>

Struktwieter Dialog is an initiative supported by the Ministry of Youth to inform and exchange information on children rights and child participation and to inform on European issues on child participation.

Children's participation in playground design/planning - The participation of children when building a new playground or similar projects is already the norm in Germany. While there is no legal obligation, it is very common across the country. Implementation processes differ. The more local the decision making process, the more participation for children exists. For example in Stuttgart the "**Kinderforum**" together with the "Stadtplanungsamt" promote the participation of children in decisions on how the city should look, how to renovate and to build.

Participation occurs on a specific day per year where children are invited to present their ideas. Children are supported by pedagogues in their schools to develop their ideas and to present them during this day. About 80% of the proposals of children are successful. Small things are changed quickly; bigger projects need about 1-3 years. Participating children are aged between 5 and 13 years.

Struktwieter Dialog (Ger) supported by the Ministry of youth aims to inform and exchange on children rights and child participation and to inform on European issues on child participation.

The Nationaler Aktionsplan broadened the debate and gave greater awareness to the importance of children rights. Kinder und Jugendreport (child and youth report) was undertaken with the contribution of children. It is a reflection of the situation in Germany and helps to tackle future issues.

Greece

The Schooligans⁶³⁰ is an NGO led initiative to support the expression of children's views on their own terms through publications such as magazines, dvds, tours and conferences (for example the "Open your eyes. Learn about your rights" conference in 2012). It aimed to explore democracy in schools, exchange ideas and formulate suggestions. The children gave their personal experiences, discussed with experts ways to defend their rights and proposed solutions for a more harmonic, democratic and creative daily co-living in their school environment. At the end of the conference, a set of proposals was voted upon. Children collaborate with teachers in the planning and organisation of activities and are highly positive about the initiative.

The Quality4Children Workshop⁶³¹ was developed by SOS Children's Village to prepare the implementation of the Quality4Children Standards for out-of-home child care (for ages 5-18 years) in Europe. This initiative was supported by FICE, IFCO and SOS Children's Villages across 32 countries. Three of the 18 standards relate specifically to participation during the admission process, during the care-taking process and during the leaving-care process.

⁶³⁰ www.theschooligans.gr

⁶³¹ <http://quality4children.blogspot.co.uk/2009/01/workshop-standards-q4c.html>

Hungary

Television Channel M2⁶³² operated by the Media Support and Asset Management Fund (MTVA) uses public broadcasting media to address topics and issues relevant to children (e.g. equal opportunities for children, life of vulnerable children). From age 13 children are both audience and producers (child editors, cameramen, hosts of programs self-produced, creating ideas, writing stories, etc.).

UNICEF Hungary conducted a consultation with children for the Report on the Implementation of the UNCRC in Hungary 2006–2012.

Ireland

Comhairle na nÓg⁶³³ (Local youth councils) and **Dáil na nÓg**⁶³⁴ (National youth parliament) are the statutory structures for participation by children and young people in the development of policies and services supported by the Children and Young People's Participation Support Team within the Department of Child and Youth Affairs and regional participation officers. There is a Comhairle na nÓg in every Irish city and county to give children and young people a voice in the development of local services and policies (and the focus is especially on local environmental and recreational planning, health and safety and citizenship). Comhairlí na Óg are overseen and part-funded by the Department of Children and Youth Affairs. Delegates from Comhairle na nÓg are elected to represent their local area at the annual Dáil na nÓg (national youth parliament). **Dáil na nÓg** is the annual national parliament for young people aged 12-18 years (www.dailnanog.ie) and is fed by the 34 Comhairle na nÓg.

The Children and Young People's Forum was established by the Department for Child and Youth Affairs (DCYA) to advise the Minister for Children and Youth Affairs and the DCYA on issues of concern to children and young people; and to undertake projects or activity at the request of the Minister or the DCYA in pursuing issues or initiatives that require an input from young people. The forum is made of 35 young people (12-18 years) nominated locally with 30% from disadvantaged, vulnerable or seldom heard groups.

SpunOut⁶³⁵ is an NGO working with young people (aged 16-25) across Ireland. It provides information on a variety of youth issues and conducts youth work sector working. It is a youth-led organisation, with 17 young people from all around Ireland forming the SpunOut Action Panel (SAP) which gives leadership to the organisation and which give the staff the direction and leadership to stay in touch with the views and needs of the young people of Ireland. Specific projects include use of blogs, creating short films, giving advice on participation, seeking young people's views, while the organisation advocates publicly for young people's views to be heard and taken into account.

Children's ombudsman consultations *Office of the Ombudsman for Children*⁶³⁶ undertake numerous consultations with children generally through Youth Advisory Panels and initiatives such as the Big Ballot (2007) and the Big Debate relating to the Children's Referendum (2012) as well as targeted initiatives for example, with separated children, children detained in adult prisons, and on bullying. The organisation is successful in promoting the rights of children and highlighting the situation of vulnerable children e.g. in adult prisons and separated children and enabling the participation of children in effecting change in the interests of children's rights and welfare. The Ombudsman also undertakes a Visits Programme, where the Office has an opportunity to hear directly from children and young people on an ongoing basis about issues

⁶³² http://www.itv.com/tv_channels/b2178.htm

⁶³³ www.comhairlenanog.ie

⁶³⁴ www.dailnanog.ie

⁶³⁵ www.spunout.ie

⁶³⁶ www.oco.ie

that concern them. The Ombudsman has a unique statutory obligation to consult with children⁶³⁷. Children were included in all stages of the recruitment of the Ombudsman.

Italy

National Forum of Boys and Girls (Forum nazionale dei ragazzi e delle ragazze) Save the Children Italy (an NGO) carries out actions in schools aimed at promoting the active participation of children and young people. The Forum of Boys and Girls enables students to address a significant problem related to child rights and adolescence in the current historical context. After having gathered documents, boys and girls develop proposals and solutions that are submitted to a "duty bearer" on the final day of the Forum, conducted in plenary. Five national editions of the Forum have been implemented since 2002-3. Two EU level editions of the Forum have been organised on the Millennium Development Goals. This has triggered a virtuous circle from participation to holding responsible those who have to implement decisions. Methods for establishing the relationship between the two were very important. Involvement was not limited to specific themes but was extended to the design of whole curricula.

Project Ricostruire (Rebuilding), involved children in planning the reconstruction of earthquake-torn province of L'Áquila. Children could clearly express their wish for socialisation spaces – something that really matters to them.

SCF projects⁶³⁸ Various other good practice examples have been collected by Save the Children concerning children's media education⁶³⁹, involvement in local planning⁶⁴⁰ and research projects concerning child employment and migrant children⁶⁴¹.

Activation of peer-groups in connection with outreach activities in Rome - This project involved seven boys and one girl, aged 15-17 years, from Romania (including Roma), Guinea Republic, India and Italy (of Roma Bosnian origin) working as peer researchers. Some of the group were unaccompanied migrant children. They have a disadvantaged background with economic poverty and lack of school and work regular opportunities. All of them were involved in informal economy or irregular working activities. Some of them were involved in illegal activities. The research itinerary lasted 4 months, 150 hours, and was facilitated by adults with experience in peer research. Various support tools were provided as well as scholarships. Young people were involved in all stages of the research: team building, scoping of the research also with help of an expert, and development of tools (interview questionnaires). The peer researchers met alone or with facilitators. The peer research developed peer-to-peer materials on the rights of child labourers. Adults drafted the research report in cooperation with peer researchers. The report was presented publicly at the Rome municipal observatory on employment and working conditions.

⁶³⁷ the Ombudsman has a unique statutory obligation to consult with children and to highlight issues relating to children's rights and welfare that are of concern to children themselves under Section 7 of the Ombudsman for Children Act, 2002.

⁶³⁸ http://images.savethechildren.it/IT/f/img_pubblicazioni/img127_b.pdf

⁶³⁹ *Easy Tour Easy-to-stop-it Project* Media – Media education

⁶⁴⁰ *Andiamo a scuola con gli amici. Percorsi sicuri a piedi e in bicicletta a Milano (Let's go to school with friends. Safe pedestrian and cycling routes in Milan)..*

<http://www.bancadatiprogetti285.minori.it/Record.htm?idlist=1&record=535912435319>

⁶⁴¹ *Ragazzi ricercatori. Una ricerca partecipata sul lavoro dei minori migranti (Migrant minors); Participatory research on child labour and worst form of exploitation of child labour in Rome.*

Latvia

Riga Pupils' Council⁶⁴² involves the active participation of children in decision making on youth issues concerning healthy life style, school life, cultural and sport activities for children in Riga. The Riga Pupils' Council has five main committees (headed by young people) with regular activities and regular participation at a local level.

Network of child friendly schools this project initiated by the Ministry of Welfare and coordinated by the State Inspectorate on Protection of Children's Rights (financed by VBTAI) aims to support the active participation of students in school decision making to make schools child friendly, including issues such as friendly environment, safety, accessibility for children with disability and special needs, healthy life style, on the basis of regular monitoring of children's opinions.

The Movement of child friendly homes⁶⁴³ is coordinated by the State Inspectorate on Protection of Children's Rights. Although adults are main players this is the first time this group of children (in care) have been listened to.

Lithuania

Pupils Union and Pupils Parliament are two structures for pupils to participate in decision making at national and regional levels. Legislation provides for all children to establish associations in order to represent their interests.⁶⁴⁴ Funding is provided by the Ministry of Social Security and Labour and training is provided for Pupil union members. Pupil unions are in regular contact with decision makers about issues concerning school as well as city wide issues such as transport. The participation takes place at various decision making stages. Often pupils are consulted regarding the legislative proposals but also take part in the ministerial working groups and therefore contribute to the development of proposals themselves. They also aim to influence change through meetings, lobbying, dissemination of information through press, public campaigns, participation in working groups, and through written papers. Consultation with wide range of stakeholders takes place with young people across the country and also other stakeholders such as teachers, head teachers and others to identify policy gaps. Communication among pupils in developing positions takes place through social medial channels especially Facebook.

Individual development plans SOS Children's Village. Children take part in developing their individual social care plans to cover all life situations. They include things that children and young people find important, what they want to do and what they want to achieve. It covers such issues as what school the child wants to attend, what hobbies they want to develop etc. The child is involved in all phases of preparation, monitoring and evaluation of their individual development plans. The child takes decisions together with their carer and therefore participation is collaborative. This is a common approach in all the activities of SOS Children's Village including those when working with under 18 year olds, 18-24 year olds and families.

⁶⁴² www.rsd.rsd.lv

⁶⁴³ www.bti.gov.lv

⁶⁴⁴ However, there is acknowledged weakness in representation of more marginalised groups.

Luxembourg

The **Youth Action Plan Esch-sur-Alzette** was developed in 2006.⁶⁴⁵ The action plan has included the setting up of an information point to advise teenagers about leisure, employment, accommodation and education programmes and to gain feedback (Meckerkeschten) from young people. The framework for the youth action plan and quality criteria are defined by the Family and Integration Ministry and the bidder for youth action plans is the respective municipality. Background research is undertaken to ascertain the local situation for young people and a steering group for the local youth action plan is constructed involving young people.⁶⁴⁶ The existence of local youth action plans has become a mandatory requirement for obtaining public co-funding for public local youth fora.⁶⁴⁷ The participative character of the youth action plans (through participation in research 'on the ground' of CESIJE researchers, participation and giving voice to teenagers) is a noteworthy element of children participation.

Child friendly cities - Luxembourg City has prepared a *plan to become a child-friendly city* and is an active member in the EU initiative 'Cities for Children'.⁶⁴⁸

Participation in the international concept Mini-city (Mini-Lenster) - this is a temporary exhibition organised as a local community ("Kinderspielstadt") in which children can participate and actively take up social and statutory roles of a municipality, e.g. the major, the city planners etc. Similar Mini-cities⁶⁴⁹ have been organised in various EU cities, e.g. Munich, Salzburg, Bolzano.

"Chef de bar" project and the "Co-pilote" project. Both these projects enable teenagers to determine their competencies and roles within a youth institution (Jugendhaus). The teenagers dedicate themselves to take over an active role in the youth house and assist the pedagogical leader of such an institution.

Bridel elementary school class council and pupils' parliament is the only model of child participation of its kind in Luxembourg involving children from 6-12 years and with two representatives per class. Originally it emerged out of more pedagogical and curricular interests. It now involves specific projects of interest to children such as improving the facade of the school, reducing vandalism in the schoolyard and 'keep our school yard clean.'

Malta

The **Council for Children** enables children to actively participate in decision making, for example by lowering the voting age for local councils to age 16.

Rights for You is an annual children's rights course, organised and run annually by the Office of the Commissioner for Children. In 2012, the large amount of applications meant that it was possible to run three residential courses, with additional financial support from the HSBC Malta Foundation and the Ministry for Gozo. Around 107 young people aged 13 to 15 years participated in activities to learn about their fundamental rights, and undertook intergenerational activities with older people to celebrate the European Year for Active Ageing. <http://www.tfal.org.mt/newsitem.aspx?age=5&lid=1&nid=141>

⁶⁴⁵ <http://www.esch.lu/citoyen/jeunes/Documents/PCJ%20plan%20d'action.pdf>

⁶⁴⁶ Berg, Charles, 2010: Der Luxemburger 'Plan communal jeunesse' – ein lokalpolitisches Partizipationsmodell? In (eds): Jugend für Europa – Deutsche Agentur für das EU Programm Jugend in Aktion: Partizipation junger Menschen, Nationale Perspektiven und europäischer Kontext. Bonn, November 2010. P. 184 – 186.

⁶⁴⁷ Berg, Charles, 2010: Der Luxemburger 'Plan communal jeunesse' – ein lokalpolitisches Partizipationsmodell? In (eds): Jugend für Europa – Deutsche Agentur für das EU Programm Jugend in Aktion: Partizipation junger Menschen, Nationale Perspektiven und europäischer Kontext. Bonn, November 2010. P. 184 – 186.

⁶⁴⁸ <http://www.citiesforchildren.eu/31.0.html>

⁶⁴⁹ <http://www.kinderspielstaedte.com/deutsch/steckbriefe/mini-lenster/>

Netherlands

Nationaal Jeugddebat – National Youth Debate⁶⁵⁰ involves young people aged 12-18 years and is organised by the National Youth Council. Any young person with an interest in entering into a debate with real politicians can enter into a provincial debate competition. When they participate, they receive training in debate and presentation skills. The winners of each provincial debate go through to a next round to compete at national level. The national debate takes place with real politicians. The debate contains subjects important to the youth and is widely disseminated in the media. This popular event has taken place since 1996 although no evaluation has been conducted for over ten years. The municipalities considered the debate an integral part of their participation policy, but were not able to attribute the debate to wider participation results. This was partly due to the fact that most municipalities had only just started to develop participation policies. Based on non-evaluation documents and interviews, the debate is considered one of the most successful methods to generate interest in participation of youth

Inspectieteam Jeugdzorg Q4C – Institutional care youth inspection developed by the Stichting Alexander non-profit research and advice bureau⁶⁵¹, the Inspectieteam Youthcare Q4C, involves young people in institutional care settings in the inspection of their own institution. Teams of 8 young people conduct research in their institution and particularly on the quality of care and the ability to improve the quality, from the perspective of the client. The results are presented by the youth to the board of the institution. They then advise the staff and professionals about the improving of the policy. The teams are trained and supervised by staff from Stichting Alexander. The teams learn in a structured and effective way to look at the care with their own quality norms.

Dutch Youth Council⁶⁵² is the most visible form of youth participation in the Netherlands. Their activities include; the Annual award for the municipality with the best youth participation activities; Annual Youth Debate; and the annual selection for a youth representative in the UN. The NJR is consulted on all policies concerning children and young people and participates in the development of new policies. The NJR is sufficiently funded to be able to be sustainable and ensure a high involvement and well-rounded role in these processes, however it only involves young people aged 12 and up. The Youth Council and its role in policy is just as important as the municipal participation plans. Whereas the Council may influence policy with a large impact, the local plans allow individual children to think along with the developments in their neighbourhood. Several research projects have been undertaken to identify good practices at local level. The Youth Institute has gathered (some of) these good practices and distributes them amongst practitioners via an online database.

Poland

Local Youth Councils⁶⁵³ largely exist in small communities, for example, Płóznica and Olsztynek. Young people are involved in sharing ideas for cultural events and working collaboratively with the mayor to determine local priorities for development.

Atoms in the Network in Warmia and Mazury - This is a federation of youth organisations that work with local politicians to develop a strategy for youth involving a process of inquiry, dialogue and cooperation as well as young people and politicians learning experientially how to talk to each other. Young people are seen as a resource not just the subject of an action or source of problems.

⁶⁵⁰ www.njr.nl

⁶⁵¹ <http://www.st-alexander.nl/>

⁶⁵² www.njr.nl/

⁶⁵³ <http://www.civispolonus.org.pl/>

Nobody's Children Foundation⁶⁵⁴ has provided training for professionals (judge, prosecutor and forensic psychologist) in hearing from / interviewing a child. During the training, professionals not only learn how to treat a child but also get to know each other and can then cooperate after the training. There is also a certification system of child friendly interviewing rooms by Nobody's Children Foundation and Ministry of Justice.

The Transparent and Participative School⁶⁵⁵ has the objective to implement and promote cooperation between students, teachers and Head Teachers in Polish secondary schools. It aims to create and implement a model of the school as an open and flexible institution where students participate in community life through democratic processes such as bottom-up projects, consultations about the Head Teacher's decisions, debating new ideas and promoting knowledge about students' rights. The project is specifically focused on the school environment, including head teachers, teachers and students. Other activities in this field include conducting training for teachers to strengthen their competency as coaches for school council members.

Center for Citizenship Education⁶⁵⁶ - students prepare and realise projects mainly about local school issues. Students worked in teams, diagnosed a problem and then planned how to solve it. Those projects were realised by teachers but after school, not during the classes. In 2010 this program was introduced as part of compulsory education in upper secondary schools. Since then students have to participate in such a project – they have to work together on some problem and then present the outcomes to local community. Through this every student participates in school or local community life. The projects give students the sense of self-agency.

Portugal

Escola da Ponte is a unique educational model developing over two decades, which includes the participation of children (6-16 years) as a basic principle. The impact of their work led to the Ministry of Education to recognise a special status, with different operating conditions of regular schools in order to enforce its model of teaching and learning. It is organised according to a very unique logic of pedagogic and institutional organization, involving projects and team work. There are no regular classes with one teacher for each class or a distribution of students by years of schooling, instead students work in heterogeneous groups, within which students participate in "mutual learning". Learning is in "open areas" according to principles based on rights, citizenship and active participation. Each student is author and actor of their own educational pathway - enabling active participation in the process of knowledge construction. Children who enter school for the first time are immediately involved in the processes of decision making, so at the beginning of the school year all students together, organize the school: organisation of working groups, choice of "teacher-tutor", introduction of self-planning, etc.

It is also the time of election to the Board of Assembly, the highest decision-making body for students, in which participates all students, staff, parents, trainees and other researchers and visitors. For this election, students are organized into lists, composed of ten elements of all the years of schooling (even younger) and gender equality. Then there is an election campaign, with debates, presentations, etc. It ends with voting and election of the different elements. In weekly assemblies, matters proposed by students are discussed and voted. The school agenda is therefore shaped by children. There is a bi-weekly plan, which contains individual tasks and also tasks across the whole school. It is designed by children with the tutor-teacher (chosen by them) and is the baseline document from which each student chooses him/her daily activities, the Day-Plan.

⁶⁵⁴ <http://fdn.pl/en>

⁶⁵⁵ <http://www.civispolonus.org.pl/>

⁶⁵⁶ <http://www.ceo.org.pl/>

Puerpolis⁶⁵⁷ – social intervention project “The Puerpolis fashion show” was developed in a rural context characterised by a population with low levels of education, lack of mobility, lack of access to goods and services and with little access to culture. The project aimed to engage young people in different activities, promoting motivation and academic success, the development of technical skills (writing, computing, communication, dance, music) and the development of personal and social skills, not only through the implementation of specific programs for the development of these skills, but also through socialising and preparing fun activities and visits out of area. Participation is a key principle in the development and undertaking of all activities. Young people engage in planning and joint decision making with adults. Emphasis is on developing self-determination amongst young people.

Romania

The PHARE project entitled “Education Campaign on Child Rights⁶⁵⁸”, carried out by the National Authority for Protection of Child’s Rights (2005-2007) was focused on raising awareness on the legislative package on children’s rights and on what children’s rights mean in our everyday lives. The project had two objectives: i) to empower families and parents in Romania through the provision of information on their responsibilities in relation to their children which arise from this law and other international conventions and ii) to train professional groups whose activities are related to children, or may have an impact on their lives, such as: social workers, doctors, teachers, priests, policemen, lawyers, judges etc. to develop their capacity to implement effectively the new legislation.

One of the major achievements of the project was the development of six targeted learning manuals. The manuals have a special chapter regarding children’s participation. The manuals are not generic to all professional groups nor are they theoretical but bring best practice examples and set out concrete actions professionals can take to implement child friendly practices in their specific profession. The project also used the training of trainers approach creating a network of over 200 trainers across the country, with impacts on Child Protection training and improving local inter-institutional partnerships for children rights promotion. An impact for children was the creation of SPUNE! (Say it) Children’s Council which produced the first-ever comprehensive report by the children of Romania on the observance of child right and was included as an official, unedited annex of the official Report to the UN Committee for the Rights of the Child in October 2007. Locally, the local SPUNE teams stimulated the involvement of over 30,000 children through the carrying out of 150 child-initiated actions nationwide (e.g. organisation of debates, production and distribution of information materials, drawing contest, charitable / humanitarian actions, etc.) to increase understanding among children of what child rights mean for them.

Empowering children to lead projects is a programme for youth civic engagement and dialogue. Supported through YCED⁶⁵⁹, this programme brings together Roma and Romanian students from Romania and Moldova with the aim of initiating and implementing community development projects. Through this program, young people become active citizens of the future, able to mobilize colleagues to remove interethnic barriers their communities. Using “school communities”, the program supports youth in managing ethnic tensions in their schools by developing intercultural understanding in schools. Young people acquire valuable skills of civic engagement and tolerance, thus becoming agents of positive change for the rest of their lives. Activities include a summer camp for Roma and non Roma (14-17 year olds) to develop leadership qualities to initiate community development projects that will achieve the support of other students.

⁶⁵⁷ <http://projectpuerpolis.blogspot.pt/>

⁶⁵⁸ <http://www.childrights.ro/>

⁶⁵⁹ YCED is a program of the Bureau of Democracy, Human Rights, and Labor of the U.S. Department of State. YCED is implemented by IREX in partnership with Romani CRISS, an NGO that works to defend and promote the rights of Roma in Romania. View at: <http://www.irex.org/project/youth-civic-engagement-and-dialogue-romania-and-moldova-yced>

20 adult mentors (teachers and community leaders work with the young people and form project teams to take projects forward. Including undertaking community needs analysis to inform project ideas developed in proposal which were then funded. (Examples of projects included: "Together for Education and Recreation", "Cinema for my age", "Together through awareness and involvement in volunteering", "Radio station HIGH SCHOOL RADIO FM", and "Interculturalism for young people in Medgidia"). Outcomes have been to increase participation of Roma children in the educational system, empowering children, and creating possibilities for children to participate in community development.

The inclusion of intercultural elements⁶⁶⁰ is an NGO led pilot project created and implemented by **The Roma Center Amare Rromentza**. including programmes such as Bilingual kindergartens in order to increase Roma participation in pre-school education. The project, financed by UNICEF was intended to serve as a model for the Ministry of Education. Other Amare Rromentza projects include the Mobile school for Roma children, aimed to increase the self-esteem and the school achievement of the beneficiary children, and contribute to the drafting of a school curriculum including elements of multiculturalism as part of the development of inclusive education in Romania."

A generation of Roma specialists in the medical field⁶⁶¹ is a project (2010-2014) funded by the *Roma Education Fund Romania*, *The Resident Doctors Association Open Society Institute* and *The Roma Center for Health Policies – SASTIPEN*. It aims to support young Roma people's access to academic education in the medical field and to combat stereotypes of Roma disinterest in education and the practice of professions that require a high degree of qualification. It involves an integrated counselling, tutoring and mentoring system in the medical field for 500 Roma students; registration of over 400 young Roma in a personal development process that will enable them to openly assume their ethnicity; participation in motivation and advocacy camps; designing and implementing 40 voluntary projects in Roma communities; and implementing 40 health intervention projects in Roma communities to increase their confidence in the health system.

The Ruhama inclusion model is an alternative educational model for Roma children developed by the Ruhama Foundation⁶⁶². It is designed to increase access and success in kindergarten using a community development approach. Over 500 Roma children have now graduated kindergartens since 2007, and those children who were enrolled in first grade in September 2007, had managed to integrate with colleagues who have received preschool training for at least one year in public kindergartens. Personal benefits for those taking part included for example a young teacher assistant who completed high-school and is now a school mediator. The approach has now been validated by the Ruhama Foundation, causing the Ministry of Education and Research in 2008 to recommend this methodology nationwide, all educational stakeholders aiming to organise summer kindergartens for Roma children.

Slovakia

The Youth-led organisation, Plusko⁶⁶³ works at local level and involves 15-30 year olds, including medically disadvantaged young people. It provides adventurous activities for young people and training volunteer instructors. "We are a bunch of young people who like to bring their experiences to life. We do grow, develop, and create something out there in the wild. We do not assert any ideology or politics and are not afraid of inclusion. We organise a variety of adventure activities for young people, from high school, college students and those who remain young in spirit after school. Our programs train volunteer-instructors." Its vision is active young people, open to new ideas, and a desire to explore.

⁶⁶⁰ http://www.romadecade.org/cms/upload/file/8509_file1_decade-watch-romania-report-2010-mid-term-evaluation-of-the-decade-of-roma-inclusion.pdf

⁶⁶¹ (www.profesionistiro.ro), www.sastipen.org

⁶⁶² www.ruhama.ro/en/education

⁶⁶³ <http://www.plusko.net/content/o-nas>

Náruč Crisis centre for children victims of domestic violence, abuse and neglect⁶⁶⁴ --

Children are in the crisis centre for a maximum of 3 to 6 months due to a court order or after an agreement with the parents or guardian. Children can be placed in the centre from 3-18 years old, but most of them are 8-12 years old. Throughout the process of being in the crisis centre children are in dialogue with their care takers and all the staff in the crisis centre. In the beginning staff (care takers, social workers) are building up trust with the children. Existing children in the centre have active roles explaining what the daily routine in the centre is, where they will go to school etc. Children can have a say on the room they live in and how they would like to decorate it. When children leave the centre the staff consult them about their wishes on where they want to go. Due to their daily contact with the children, they know what the children like, their emotions, experiences, etc. They do discuss their future lives and try where possible to cooperate with the parents or family (if non-abusive). Staff try to make it possible for the children to go back to their families and therefore work closely with the families and parents. All workers receive specialist training and training is organised every year for all staff of the centre (including cooks, etc) on how to communicate with children who have experienced abuse. Children can affect the decisions affecting them about where to go to out of the centre; they are listened to and taken seriously. If their wishes cannot be granted this is explained to them.

ZPMPvSK: self-advocacy for mentally disabled people⁶⁶⁵ was a project undertaken with four partner organisations working with mentally disabled people in Poland, the Czech Republic, Hungary and the Slovak Republic (ZPMPvSK) in 2012. The project aimed to support the development of self advocacy by developing the competences of professionals and self advocates, raising public awareness and supporting the development of self advocacy. It sought to empower children with mental health problems.

Navrát: children in foster families⁶⁶⁶ - this is an NGO focussing on children moving from institutional care into foster families. Uses the peer-to-peer principle, teenagers from one region support teenagers from another region through a kind of mentoring support, where young adults support teenagers in foster care. Weekend sessions were organised for the young adults in order to become junior counsellors on issues such as social and legal protection of children. 17 young people wrote a book for children in foster families ('The book of life'), which included information on what it is important to take into account and to empower children to become more self-confident and more able to speak about painful experiences and suggested solutions. In 2013, Navrát organised a weekend session to consult children and young people (14-21 years) who experienced the child protection system as experts to suggest solutions which could change the system for social workers, psychologists, therapists, but also for teachers who teach children from difficult family circumstances.

The young people involved were very satisfied with the opportunity to participate and have their voices heard; for many of them it was the first time they were asked about some topics. Navrát also organised a public hearing for 11 young people from foster families who talked to 50 professionals from different Slovak institutions. They formulated 13 suggestions for professionals, which were presented to the public and the ombudsman and disseminated to appropriate institutions. The hearing resulted in a big reaction from the ombudsman and organisations raising awareness about problems of this target group and undertook appropriate research (including IUVENTA).

UNICEF's Child-friendly schools project⁶⁶⁷ involves Junior ambassadors, who go to schools to talk about children's rights.

⁶⁶⁴ <http://naruc.sk/narucen/>

⁶⁶⁵ <http://www.zpmpvsk.sk>

⁶⁶⁶ <http://www.navrat.sk/>

⁶⁶⁷ http://www.unicef.org/devpro/46000_50049.html

The National Action Plan on children's rights is currently being written with the active involvement of children. A committee on children and youth was created within the Ministry of Social Affairs, working on a policy document on children's rights, which also involved the Youth Council. This committee created another committee of children of 6-8 years old who contributed to these policies and in this way children were integrated in public policies.

Children's parliaments⁶⁶⁸ - a specialist version of children's parliaments has been formed composed of representatives of children in children's homes. Four of these regional parliaments currently exist.

Slovenia

Children's parliaments⁶⁶⁹ are an executive body of association of school pupils. School parliaments consist of pupils elected by association of school pupils. The children's parliament is based on Article 12 UNCRC". As early as 1990, children in Slovenia proposed to establish a forum to discuss their problems with adults. Adults responded positively and thus children's parliaments became a part of the Slovenian educational and social practice. In October 1990, children from primary schools around Slovenia (105 children from 44 local communities), after discussions at all levels (schools, local government), entered the Slovenian Parliament and as a group of the youngest citizens offered the highest representatives of the state and its authorities their opinions, suggestions and criticisms.

The organisation of primary school pupils (from 6 to 15 years old) in a school parliament is provided by Slovenian Association of Friends of Youth, whose activities are carried out in schools. All primary schools organise school Children's' Parliament which consists of class representatives. Discussions are on the level of the schools, local communities and the state. Children's' Parliaments are also organised on regional and national level. Children's Parliaments are seen as the highest level of participation with children's suggestions influencing decision making at the national level. Representatives from the state government come to the state parliament and listen to the children, where children once a year discuss the topic that they choose to discuss at this year. Pupils/students present the chosen topic at the national meeting which takes place in the Big Hall of the National Assembly, and in the presence of representatives of Ombudsman, Ministry of Education and Sport, National Education Institute and others.

Children's parliaments have to consider the conclusions of previous children's parliaments; and representatives of the government have to report on the progress of implementation of the decisions. Some of the recommendations of the children's parliaments realised fully or in part include: school for parents, TOM telephone free 24 hours a day for children in need, organising safe points (places, institutions) in the cities for children which they need information or protection, information leaflets and brochures for child victims of abuse and certain other communications from the field of leisure and ecology. This was one of the first such experience in Europe, pioneering the search for forms of children's participation in society, without any previous role models in the world and without the recommendations of international organizations, such as we have today (UN, Council of Europe, EU).

General upper secondary school councils (GIMNAZIJA) and technical and vocational schools: General upper secondary schools also have school councils which include student representatives, who decide upon, among other, complaints concerning obtaining or losing a student status. There are also associations of students which have the same function in technical and vocational schools. In accordance with the rules on the code of conduct in secondary schools, schools must ensure the basic conditions for the work of association of students (facilities and the necessary information). Student representatives also participate in Quality Assurance Commissions, which monitor and establish the quality of educational work.

⁶⁶⁸ 'Child and Youth Participation in the Slovak Republic: A Council of Europe policy review', Council of Europe, Strasbourg, 2012

⁶⁶⁹ http://elearning-events.dit.ie/unicef/html/unit1/1_6_8.htm

There is also a Commission for the Protection of Students' Rights, whose its members are appointed by a school council. The association of students works in accordance with its own rules and normally meets outside school hours. Upon agreement of the association of students, head teachers may nominate a mentor for the association. The teachers council, parents council and school council consider proposals, opinions and initiatives communicated by the association of students and inform it about their own positions at least once a year. Students can also organise an association of students. The association is led by a committee which consists of all home-classes representatives. The association organises out-of-school life and activities and considers issues related to educational work and management, and communicates its proposals to school bodies.

Student organisation of Slovenia

High school students can also join student associations. Associations of students at an individual high school appoint students who become members of the parliament of the School Student Organisation of Slovenia (SSOS). The SSOS aims to: improve the material position of students, enforce and protect the rights of students, ensure the cooperation of students in extra-curricular activities, strengthen and spread the influence of students on the curriculum, learning process and the ways of assessment of knowledge in high schools, improve the quality of relationships in high schools, improve the provision of information and the impact of students on the civil society, ensure school democracy, sovereignty and equality in high schools, and defend equal opportunities for all, defend and strengthen the impact of students on issues related to their material and spiritual growth. In addition to the Presidency, the SSOS also consists of the Council, etc, and liaises with the Student Organisation of Slovenia.

Structured dialogue as a method of consultation with young people: Youth Council of Slovenia (MSS) is an association of national youth organisations that are committed to achieving the autonomy of young people. MSS is (through the Office for Youth) in charge of the implementation of the structured dialogue in Slovenia. Structured dialogue as a method of work which the Youth Council of Slovenia has used for more than five years in the field of young people (from 15- 27), actively seeking the views of young people on subjects that are important for them and at the same time seeking to improve the situation of young people in Slovenia.

The aim of the structured dialogue is to identify the needs of young people in local communities due to lack of communication between young people and decision-makers, and the desire for greater involvement of young people in the decision-making process. Structured dialogue in the field of youth is an instrument by which young people, youth organisations and youth councils and researchers in the field of youth are actively involved in the political dialogue, with those responsible for youth policy. Its purpose is to enable young people to express their opinions and to formulate measures to support policy decisions, which are then easier for young people to identify with them and take them for legitimate.

After those structured dialogues, young people follow the progress of the implementation of their comments, and they have contact with decision making bodies.

Sweden

BBIC (Barns behov i centrum) Children in care⁶⁷⁰

The National Board of Health and Welfare (Socialstyrelsen) is the governmental agency in charge of giving the municipalities their licenses for starting to work with the BBIC system. Thereafter the municipalities (and their social services) are the responsible for the process. The National Board also conducts voluntary spot-checks with the purpose of controlling the quality of the implementation of the system in the municipalities.

BBIC is one of the most important mechanisms for making the voice of vulnerable children heard in Sweden. It is not obligatory; however 285 out of 290 municipalities are adhered to this system. It is a quality-system that contains methods for research, planning and evaluation of children in social care. The main aims are:

- To strengthen the status of the child (based mainly on the UNCRC)
- To enhance and improve the collaboration around the child, between parents, networks, care givers and social services
- To contribute to a better legal security for children and parents
- To systemise the work of the social services with the objective to improve monitoring and evaluation of handling and treatment

In all phases the best interest of the child as well as the child's right to express his/her opinion should prevail, at any stage within the social care system. The child is asked if she/he wishes to state their opinion at all meetings or contact points. There are also templates and protocols for interviewing the child. One of the most important outcomes is that the child's perspective is seriously and is systematically documented and taken into account. In the district of Rinkeby-Tensta in Stockholm, the BBIC approach is well developed and is highly mainstreamed throughout the work of the social services. The child rights perspective among the social workers has enhanced and improved the possibility for the children to have their say.

"It gets important when it's for real" (Det blir viktigt när det är på riktigt!) – this project was developed between 2010 and 2012. Two national governmental agencies **Trafikverket** and **Boverket** developed processes of child participation to be included in the daily urban planning of the municipalities and share best practices with other municipalities. It concerned issues such as traffic, housing, play, and the environment. Children from 2 to 17 years old living in six municipalities took part. All work was done in relation to preschools or schools and the children participated from the planning stage to the final evaluation. The project has worked especially well in the municipality of Borlänge (www.borlange.se). Children from two different schools participated (aged between 6-15 years old) over a period of 2-3 years.

The children and their teachers worked closely with the department of urban planning at the city council, with the architects, as well as with Trafikverket and Boverket. Outcomes from the project informed the urban development plan. Feedback was arranged whereby the children were able to comment on the result of the joint planning. Since this pilot study the methods have been refined into a democratic model urban planning.

⁶⁷⁰ <http://www.childcentre.info/projects/institutions/dbaFile12713.pdf>

Barnombudsmannen i Uppsala - The Local Ombudsman for children in Uppsala (**BOIU**⁶⁷¹). This association was created in 1988 in the city of Uppsala and has expanded to cover the entire region. BOIU's activities include:

- The Ombudsman oversees consultative activities regarding children's participation. One of the main achievements is a regional road map for fulfilling the UNCRC in the region (in force 2013-2017).
- **Local hearings** have been organised on numerous occasions with children aged 13-17 share their opinions with stakeholders, politicians and other organisations. This forum is called **Mötesplatsen** (Meeting point). Mötesplatsen is a two hour workshop organized six times a year involving children and the local politicians meeting and discuss issues relevant for the children. (www.boiu.se/motesplatsen)
- **Din röst (Your voice)** was developed and run in 2013 in schools with children aged 10 to 12. The theme of the workshop has been the UNCRC and the possibility for children to state their opinion and make a difference in society. (www.boiu.se/dinrost)
- **Local planning with small children** was achieved in the remodelling of an area in Uppsala (Östra Sala Backe). When the park Källparken was planned the city council, BOIU, and children (and teachers) from a preschool near the park, worked together on the re-design process. Three meetings took place with 11 children aged 5 to 6. Firstly the children looked at models of how the area was planned to be, they also talked about what they liked to do in a park (and outside in general). In the last session the children painted images of how they would like the park to look like and these painting will be exposed in relation with the whole remodelling project.
- **The Magazine Word** is led by an editor at BOIU but the editorial staff are mostly young people 16-19 years old studying at some of Uppsala's high schools, they participate in the production of the magazine and also in the planning of future projects. School classes are also invited to participate in the production. (www.tidningenword.se)

Children's participation in health care planning (and hospital planning) as well as caring situations - Sahlgrenska Public Hospital in Gothenburg (and Queen Silvia's Children's Hospital) is where the Centre for the Child's Right to Health is stationed; they conduct training for personnel at the hospital and do also promote the participation of children and the UNCRC in other issues regarding health. Participation includes children's involvement in planning new facilities as well as participation in decisions about individual care.

Kan själv! A participative cultural project for children 0-2 years old - Kan själv means "can do it by myself" and is a pedagogic project driven by the region of Västra Götaland and in particular by Västärket (the regional agency for culture, history and nature) (<http://kansjalv-ida.blogspot.com>). The different expositions have been created with the participation of small children, through observation (and a lot of filming). The pedagogues have been able to visualise what toddlers like to do, see, feel, explore etc, and thereafter they created the different expositions that tour around the region's culture houses, libraries and galleries in order to make it known to all toddlers.

Short term care centres" in Motala. The national project "Participating children and youth" led by the Swedish Disability Federation (HSO in Swedish) aims to better include the opinion of the children with disabilities in relation to their contacts with society; to enhance the knowledge among children about their disability, improve information on activities; and encourage parents to support their child's participation⁶⁷².

⁶⁷¹ www.boiu.se

⁶⁷² The Swedish Government just appointed (11th of July 2013) Handisam, the Swedish Agency for Disability Policy (www.handisam.se/english/Welcome-to-Handisam/) to collect opinions from children with disabilities in order to improve their contacts with society, the report is to be presented the 31st of March 2014. The report is to be conducted in collaboration with the National Ombudsman for Children, Barnombudsmannen (S2013/5141/FST).

Barnombudsmannen has been commanded to improve existing methods (Unga Direkt, mentioned before) to better include the opinions of children with disabilities, especially those with communication difficulties (S2012/7813/FST) (www.barnombudsmannen.se/english/about-us/)

The children at the short time care centre have traditionally not been able to influence much about their lives at the centre, didn't know why they were there, or what they could do at the centre. A method called Talking Mats ('samtalsmatta' in Swedish) was used and the children were asked to tell about what they liked and didn't like at the centre, if they knew why they were there and what they would like to tell other children that entered for the first time. This all led to information to be distributed to children entering this kind of short time care centres. This method enhances the possibility for children without a verbal language to express their opinions. New electronic devices are also under development.

Kungsbacka Municipality⁶⁷³ works with child and youth participation within their programme of Democracy Development, there are three key activities to highlight.

- **Barbro Betalar**⁶⁷⁴ (**Barbro Pays**) The City Council gives the project a sum of money every year (currently 100.000 SEK) to spend on initiatives started by young people living in the municipality. The responsible group (all between 14 and 20) meet up several times a year to decide which project could be eligible for funding.
- **Kommunutvecklare (Municipality Developers)** - 15 to 19 year olds are given the possibility to work for the City Council during three weeks in summer with the objective to develop Kungsbacka to be a better place for children and young people. They learn about the UNCRC and then they work on promoting their ideas, through annual road-maps. This initiative started in 2011 and this year the third group just ended their work. The final reports include everything from critique towards the local government since they think they've been listened to, and ideas on new projects and methods of participation⁶⁷⁵. The project arranges two referendums each year where children and young people living in Kungsbacka can vote on the propositions presented by other children and young people. The most voted projects are presented to the responsible politicians and discussed at a common counsel.
- **UNCRC Films produced by children** (14-20 years old) about different articles of the UNCRC. During 2012 fifteen children aged 10 to 12 years produced three films called *Lyssna på barn!* (Listen to children!) on the articles 6, 12 and 22 of the UNCRC, first they illustrate an example and then they states several questions to discuss. The films are used in training with children and adults.⁶⁷⁶

Checklist developed by Maskrosbarn⁶⁷⁷ (i.e. **Dandelion children**) - Maskrosbarn is an association created in 2005 by two young girls who met in high school. The association has grown to support activities for children growing up in families with drugs and/or psychiatric problems. They organise conferences and training and work closely with social services all around Sweden. They also have workshops where children of all ages can come and meet with others with the same experiences. Maskrosbarn wrote a report in 2011 on what kind of support children want from society (especially regarding school, social services, drug care and psychiatric care), the report was produced in collaboration with 50 children and young people aged 13-19 living in families with complex needs. One outcome was the development of two checklists to be distributed to all of Sweden's 290 social service administrations, and to be published. The first checklist is about the response and reception of the child at the social services, and it builds upon Article 12 UNCRC. The other checklist is about the environment where the meetings take place. Many social services offices in Sweden have been at Maskrosbarn's training and they published the both checklists at their offices.

⁶⁷³ <http://www.kungsbacka.se/>

⁶⁷⁴ www.barbrobetalar.se/

⁶⁷⁵ http://www.kungsbacka.se/sitetemplates/KBInformationPage_81457.aspx

⁶⁷⁶ <http://www.youtube.com/playlist?list=PLR8w9H5fc00oq3s8okU8Z3CnCV86bRxVO>

⁶⁷⁷ www.maskrosbarn.org

Unga Direkt (Young Speakers) at a HVB-hem (Home for Children and Youth methods and material developed by the National Ombudsman for Children in Sweden -This project supports children in care (aged 13-18 years old) in finding the solutions to their problems. The method used is the one developed by the National Ombudsman for Children⁶⁷⁸. It involves children and young people in Lund developing a job advert based on identifying positive qualities of carers to constructively work for change. Staff discussed the job advert and how they had to change their attitude and working methods in order to achieve a better environment and to meet their obligations under UNCRC. The children were invited to participate in the development of the Care Home and to improve the climate as well as their situation. The children felt listened to and the dialogue between children and adults became more fluent.

UK

England

The Youth Inspection Team 'Check It Out' in South Tyneside consists of 12 children and young people. Inspections are undertaken of youth service projects, in a joint initiative with neighbouring authorities. Children and young people decide which inspections they are going to carry out and give the projects a weeks' notice. Young people provide a grading according to five levels of award (bronze to platinum) and write a report based on their inspection. The report goes to the centre manager who has two weeks to respond. The inspection team then go back two months later to review progress. As soon as the report is completed a meeting is arranged with the youth service management. Young people present their findings and the youth service manager has two weeks to reply. Any strategic issues can be taken up by the youth service manager and if necessary can be taken further to the level of the Children's Trust.

There are many examples of good practice on the What's Changed? Site which includes examples of projects with children with disabilities, children in care and gypsy/ traveller children: <http://www.practicalparticipation.co.uk/whatschanged/>

Wales

Funky Dragon⁶⁷⁹ is the children and young people's parliament in Wales (UK) and aims to "enable children and young people in Wales to get their voices heard by Government and others who make decisions about policies and services that affect their lives." The Grand Council is made up of 100 children and young people from across Wales, including representatives from school councils and NGOs within each local authority.

Travelling Ahead project⁶⁸⁰ was set up by Save the Children Cymru to support children from the travelling community to have their say. The website has a forum for children and young people as well as information for parents and tools for professionals.

'Eat carrots, be safe from elephants'⁶⁸¹ is the children's shadow local safeguarding board for Powys. This board exists to facilitate children and young people's participation in strategic planning for child protection and to challenge and monitor safeguarding practices.

The Young Inspector teams⁶⁸² (these also run in England) conduct inspections of different public bodies against the National Participation Standards and award kitemarks for participation.

⁶⁷⁸ www.barnombudsmannen.se/Global/Publikationer/young%20speakers.pdf

⁶⁷⁹ www.funkydragon.org.uk

⁶⁸⁰ <http://www.travellingahead.org.uk/>

⁶⁸¹ <http://www.powys.gov.uk/index.php?id=5204&L=0>

Primary school ambassadors⁶⁸³ Children's Commissioner for Wales' Ambassadors scheme was set up in 2007 to help raise awareness of the children's Commissioner and his role amongst primary school children. There are two pupils aged 10 in a primary school that acts as ambassadors. Each term the ambassadors have a special mission which involves feeding back children in their schools views on a specific issue.

Primary schools in Swansea are taking forwards a **"Rights Respecting" approach**⁶⁸⁴ which goes beyond simply a school council and installs a restorative approach to resolving conflicts and problems with the school.

Voices from Care Wales⁶⁸⁵ focuses on involving young people living in care in the decision making process. Voices from Care also provide training to organisations, agencies and universities concerning young people's experiences of the care system.

Northern Ireland

The Youth Panel, which is supported by NICCY, is instrumental in identifying good practice examples of children's participation. The panel look at different entries from government departments and assess how young people have been engaged. The Youth Panel also have annual awards for good examples of participation. The last Awards even was organised and hosted by children and young people and attended by ministers. <http://www.niccy.org/NICCYYouthPanel> [OFMDFM consultation].

Strand Road Neighbourhood Policing Team set up a **Street Talk project** with 48 young offenders or at risk of offending from Derry/Londonderry, Strabane, Limavady and Magherafelt. The young people engaged using arts training and activities and the project offered accredited courses via the Open College Network to support the young people to return to formal education⁶⁸⁶. The Street Talk project received an award in 'putting young people at the front' at the NICCY Participation Awards 2012-13.

'Have Your Say' was an online survey for pupils in the final year of primary school concerning internet safety, commissioned by the UK Safer Internet Centre to mark the 10th Anniversary of Safer Internet Day. As a result of the research a junior minister visited participating schools to discuss the findings⁶⁸⁷. OFMDFM considered the survey to be a virtual census of children and young people. However OFMDFM recognise there is a limit to what the survey asked and to what degree children and young people's views directly informed policy.

⁶⁸² <http://www.participationworkerswales.org.uk/news/Barry-young-inspectors-kitemark.aspx>

⁶⁸³ <http://www.participationcymru.org.uk/children-s-commissioner-for-wales-ambassador-scheme>

⁶⁸⁴ https://swansea-edunet.gov.uk/en/schools/grange/Pages/Rights_Leaders_for_Grange_Primary_School.aspx

⁶⁸⁵ <http://www.voicesfromcarecymru.org.uk/>

⁶⁸⁶ <http://www.derryplayhouse.co.uk/text/news/article/young-people-street-talking-doing-graffiti-and-djing-with-the-psni-and-ican/113>

⁶⁸⁷ <http://www.northernireland.gov.uk/index/media-centre/news-departments/news-ofmdfm/news-ofmdfm-050213-safer-internet-day.htm>

Scotland

A number of potential good practices can be identified as follows:

- **The Climate Change Project** was supported by a group of 20 children from The Children's Parliament to provide feedback on the draft Climate Change Bill". Their views were collated and informed the final version: <http://www.childrensparliament.org.uk/new-assets/climate-change/cp-climate-change-report1.pdf>
- **Voices Against Violence (VAV)** is supported by the Scottish Government and the Convention of Scottish Local Authorities, COSLA. *"The VAV group, comprising young people with direct experience of domestic violence, influenced the three-year national domestic abuse delivery plan for children and young people published in 2008 and its members are actively involved in the discussions on the next three-year delivery plan."*⁶⁸⁸
- **The Building the Boat** project was developed by Young Scot with the aim of introducing to young people the concept *co-producing policy* and to show practical ways of getting involved in policy development.⁶⁸⁹
- Young Scot also developed **The National Youth Commission on Alcohol** which *"allowed for the voices of young people to be heard by the Scottish Government and to influence their thinking"*. http://www.youngscot.net/media/12177/syca_recommendations.pdf
- Article 12 has a **Gypsy Travellers' Lives** project – the steering group have looked into discrimination and online media concerning travellers. <http://www.article12.org/gypsytraveller.html>

Young Scot worked in partnership with Scottish Natural Heritage to *"encourage young people to enjoy and explore Scotland's outdoors"*. The work involved the 'Simple Pleasures' campaign for young people which ran in 2012 and collected young people's views on what they enjoy about the outdoors. Following the campaign Young Scot has launched a Facebook 'app' called 'Scotland's Outdoor Challenge' which includes outdoor experiences that are ranked the top 50 in Scotland. A second Facebook app was launched in 2013 as part of the Year of Natural Scotland which focussed on 'Natural Scotland Photo Challenge' to encourage young people to take photographs that express what outdoors in Scotland means to them. The plan was that the photos would make up an interactive map of Scotland at the end of 2013.⁶⁹⁰

⁶⁸⁸ SCCYP, Mid term Report Participation Scotland see www.voiceagainstviolence.org.uk

⁶⁸⁹ <http://www.youngscot.net/what-we-do/key-documents/building-the-boat.aspx>

⁶⁹⁰ <http://www.youngscot.net/what-we-do/project-directory/scottish-natural-heritage.aspx>

Annex Three: Overview of national participatory networks and forums in the EU

Overview of national participatory networks and forums in the EU

Official bodies with a role in the implementation of Article 12 UNCRC

Country	Name of official body (English)	Website details (where available)
AT	Children's Rights Monitoring Board (<i>Kinderrechte-Monitoring-Board</i>)	http://www.kinderrechte.gv.at/kinderrechte-monitoring/
	Working Group on Participation (<i>ARGE Partizipation</i>)	http://www.bmwfj.gv.at/Jugend/Jugendbeteiligung/Seiten/ARGEPartizipation.aspx
	Ombudsoffices for Children and Youth within each of the Länder	See below for each region
	Burgenland	http://www.burgenland.at/kija
	Carinthia	http://www.kija.ktn.gv.at
	Lower Austria	http://www.kija-noe.at
	Salzburg	http://www.kija.at/sbg
	Styria	http://www.kinderanwalt.at
	Tyrol	http://www.kija-tirol.at
	Upper Austria	http://www.kija-ooe.at
	Vienna	http://www.kja.at
	Vorarlberg	http://www.vorarlberg.kija.at
BE	National Commission on the Rights of the Child Children's Rights Commissioner (<i>Kinderrechtencommissariaat</i>) in Flemish community	http://www.kinderrechten.be
	Children's Rights Commissioner (<i>Kinderrechtencommissariaat</i>) in French community (<i>Délégué général de la Communauté française aux droits de l'enfant</i>)	http://www.dgde.cfwb.be
	Ombudsman (German community)	http://www.dg-ombudsmann.be/de
BG	State Agency for Child Protection The Office of the Ombudsman	http://www.ombudsman.bg
CY	Ombudsperson for the Protection of Children's Rights	Http://www.childcom.org.cy
CZ	Governmental Children's Rights Committee	
DE	Children's Commission – Bundestag, subcommittee of the family and youth	http://www.bundestag.de/htdocs_e/bundestag/committees/a13/
	Ministry of Children, Gender, Equality, Integration and Social affairs	http://www.norden.org/en/the-nordic-region/the-ministries-in-the-nordic-countries/ministries-in-denmark/the-ministry-of-children-gender-equality-integration-and-social-affairs-dk
DK	National Council for Children's Affairs Ombudsman (not a children's ombudsman) Appeals Board	http://www.boerneraadet.dk
EE	Department of Children and Families at the Ministry of Social Affairs	http://www.sm.ee/en
	Department of Youth Affairs at the Ministry of Education and Research	http://hm.ee/en/activities/youth ,
	Chancellor of Justice (Ombudsman for Children)	http://lasteombudsman.ee/en/welcome
EL	General Secretariat for Youth (Ministry of Education):	http://www.minedu.gov.gr/
	National Observatory on Children's Rights (a structure of the General Secretariat for Youth)	http://www.neagenia.gr/frontoffice/portal.asp?cpage=NODE&cnode=1

Country	Name of official body (English)	Website details (where available)
	The Greek Ombudsman (Deputy Ombudsman for Children's Rights)	[-]
ES	National Children's Ombudsman	http://www.sindic.cat/infants
	Children Deputy General of the Ministry of Health,	www.defensor-and.es
	Social Services	http://www.msssi.gob.es/
	Spanish Childhood Observatory	
	The Institute for Youth (INJUVE)(Ministry of Health, Social Services and Equality)	http://www.msssi.gob.es/en/ssi/juventud/home.htm
FI	Ministry of Education and Culture's Youth Policy Division	http://www.minedu.fi/OPM/?lang=en
	Advisory Council for Youth Affairs (Ministry of Education and Culture)	http://www.minedu.fi/OPM/Nuoriso/?lang=en
	Ministry of Foreign Affairs	http://formin.finland.fi/public/default.aspx?culture=en-US&contentlan=2
	Ombudsman for Children	http://www.lapsiasia.fi
FR	French Council for Children's Rights	
	Ministry of Social Affairs	http://www.social-sante.gouv.fr/
	Ministry of Education	http://www.education.gouv.fr/
	Ministry of Youth	http://www.sports.gouv.fr/english/article/Ministry-of-Sports-Youth-popular-education-and-community-life
	Regional Ombudsmen	Various
	National Ombudsman's Young Ambassadors	[-]
	Défenseur des Droits (Défenseur des enfants)	http://www.defenseurdesdroits.fr
HR	Council for Children Ombudsman for Children	www.gyermekjogok.ajbh.hu
HU	Office of the Commissioner for Fundamental Rights (Deputy-Commissioner for Fundamental Rights – Future Generations)	http://www.ajbh.hu/
IE	Children and Youth Participation Unit (Department of Children and Youth Affairs)	http://www.dcyu.gov.ie/viewdoc.aspx?DocID=120
	Each local authority	http://www.comhairlenanog.ie/
	Department of Education and Skills	http://www.education.ie/en/
	Child and Family Agency, Tusla	http://www.tusla.ie/
	Ombudsman for Children	http://www.oco.ie
IT	National Ombudsman	
	National Observatory for childhood and adolescence	http://www.garanteinfanzia.org/
LV	National Children's Rights Protection Inspectorate Ombudsman (Department for Children's Rights)	http://www.tiesibsargs.lv
LT	Ombudsperson for Children	http://vaikams.lrs.lt
	Each local authority in Lithuania has child rights protection body which has main responsibility for promoting and implementing child participation.	Various
LU	Ombudscommittee for the Rights of the Child	http://www.ork.lu/index.php
MT	Office of the Commissioner for Children	http://www.tfal.org.mt
	Council for Children	https://secure3.gov.mt/socialpolicy/family/cfc/council_for_children
	National Commission for Child Policy and Strategy	https://secure3.gov.mt/socialpolicy/family/nfc/nfc_overview

Country	Name of official body (English)	Website details (where available)
NL	National Ombudsman (Deputy Ombudsman for Children)	http://www.dekinderombudsman.nl
	State Secretary of the Ministry of Health, Wellbeing and Sports	http://www.government.nl/ministries/vws
	Inspectorate for Child Services the Social and Cultural Statistics Bureau	[-]
PL	Ombudsman for Children	http://www.brpd.gov.pl
	Ombudsmen - The Human Rights	[-]
	Polish Youth Organizations Council (PROM)	[-]
PT	National Commission for Children's Rights (ceased to exist in 1999)	[-]
	National Commission of Protection of the Children and Young in Danger (CNPCJR)	[-]
	Provedor de Justiça (Work Unit on Minors, Elderly People, Persons with Disabilities and Women)	www.provedor-jus.pt/index.php
RO	Ministry of Labour, Family and Social Protection (MLFSP)	http://www.mmuncii.ro
	People's Advocate (Deputy for Rights of Children, Family, Youth, Retired Persons and Disabled Persons)	http://www.avp.ro
	Directorate General Child Protection (DGCP)	http://www.copii.ro/
	Directorate General for the Protection of People with Disabilities	http://www.anph.ro/
	Romanian Office for Adoptions	http://www.adoptiromania.ro/en/
	National Agency for the Roma	http://www.anr.gov.ro/
	Ministry of Education, Research, Youth and Sports (MERYS)	http://www.edu.ro
	School Inspectorates	[-]
	Ministry of Health	http://www.ms.gov.ro
	Public Health Directorates	http://www.insp.gov.ro/
	Ministry of Administration and Interior	http://www.mira.gov.ro
	The Romanian Immigrations Office	http://ori.mai.gov.ro/home/index/ro
	The Ministry of Justice	http://www.just.ro/
	Public Social Work Services (PSWS)	[-]
SE	National Parliament	http://www.riksdagen.se/en/
	The National Board for Youth Affairs	http://www.unqdomsstyrelsen.se/english
	The Ombudsman for Children	http://www.bo.se
SK	Committee on Children and Youth	http://www.employment.gov.sk/en/family-social-assistance/social-legal-protection-children/
	Government Council	http://www.vlada.gov.sk/
	Office of the Public Defender of Rights (Ombudsoffice)	http://www.vop.gov.sk
	The ministry of Education (IUVENTA branch)	http://www.iuventa.sk/en/IUVENTA/Our-Mission.alej
SI	Slovenian Ombudsman (Special Group on Children's Rights)	http://www.pravice-otrok.si
	Ministry of Labour, the Family and Social Affairs	[-]
	Ministry of School and Sport	http://www.midsz.gov.si/en/
	Ministry of Health	http://www.mz.gov.si/en/
	Juvenile court	http://www.mp.gov.si/en/
	Centres for Social Work	http://www.scsd.si/introduction-of-csw.html

Country	Name of official body (English)	Website details (where available)
UK	Children's Commissioner - England	http://www.childrenscommissioner.gov.uk
	Children's Commissioner - Wales	http://www.childcomwales.org.uk
	Children's Commissioner - Scotland	http://www.sccyp.org.uk
	Children's Commissioner – Northern Ireland	http://www.niccy.org
	Department for Education	http://www.education.gov.uk/
	Select Committee on Human Rights	http://www.parliament.uk/business/committees/committees-a-z/joint-select/human-rights-committee/
	Children, Young People and Families Division (Department for Health, Social Services and Children) – Wales	http://wales.gov.uk/about/civilservice/directorates/hsscdirectorate/dhssc/?lang=en
	Office of the First Minister and Deputy First Minister – Northern Ireland	http://www.ofmdfmi.gov.uk/

Other national participatory forums and networks found within EU Member States

Country	Name of forum or network	Coverage and remit	Website details (where available)
AT	The Child Right's Network (<i>Netzwerk Kinderrechte Österreich</i>)/National Coalition (NC)	A network which gathers both national and regional organisations, e.g. the nine regional Child and Youth Ombudsoffices, the national youth council, NGOs etc. .	http://www.kinderhabenrechte.at/
	Austrian National Youth Council (ÖJV)	Constitutes the most important Austrian children's rights network, supports participation.	http://www.jugendvertretung.at
BE	Youth Parliament of Belgium	A yearly conference of French-speaking youth in Belgium which is organized by the Parliament of the French Community in Belgium and provides children and young people with informed opportunities to vote	http://www.parlementjeunesse.be/
	The Flemish Association of Schoolchildren (<i>Vlaamse Scholierenkoepel - VSK</i>)	Unites student councils over all Flemish provinces and Brussels. Student led (12-18 years old) and subsidized by the Ministry of Education since 2000. Participates in the Flemish Education Council.	http://www.scholierenkoepel.be/info-over-vsk
	The Flemish Youth Council	The official advisory body of the Flemish Government on all matters concerning children and young people. Composed of 24 youngsters. Integrated under the organization Ambrassade which supports youth, youth-information and policy.	http://www.vlaamsejeugdraad.be/english/
	Flemish Education Council	An advisory board which gives advice on request of the Minister of Education at the Flemish Parliament. It organizes consultation between educational and social partners, and initiates research studies.	http://www.vlor.be/sites/www.vlor.be/files/vlor_in_english -- 4 presentation.pdf
	Youth Council of the French Community of Belgium (<i>Conseil de la Jeunesse de la Communauté française de Belgique</i>)	National children and youth council representing the French Community of Belgium.	http://www.cjef.be
	Council of the German Youth (<i>Rat der Deutschsprachigen Jugend</i>)	National children and youth council representing the German Community of Belgium.	http://www.rdj.be/de/rdj-1
BG	Children's Council	National organization supported and organized by experts from the SACP. Created a mechanism for child participation across 4 levels – school, municipal, regional, and national.	http://sacp.government.bg/
	Bulgarian Child and Youth Parliament	Unites municipal child and youth parliaments from 35 cities. A non-profit legal person.	[-]
CY	The Children's Parliament	For children 13-18 years old. Presents views and suggestions to the Parliament at the annual "official session". The President of	[-]

Country	Name of forum or network	Coverage and remit	Website details (where available)
		the House of Representatives presiding and Ministers and MPs are attending.	
	Cyprus Youth Council	National children and youth council for Cyprus	http://www.cyc.org.cy
	PCCPWC	An umbrella organisation advocating children's rights, monitors progress and reinforces the Children's Parliament views and suggestions by incorporating them into its own lobbying tools. Main funder of Cyprus Children's Parliament.	http://pccpwc.org/en/index.html
	The Commissioner's Youth Advisors Panel	Established in February 2010. Consists of 30 boys and girls, 13 to 17 years old. The members meet every two months and discuss issues related to children's rights. They meet with the Commissioner twice a year. The panel is a network member of the ENOC Network of Youth Advisors.	[-]
CZ	Czech Council of Children and Youth	National children and youth council for the Czech Republic	http://en.crdm.cz/
	National Children and Youth Parliament	The top-level structure of all children and youth's parliaments, councils and other organisations promoting participation of the youngest generation.	[-]
	Have Your Say (<i>Kecejme do toho</i>)	The project is a result of the EU Structured Dialogue. Communicates the outcomes of discussions to the public sphere e.g. politicians, civil servants, civil society and media.	http://www.kecejmedotoho.cz/
	Association of Secondary School Clubs	An Umbrella organisation for pupils' parliaments.	[-]
	Centre for Democracy in Education (CEDU)	An Umbrella organisation for pupils' parliaments.	[-]
	Young Circle (<i>Kruh mladých</i>)	An informal group of young people from foster care. The aim is to engage young people in decision-making and influence change at the regional and national levels. Cooperates with the social-legal protection of children in regions and non-profit organizations.	http://www.kruhmladych.cz/
DE	German Federal Youth Council (DBJR)	There is the National Coaliton for the implementation of the CRC in Germany.	http://www.dbjr.de/
	Bundesjugendring	An association of all kinds of regional clubs, associations and organisations. State financed.	http://www.dbjr.de/
DK	Danish Youth Council (DUF)	National youth council for Denmark	http://www.duf.dk
	Pupils National Organization (<i>Elevernes landsorganisation</i>)	Student's organisations are divided in regular, technical students and LH (business):	[-]

Country	Name of forum or network	Coverage and remit	Website details (where available)
		DGS: Danske Gymnasieelevers Sammenslutning (Union of Danish Upper Secondary School Students) is for regular students. EEO: Erhvervsskolernes Elev Organisation – EEO (Vocational school student organisation) are for technical students. And finally LH Landssammenslutningen af Handelskoleelever (National Federation of Business Students in Denmark)	
	Children's network - Youth Red Cross (<i>Ungdommens Røde Kors</i>)	An umbrella organization which represents children and youth organisations only in Denmark, guided by the principles of democracy and participation.	http://www.urk.dk/
EE	Union of Estonian School Students' Councils	An umbrella organisation of school students' councils active at schools. In August 2014 the union had 177 member councils and represented more than 100 000 pupils.	http://www.escu.ee/
	Open Republic	An umbrella organisation of school students' councils of mainly Russian-speaking schools. Runs School Student Councils Assemble which unites 58 Russian-speaking schools i.e. 90% of all Russian speaking secondary schools in Estonia.	http://www.or.ee
	National Youth Council of Estonia	An umbrella organisation of youth organisations. Close to 60 member organisations and represents over 50 000 young people (in 2013). Manages the network of municipal and county level youth councils and participates in youth policy processes at national and international level.	http://www.enl.ee/
	National Youth Policy Council	Advises the minister of education and research. Comprised of representative of main actors in the youth field, e.g. child and youth organisations. It is managed by Youth Department at the Ministry of Education and Research.	[-]
	Estonian Union of Child Welfare	The Union's remit is to coordinate civic initiatives aiming at child protection and development in Estonia. It is a non-governmental non-profit organisation supported by public institutions as well as private.	http://www.lastekaitseliit.ee/
	Project "101 kids to Toompea" (Estonian Union of Child Welfare)	An annual forum promoted by the Estonian Union of Child Welfare.	http://www.lastekaitseliit.ee/noorte_kogu/101-last-toompeale/?lang=en
EL	National Youth Council of Hellas (ESYN)	National youth council for Greece	http://www.esyn.gr
	Greek Guiding Association	Local and national representation. Funded through members' contributions, grants and income from property.	http://www.seo.gr/homeEN.asp?ITMID=16&LANG=EN
	Greek Scout Association		http://www.sep.org.gr/

Country	Name of forum or network	Coverage and remit	Website details (where available)
	Greek Christian Youth Brotherhood Association,		[-]
	Greek Christian Youth Association		[-]
ES	Spanish Youth	National membership association	http://www.cje.org
	Structured Work Network (Child's Observatory)	Network which includes central and regional governments, municipalities, provinces federations and NGOs. Part of the Ministry and the budget is framed within public budgets. The majority of their work is to carry out coordination and write reports and studies in relation to minors.	http://www.iuntadeandalucia.es/observatoriodelainfancia/oia/esp/index.aspx
	Child Friendly Cities Network	Child Friendly Cities Network is a program managed by UNICEF that works primarily with public subsidies that the central government grants them.	http://ciudadesamigas.org/
	Youth Councils	Networks where youth associations are also represented. Budget given by the central or regional administration. The number of councils has declined over the last years due to lack of funds.	http://www.cje.org/en/our-work/
	Spanish Children's Rights Coalition	NGO network for children's rights. The programs carried out are financed through public subsidies.	http://plataformadeinfancia.org/content/spanish-childrens-rights-coalition
	Structured work Network on youth matters between the regions and the state	Public network which focuses on the coordination of youth policies.	[-]
FI	Central Union for Child Welfare (CUCW)	An umbrella organisation composed of 96 NGOs and 36 municipalities. Focus on children in child welfare services. Also active other fields of children's participation. Independent of government funding. Mainly funded by the biggest amusement park in Finland (funds 6 NGOs in Finland).	[-]
	Finnish Children's Parliament	Aims at the development and promotion of child participation, highlighting the value added of youth within the decision-making process ⁶⁹¹ .	[-]
	Finnish Youth Council Association	An umbrella association for all the youth councils in the Finnish municipalities.	[-]
	Finnish Youth Cooperation Allianssi	A politically and religiously non-aligned organisation which	http://www.alli.fi/english/

⁶⁹¹http://ec.europa.eu/justice/news/consulting_public/0009/contributions/unregistered_organisations/139_finnish_childrens_parliament.pdf

Country	Name of forum or network	Coverage and remit	Website details (where available)
		advocates for youth with an umbrella of more than 100 national organisation youth-related ⁶⁹² .	
	Pupils' Council	[-]	[-]
FR	National Children and Youth Councils Association (ANACEJ)	ANACEJ was created in 1991 with the aim of promoting child and youth participation within decision making and dialogue with local elected bodies as well as advising local bodies ⁶⁹³ .	[-]
	COFRADE	Promotes the protection of children and the application of the UN Convention.	http://cofrade.fr/
	FRANCA	A movement of popular education, complementary to Schools, with a public interest status. Was created in 1994 ⁶⁹⁴ .	[-]
	Défence Enfants International	[-]	[-]
	The Youth Catholic Associations (e.g. ACE)	Promotes debates among young people.	[-]
HR	National Students Council	Managed and funded by Ministry of Science, Education and Sports. .	http://ifjusagitanacs.hu/en/about-us/
	Croatian Youth Network (MMH)	National youth coordinating body	http://www.mmh.hr
	National Network of Young Counselors of Child Ombudsperson	Managed and funded by Child Ombudsman.	
	Children Forums	Managed and funded at local level	Various
	Children Councils	Managed and funded at local level	Various
	Youth Councils	Managed and funded at local level	http://ifjusagitanacs.hu/en/about-us/
HU	National Youth Council of Hungary	Set up as an association on 1st December 2011.	http://ifjusagitanacs.hu/
	Hungarian Association of Learners' Self-Governments	Promotes democratic rights at schools.	[-]
	Foundation for Democratic Youth	Develops democratic skills through local project of youth.	[-]
IE	Children's Rights Alliance	Unites over 100 organisations. Work to ensure Ireland's laws, policies and services comply with the standards set out in the UN Convention on the Rights of the Child.	http://www.childrensrights.ie/

⁶⁹² <http://www.messzelato.hu/en/finland-allianssi>

⁶⁹³ <http://anacej.asso.fr/lanacej/>

⁶⁹⁴ <http://www.franca.asso.fr/>

Country	Name of forum or network	Coverage and remit	Website details (where available)
	National Youth Council of Ireland	Representative body for voluntary youth organisations.	http://www.youth.ie/
	Youthwork Ireland	Coordinating agency for local independent youth services and operates the Irish Youthwork Centre. It works with local communities to deliver quality support and services.	http://www.youthworkireland.ie/
	Spunout	Provides young people between the ages of 16 and 25 with life skills and information on a range of issues e.g. health and education. Also a platform for discussion and debate.	http://spunout.ie/
	Foróige	The leading youth organisation in Ireland. Works with almost 60,000 young people aged between 10 and 18 each year through volunteer-led clubs and staff-led youth projects	http://www.foroige.ie/
IT	Forum Nazionale dei Giovani (FNG)	National youth forum for Italy	http://www.forumnazionalegiovani.it
	Participation Working Group of PIDIDA(<i>Per I Diritti dell'Infanzia e Dell'Adolescenza</i>)	An NGO network on national level.	[-]
	Network of child-friendly cities (until 2012)	An international programme ran by UNICEF-Italy, defining the global strategy for child participation in a urban context ⁶⁹⁵ .	[-]
LV	National Youth Council of Latvia (LJP)	Organizes and coordinates the activities of youth NGOs on youth policy issues.	http://www.ljp.lv/
	Pupils' Councils	School level and municipal level.	[-]
	Latvian Orphan society "Sun children"	Coordinates the work for Orphan children, helps orphan children in care centres, organises charity and leisure time activities.	[-]
	Youth Council	Consists of representatives of the main youth organisations.	[-]
LT	Lithuanian Youth Council (LiJOT)	National youth council for Lithuania	http://www.lijot.lt
	Schoolchildren Parliament	Represents the school children.	[-]
	School Children Union		[-]
	Algojimas	Third sector organisation working with children with disabilities and their families.	http://www.algojimas.lt/
LU	Coalition Nationale pour les droits de l'enfant	Association of actors advocating children's rights.	[-]
	National Assembly of Young People, ANCES (<i>Association</i>	Network of social paediatricians in children's homes but since 2012 also covers other areas of social work	http://www.ances.lu/

⁶⁹⁵ <http://www.unicef.it/doc/3107/citta-amiche-dei-bambini.htm>

Country	Name of forum or network	Coverage and remit	Website details (where available)
	<i>Nationale des Communautés Éducatives et Sociales)</i>		
	RADELUX Group	Provides policy recommendations towards the Committee of the Rights of Children in Geneva.	[-]
MT	The National Youth Council (KNŻ)	National youth council for Malta	http://www.knz.org.mt/index.php/about-us
	Agenzija Zghazagh (Youth Parliament)	Semi-State Agency which seeks to implement policy, mainstreaming and empowerment to youths. Organises the Youth Parliament which holds from 1-2 sessions per year. The parliament is managed by youths and is partially funded by the state, partially self-funded. Certain activities also receive funding from the EU.	http://www.agenziazghazagh.gov.mt/
NL	The Dutch Youth Council, NJR (<i>Nederlandse Jeugdraad</i>)	Responsible for representing the voice of youth aged 12-25 in government and society at large. National, government funded, organisation.	http://www.njr.nl/
	The Dutch Youth Institute, NJI (<i>Nederlands Jeugd Instituut</i>)	Responsible for gathering and sharing knowledge on youth policy and programmes (all ages). National, government funded, organisation.	http://www.nji.nl/
	The Centre for Youth, Society and Development, JSO (<i>Expertisecentrum Jeugd, samenleving en ontwikkeling</i>)	JSO is responsible for providing trainings and advise on youth and participation in society. National, government funded, organisation.	http://www.jsso.nl
	Childrens Right's Collective (Kinderrechtencollectief)	National network of organisations involved in children's rights. Funded by partners.	http://www.kinderrechten.nl/p/13/854/kinderrechtencollectief-luidt-de-noodklok
	Dutch National Youth Council (DNYC)	National youth council for Netherlands	http://www.njr.nl
	The Dutch Youth Institute	No information	http://www.youthpolicy.nl/
PL	Polish Youth Organizations Council, PROM	Work to allow young people to participate in decision making. Funded Ministry of Education and Foundation for the Development of the Education System.	http://prom.info.pl/english/english/
	Youth Councils	Often initiated by NGOs, e.g. the Foundation Civis Polonus.	[-]
	Parliament of Children and Youth	Sessions are organised once a year (1 June) by Center for Civic Education, along with the Chancellery of the Parliament and the Ministry of Education. 460 youth members are selected. Each region has a certain number of seats in parliament. Resolutions are not binding.	[-]

Country	Name of forum or network	Coverage and remit	Website details (where available)
PT	Portuguese National Youth Council (Conselho Nacional de Juventude)	National youth council for Portugal	http://www.cnj.pt
	Youth Parliament	The Youth Parliament program is organized by the RA (Republic Assembly), with the objective of promoting citizenship education and the interest of young people in the debate of current topics.	[-]
	Youth Municipal Council	An advisory body with a remit to ensure the right of participation of young citizens, and to incorporate the contributions of youth structures	http://www.cnj.pt/site/
RO	Romania Youth Council (Consiliul Tineretului Din Romania)	National youth council for Romania	http://www.ctr.ro/
	National Forum of Children	Organized by save the children on an annual basis.	[-]
	Children's Council	A forum for discussion. The purpose was to offer the children and young people the opportunity to express their opinions and be listened to in matters concerning them.	[-]
	Student's Council	County and national level	www.consiliulelevilor.org
SK	Youth Council of Slovakia (RMS)	National youth council for Slovakia	http://www.mladez.sk
	Coalition for Children's Rights	An informal network. Set up in Oct 2012 and under further development. Comprises of 10 organisations, e.g. UNICEF and the Foundation for Children in Slovakia. Invited by the government committee on children and youth and were involved in the preparation of the NAP on children's rights.	[-]
	UNICEF Slovakia	Considered as active lobby organisations for children's participation.	http://www.unicef.sk/
	Foundation for Children in Slovakia		http://www.nds.sk/
SI	IUVENTA		http://www.iuventa.sk/en/IUVENTA/Our-Mission.alej
	National Youth Council of Slovenia (MSS)	National youth council for Slovenia	http://www.mss.si/
SE	Association of Friends of Youth (Children's Parliament)	Organises Children's Parliaments for students aged between 7 and 14 years. Initiative started 1990 and exists on local and national level.	http://en.zpms.si/about/
	The National Association of Swedish Youth Councils (<i>Sveriges Ungdomsråd</i>)	An organization for young people, which aims to raise awareness of young people's legal rights and freedoms ⁶⁹⁶ .	http://sverigesungdomsrad.se/

⁶⁹⁶ http://sv.wikipedia.org/wiki/Sveriges_Ungdomsr%C3%A5d

Country	Name of forum or network	Coverage and remit	Website details (where available)
	The National Association of School Councils (SVEA),	SVEA was born in 1994 as a counterpart to SECO (Swedish Student Associations Central Organisations)	http://www.svea.org/
	The National Council of Swedish Youth Organisations (LSU)	LSU aims to improve the conditions for youth organisations in Sweden, as well as on a global level. Young people can meet each other and/or other youth organisations to acquire knowledge and experience ⁶⁹⁷ .	http://lsu.se/english/
SI	National Youth Council	The National Youth Council of Slovenia is a voluntary association of national youth organisations, which have the status of organisations of public interest in the youth sector, in accordance with the law of the public interest in the youth sector	http://www.mss.si/sl/index.html
UK	British Youth Council	National representative body for children and youth councils	http://www.byc.org.uk/
	United Kingdom Youth Parliament	UK children and youth parliamentary forum	http://www.ukyouthparliament.org.uk
	CRAE (England)	CRAE protects the rights of children by lobbying government and others who hold power.	http://www.crae.org.uk/
	National Children's Bureau (England)	Partnership between 7 children and young people organisations. Support organisations to engage and involve children and young people.	http://www.ncb.org.uk/
	National Youth Agency (England)	Young Researchers Network. Led on Hear By Rights standards	http://www.nya.org.uk/
	Funky Dragon (Wales)	Children and young people's parliament in Wales	http://www.funkydragon.org/
	The Children and Young People's Participation Consortium (Wales)	Established in 2003 supported by the Welsh Assembly Government and Save the Children.	http://www.participationworkerswales.org.uk/consortium-unit.aspx
	Children in Wales	Children in Wales is the umbrella NGO for children organisations in Wales and receive some core funding from the Welsh government	http://www.childreninwales.org.uk/
	The Participation Workers' Network (Wales)	Established in 2006 to support organisations and practitioners to promote participation via the children and young people work.	http://www.participationworkerswales.org.uk/
	Northern Ireland Youth Forum	National youth forum for Northern Ireland	http://www.niyf.org/
	Participation Network (NI)	Established by Office of the First Minister and Deputy First Minister (OFMDFM). Supports the Public Authorities in Northern Ireland to engage with children and young people. The network developed the Ask First participation standards.	http://www.ci-ni.org.uk/participation_network.aspx?dataid=260766

⁶⁹⁷ http://www.edufile.info/index.php?view=representations&topic=topic_general_infos&country=9

Country	Name of forum or network	Coverage and remit	Website details (where available)
	Children and Young People Strategic Partnership (NI)	Oversees a range of organisations seeking to improve the lives of children and young people in Northern Ireland.	http://www.cypsp.org/
	NI Youth forum (NI)	This is a youth-led Forum, by. Established in 1979 by the Department of Education via the Youth Council of Northern Ireland, for young people aged 11 to 25 years	http://www.niyf.org/
	Scottish Youth Parliament	National youth parliament for Scotland	http://www.scottishyouthparliament.org.uk/
	Children in Scotland	Voluntary and statutory organisations concerning children and young people role in decision making. One focus is to ensure that children and young people with disabilities are able to have their say.	http://www.childreninscotland.org.uk/
	Article 12 (Scotland)	Network led by young to promote young people's participation and information rights.	http://www.article12.org/

Annex Four: Comparative Tables from the Country Mapping

Table A4.1 Sector coverage of relevant legislation

Sector	Countries where Article 12 is Clearly Reflected in Relevant Sector Legislation			No. of Countries
National Government & overall policy-making	AT BG DE DK EE EL ES	FI HR HU LU LV NL PL	PT RO SE SI UK	19
Local and regional government & services	AT BE BG DE EE EL	ES HR IT LU LV NL	PL PT SE SI UK (Wales)	17
Care	AT BE BG CY CZ DE DK EE EL ES	FI FR HR HU IE IT LU LV LT MT	NL PL PT RO SE SI SK UK	28
Asylum and immigration	AT BE BG CY CZ DE DK EE EL ES	FI FR HR HU IE IT LU LV LT MT	NL PL PT RO SE SI SK UK	28
Education	AT BE BG CY CZ DE DK EE EL ES	FI FR HR HU IE IT LU LV LT MT	NL PL PT RO SE SI SK UK	28
Health	AT BE BG CZ DE DK EL	FI FR HU IE LT LV NL	PL PT RO SI UK	19
Justice	AT BE BG CY CZ DE DK EE	FI FR HR HU IE IT LU LV	NL PL PT RO SE SI SK UK	28

Sector	Countries where Article 12 is Clearly Reflected in Relevant Sector Legislation			No. of Countries
	EL ES	LT MT		
Recreation	AT BG EE EL	ES HU LV PL	SE SI	10
Child employment	AT BE BG DE DK	EE EL FI LV NL	PL RO SI	13
Media	SI	BG	-	2

Table A4.2 Legal provisions for children's consent to medical procedures and medical research

Typology	Countries	Age of consent
No provision identified on child consent	CY, CZ, EE, ES, HR, IT, LU, LV, MT, PL, SE, and UK	<ul style="list-style-type: none"> N/A
Provision for child consent	AT	<ul style="list-style-type: none"> The Parent Child Relation and Naming Rights Amendment Act / <i>Kindschafts- und Namensrechts-Änderungsgesetz 2013</i>)⁶⁹⁸ stipulates the consent arrangements to medical treatment for children aged 14 years and above
	BE	<ul style="list-style-type: none"> A doctor is permitted to overrule the opinions of parents if the child "<i>possesses sufficient capacity of discernment</i>". Terminally and incurably ill children of all ages are able to request euthanasia if they are near death, and suffering "constant and unbearable physical" pain with no available treatment. Parental consent, as well as the agreement of doctors and psychiatrists, is required.
	BG	<ul style="list-style-type: none"> The right for the child to be informed and to express personal views and consent for medical treatment is regulated by the Health Act⁶⁹⁹. A person aged 16 years or older can conduct health consultations, prophylactic check-ups and examinations. For other examinations and for children under the age of 16 years, the informed consent is expressed by a legal representative or parents.
	DE	<ul style="list-style-type: none"> The Pharmaceutical Law⁷⁰⁰ provides the option for the child's participation <i>if it is possible to raise the child's awareness and understanding of the situation</i>.
	DK	<ul style="list-style-type: none"> According to one country expert, there are special rules of informed consent. After 15 years of age, children have autonomy in relation to health treatment.

⁶⁹⁸ § 146 c ABGB, §146 d ABGB, § 154 b ABGB and § 282 Abs. 3 ABGB

⁶⁹⁹ http://www.parlament.gv.at/PAKT/VHG/XXIV/I/I_02004/index.shtml

⁷⁰⁰ § 40 Absatz 4 Number 3

Typology	Countries	Age of consent
	EL	<ul style="list-style-type: none"> The consent is given by those who exercise parental authority, under the Code of Medical Ethics (Law 3418/2005)⁷⁰¹. However, the written consent of children over 12 years of age is sufficient for participation in medical research.
	FI	<ul style="list-style-type: none"> The Mental health Act (1116/1990⁷⁰²) gives a child over 12 years of age and independent right of appeal against a medical decision ordering treatment. The Medical Research Act (488/1999⁷⁰³) requires that consent is sought from children over the age of 5 years for medical research
	FR	<ul style="list-style-type: none"> Art. 1111-4 of the Code of Public Health⁷⁰⁴: states that "<i>no medical procedure and treatment can be carried out without free and informed consent</i>" and that the minor consent should be systematically sought if (s)he "<i>is able to express his/her will and participate in the decision.</i>"
	HU	<ul style="list-style-type: none"> The Health Care Act (Act CLIV. of 1997)⁷⁰⁵ legislates for the self-determination of children aged over 14 years to participate in medical treatment.
	IE	<ul style="list-style-type: none"> Non-Fatal Offences Against the Person Act 1997 provides that a child over 16 years of age can consent to "<i>surgical, medical or dental treatment</i>" including any treatment necessary for diagnosis (Section. 23(1))
	LT	<ul style="list-style-type: none"> Provision regarding biomedical research only⁷⁰⁶: children must be informed about their participation in the research and provide their consent they are capable of expressing their opinion.
	NL	<ul style="list-style-type: none"> Under the Medical Contract Bill (WGB0) ⁷⁰⁷, the patient's consent is needed for any medical intervention. From 0-12 years, a child has the right to be informed; between 12-15 years, children are allowed to co-decide along with their parents, from 16 years old, they may choose their treatment without adults having consented.
	PT	<ul style="list-style-type: none"> The Penal Code⁷⁰⁸ (Art. 38) states that consent is effective on when the individual is over 14 years old. It also requires a measure of competence, requiring that the individual "<i>...has the necessary discernment to judge its meaning and range, at the moment it is given.</i>" (p.11)
	RO	<ul style="list-style-type: none"> The child's right to be heard applies to all children of 10 years of age or older in all legal proceedings regarding his/her person , and younger than 10 years if he/she is considered to be mature enough to have a pertinent opinion⁷⁰⁹.
	SI	<ul style="list-style-type: none"> A child has the right to have his/ her opinion taken into account

⁷⁰¹ <http://europatientrights.eu/countries/ratified/greece/greece.html>

⁷⁰² <http://www.finlex.fi/en/laki/kaannokset/1990/19901116>

⁷⁰³

<http://www.finlex.fi/en/laki/kaannokset/1999/en19990488?search%5Btype%5D=pika&search%5Bpika%5D=488%2F1999>

⁷⁰⁴ http://europatientrights.eu/countries/signed/france/france_right_to_information_about_his_or_her_health.html

⁷⁰⁵ http://ec.europa.eu/research/science-society/pdf/hu_enq_lr.pdf

⁷⁰⁶ <http://www.irishstatutebook.ie/1997/en/act/pub/0026/>

⁷⁰⁷ http://europatientrights.eu/countries/signed/netherlands/netherlands_right_to_informed_consent_minors.html

⁷⁰⁸ <http://www.verbojuridico.com/download/portugueseepenalcodex.pdf>

⁷⁰⁹ Stakeholder interview, Romanian country expert

Typology	Countries	Age of consent
		if is capable of expressing it, and if he/she is able to understand its meaning and implications in situations relating to medical care ⁷¹⁰ .
	SK	<ul style="list-style-type: none"> • Provision relates to biomedical research only: Act No. 576/2004⁷¹¹ Coll. On health care, Art. 26-34, regulates that the child must provide informed consent to participate in biomedical research. • The informed consent to medical procedures of a child below 18 years is provided by their statutory representative.

⁷¹⁰ Zakon o pacientovih pravicah, Law on Patients Rights, Retrieved October, 5, 2013, from <http://www.uradni-list.si/1/objava.jsp?stevilka=455&urlid=200815>

⁷¹¹ http://www.privireal.org/content/rec/documents/Slovakia_ActNo576_Healthcare_2004.pdf

Annex Five: Method statement

Method Statement

The methodology for the study was divided into three main strands, culminating a comparative analysis and synthesis of the study data to prepare the final report and individual country fiches. All methodological tasks were overseen by the core study team, comprising of representatives from Ecorys, the University of the West of England, and the Child-to-Child Trust. The three strands were:

- a. **Country Mapping**
- b. **EU Level Research**
- c. **Child-Led Research**

The activities undertaken for each strand are now described in turn.

Country Mapping

This strand of the study involved data collection and associated tasks to map legislation, policy and practice in the EU28. A network of 28 country experts was recruited prior to commencement of the study to provide local expertise and access to achieve effective completion of the data collection. All country experts participated in a briefing between 22nd February 2013 and 8th March 2013. This was to ensure that the mapping of the situation in each Member State was approached in a consistent manner, and that the individuals undertaking the work have a shared understanding of the study aims and methodology.

To achieve the required balance of scope of coverage (sectors and settings) and depth of coverage (level of understanding of the main issues, modes of participation, and the situation in specific settings / for specific groups of children), the country mapping exercise was divided into two Phases:

- **Phase I** aimed to understand the overall situation for children's participation within each country, by identifying the main national legislation and policy directives, as they apply to Article 12 of UNCRC, and the structures and mechanisms that exist to implement them. It examined tools and resources available to support participation in different sectors.
- **Phase II** aimed to undertake an examination of the situation for children's participation in specific settings and for key groups of vulnerable children within each country, sampled from the lists identified in the Terms of Reference. This phase sought to provide a deeper understanding of the policy and practice dimensions of children's participation, for the settings and groups in question, and to elicit examples of potential good practice.

The various strands of evidence gathered by country experts were used to complete a country fiche template. Final versions of these templates have been edited and made available as study outputs.

A total of 331 interviews were conducted across the 28 MS during phases I and II, and a wide range of documents was reviewed. A full list of the stakeholders consulted is provided within this report.

Phase 1

This stage of the mapping exercise required a combination of desk research and documentary analysis, alongside interviews with key national level stakeholders. Specifically the following tasks were undertaken by correspondents in each country:

- Country experts began the task with a desk-based review of key national policy and legislative documents that have been used to implement Article 12 UN Convention on the Rights of the Child.
- Interviews were also undertaken with key stakeholders from relevant national authorities and child rights organisations. The profile of interviews varied between each country, but included:
 - Overarching ministry / civil servant representatives with an overview of children's rights
 - Ombudsperson
 - Leading academics
 - NGOs e.g. national children's charities and specific participation organisation

Coverage of Phase 1 of the mapping

<i>Overall arrangements within each country</i>	<ul style="list-style-type: none"> • National legislative/policy framework (including definitions and budget/financing) • Tools, measures, processes and scope • Council of Europe Recommendation • Implementing legislation and policy • Structures and children's networks • Implementation in practice/on the ground • Cultural attitudes towards children's participation • Impact
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Phase II

Phase two followed a similar methodology, but focussed on a specific sample of settings and vulnerable groups. The country experts reviewed the emerging findings from Phase I of the country mapping to identify a shortlist. The short-list should be made based on the following criteria:

1. Evidence that these settings / groups are of high priority in your country (i.e. based on the focus afforded to these groups within policy / scale or level of need), and / or
2. Evidence that the policy or practice arrangements for supporting children's participation for these groups of children / settings are particularly well developed or show potential good practice.

The phase II research involved a much more selective review of documents for the chosen settings and vulnerable groups, including specialist legislation, research reports, programme documents, and specific participation practice guides or tools, where these are found. Supplementary interviews were conducted with key stakeholders with expert knowledge of the chosen settings and vulnerable groups. The included:

- Ministry representatives with a specialist remit for the setting / groups in question (e.g. a Ministry of Education policy manager for children in local authority care)
- Specialist NGO representatives (e.g. a senior representative from an NGO specialising in support for children with a parent in prison, etc.)
- Workforce organisations (e.g. sector bodies, Trade Unions)

Coverage of Phase 2 of the mapping

<i>Review of specific arrangements for the selected settings & vulnerable groups</i>	<ul style="list-style-type: none"> • National legislative/policy framework (including definitions and budget/financing) • Overview of the country context • Legislation and policy frameworks • Supporting infrastructure • Developing participation in practice • Effectiveness • Impact
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The phase II evidence was used to update and complete part II of the country fiche, and to provide more detailed descriptions of good practice.

During the fieldwork, the 28 country experts were closely monitored by members of the core team, who received weekly updates on their progress. The project manager discussed weekly the most relevant issues and difficulties encountered in the various countries.

EU-Level Research

In parallel to the country level research, a comparable mapping exercise was undertaken to examine actions at an EU Level. The scope of the evaluation included work undertaken by the EU on child participation; covering activities activity undertaken by the Commission (including the Commission Representation Offices in the Member States), the European Parliament, the Council of the EU, the Committee of the Regions and the European Economic and Social Committee.

An additional set of interviews was undertaken with 'wider' stakeholders. These were organisations and individuals involved in child participation activity at an EU level or across several Member States. As such these interviews were conducted as a separate strand to identify and explore potential examples of good practice in child participation outside of the work done by Member States.

A total of 23 in-depth interviews were conducted for this strand. Complementary desk based research was undertaken to identify, gather and review documents and resources involving child participation released by EU institutions.

Child-Led Research

The child-led strand of the evaluation comprised of the design and implementation of 11 child-led participatory projects, themed on the main objectives of the study. Groups of children and young people were recruited from 5 EU Member States (Croatia, Greece, Netherlands, Poland and the UK); trained and supported to carry out action research with their peers and adults, and to analyse and report on the findings. This work was managed by CtC and supported by in-country child rights organisations. In total, 111 peer researchers and 630 respondents took part.

The main activities carried out as part of the child-led strand are set out in the table below.

Task	Lead	Process	Timescales
Establish children's cluster groups			
Five countries identified for child participation activities	Child-to-Child	Country matrix developed identifying strong potential partners and regional balance	February
Partner agencies identified to manage groups of participating children	Child-to-Child	European networks/national partners/existing contacts approached Outline specification developed Proposals invited by interested orgs Agreement of contracts with selected orgs (including milestones and reporting mechanisms)	March
Criteria agreed for selection of children	Child-to-Child, Partners	Identified specific participant groups of children and settings, approaches to be used. Overall 'mix' of cluster groups taken into account	April
Training/guidance in Child-to-Child approaches and agreement re participation activities			
Guidance, resources and materials including training package developed	Child-to-Child		March
Training/guidance provided to each partner agency	Child-to-Child, Partners,	Visits to all partner agencies by Child-to-Child staff. Guidance/training tailored to different contexts/settings	May
Work with children to agree work plan of participatory activities to be carried out with peers	Partners and children	Appropriate activities designed based on guidance. Agreed with Child-to-Child.	June
Implementation of participation work plan, with on-going support/ guidance from Child-to-Child			
Range of participatory activities developed to elicit views and opinions on child participation	Partners and children	Children supported to undertake own evaluation of children's experience of participation from their own perspectives through action research.	April – July
Intergenerational evaluation Workshops held	Partners, children, other key agencies	Evaluation workshops/meetings: stakeholders and children to explore synergies between legislation, policy and practice and children's experiences.	June
Development of Final Report and Child-Friendly reports			
Final report developed summarising outcomes of child participation activities	Partners, children		July-September
Drafts shared for comment	Partners, children, Child-to-Child		September-October
Final report versions completed	Partners, Child-to-Child		October

Task	Lead	Process	Timescales
Child-friendly report of overall study developed by children	Child-to-Child, Partner, children, Ecorys	Young people from Funky Dragon (NGO in Wales) worked with Child-to-Child to develop child-friendly version of main report through workshops and online forums.	October-November

At the beginning of the research process, organisations submitted applications to the Child-to-Child Trust stating what their approach would be; these proposals were then amended and agreed in conjunction with the Trust. However in practice the precise manner in which the projects would be conducted – and how children’s participation would be embedded within each of them – was overseen by the partner organisations themselves.

Recruitment of child participants

Identification of peer researchers

The Child-to-Child Trust envisaged that groups of 6-8 children (the ‘peer researchers’) would provide the core for each participation activity, and that this core group would engage a wider group of children as interviewees/respondents. There were 111 peer researchers overall, however the numbers in each project varied considerably (see Table below). Ideally, the Trust sought to identify organisations that already had some experience of peer research, however in the end a range of partners were engaged, only some of whom had previously undertaken any form of peer research. This actually provided an interesting balance between organisations that were relatively familiar with peer research and the methods they could employ, and those that had to learn about peer research as the projects developed.

In practice, peer researchers were identified in a number of ways. In some cases, a fairly open application process was set up. The Children’s Ombudsman in Greece, for instance, organized two two-day events during which young people would meet, get acquainted and exchange experiences and views about the thematic fields under research. An invitation was sent electronically to a significant number of young people, teachers/educators and other professionals working with children, and it was uploaded on the website www.0-18.gr. The Children’s Ombudsman also contacted various institutions with which it cooperates (e.g. NGOs, special schools for children with disabilities and schools with a large number of Roma children), suggesting they select some young people as participants. The aim was to involve about 50 young people overall, 10 of whom would then undertake the role of peer researchers. Originally it was planned to have researchers selected by the young people themselves by voting, but as it turned out the young people preferred to just allow individuals to put themselves forward. As a result more than 10 peer researchers were identified and it was then possible to allocate more than one interviewer/researcher to smaller focus groups, working in alternate roles.

In other cases, peer researchers were drawn mainly or exclusively from pre-existing groups. In the Netherlands, the Youth Care organization, Spirit, asked children attending their project whether they would be interested to join Yohri’s peer-to-peer research, and seventeen children volunteered as part of their social school internship. In Croatia, potential peer researchers were selected from two SOS Children’s Villages and four SOS Youth Facilities. The organisers drafted a short summary of the research with the goals and objectives and defined roles and responsibilities, and asked the pedagogical assistants in the village and educators in the youth facilities to present the summary to all children and young people from ages 12 to 17. Eight potential peer researchers applied, three boys and five girls. Also in Croatia, the Office of the Children’s Ombudsperson selected eight young people from their pre-existing Young Advisors Network, an advisory body of 25 children aged 12-18 set up to provide advice and make recommendations to the Office. Some of the peer researchers came from boarding schools; others lived on islands or in disadvantaged areas; and one was a child with developmental disabilities.

Whereas most projects developed a core group of six peer researchers or more, some struggled to develop or maintain a stable group. In the UK, the Somali Development Group originally identified six children as peer researchers chosen by asking for volunteers who were interested in the research and had time available to take on the project. The peer researchers were recruited and drawn from local schools, mosques and from friends and relatives. One of the peer researchers dropped out leaving two boys and three girls to complete the interviews, but it was hard to maintain commitment from the peer researchers for the duration of the project.

Staff from Off the Record (UK) explained the project to one of the weekly meetings of young people with mental health needs (the Mentality group), and then followed up by contacting them by phone, text and email, to encourage their participation. However, most felt that as they had exams coming up, they could not take on any more work; as a result one young woman (aged 16) took on the lead researcher role, supported by another young woman (aged 21) who helped her to carry out tasks such as arranging interviews, creating questionnaires, and facilitating focus groups. The young people from the Mentality project were given smaller tasks, such as giving out questionnaires.

Partners were expected to carry out their research with at least 30 children and young people as respondents (excluding the peer researchers). In the event, the majority of the projects surpassed these expectations. See Table below:

Number and profile of children involved

Country	Partner Organisation	Group(s) of young people engaged	Number of peer researchers (and gender)	Number of respondents (and gender)	Age range of respondents
Croatia	Children's Ombudsperson	Children in mainstream schools; children living in institutions; children living on islands; children in disadvantaged areas; Roma children	8	214 (109m, 105f)	12-18
Croatia	SOS Children's Villages	Children from families without adequate parental care; other types of alternative care; schools	8 (3m, 5f)	40 (15m, 25f)	12-17
Croatia	Our Children (DND Opatija)	Children's forums; children with special needs; younger children	6 (3m, 3f)	105 (56m, 49f)	7-17
Greece	Children's Ombudsman	Children in care institutions; Children with special needs; Immigrant children; Children in secondary schools	10	50 (20m, 30f)	13-18

Country	Partner Organisation	Group(s) of young people engaged	Number of peer researchers (and gender)	Number of respondents (and gender)	Age range of respondents
Greece	Roots	Child from multicultural backgrounds (asylum-seekers / migrants); Filipino children	12	49 (26m, 23f)	12-17
Netherlands	YOHRI	School children, Asylum / refugee children	17 (8m, 9f)	40 (18m, 22f) (plus 20 over 18s)	7-18
Poland	SOS Children's Villages (4 sites)	Children in family-based care; children from disadvantaged families	20 (7m, 13f)	43 (14m, 29f)	11-17
UK	Somali Development Group	Somali children in UK 3 years or less	6	20 (plus 10 either over age or in UK over 3 years)	11-17
UK	Off the record	Young people with mental health issues	2	26	11-18
UK	Barnet Early Years (Newstead)	Young children	12 (7m, 5f)	21 (11m , 10f)*	4
UK	Black Young Carers	Young carers	10 (2m, 8f)	22	11-18

*NB This figure includes the peer researchers who were both interviewers and interviewees in this project.

Overall there were 630 respondents under 18 (plus another 30 who fell outside the project criteria, mainly due to their age), but again numbers varied between projects. This depended to some extent dependent on the methods they had chosen. The highest numbers were achieved by the Office of the Children's Ombudsperson in Croatia, who conducted a survey of 214 elementary and high students aged from 12-16, randomly selected from schools across five areas of the country.

The Trust sought as far as practically possible to maintain a balance in terms of including children and young people who reflected different equalities dimensions (e.g. age; gender; race; disability; sexual orientation). Whilst most of the children who took part were in the 15-17 age range, some were younger. For example, the SOS Children's Villages in Poland included peer researchers who were aged 11 upwards, and in Croatia from 12-17. The Opatija partner in Croatia identified three groups (17 year olds, 10-13 year olds, and 7-9 year olds); in particular this research led to some interesting conclusions, for example about the different ways that children define 'participation' at different ages. In order to meet the study requirement to address participation among very young children, the Trust engaged the Newstead project in the UK to carry out research with four year olds in a mainstream Children's Centre; given the age of the children involved, this inevitably involved the development of an innovative way of working, which is described below (see Methods).

The partners were generally successful in recruiting male and female peer researchers and respondents. Of those who broke down figures according to gender, 30 peer researchers were male, and 43 female. Of the respondents where figures are known, 269 were male and 293 female. However, despite this, relatively few comments emerged in the reports that identified the particular influence of gender on children and young people's experiences and attitudes. Only in the case of the Somali Development Project in the UK (where young women spoke eloquently about the cultural restrictions imposed on them by their families) and Roots in Greece (where girls were more reticent about participating in the project than boys) was significant attention accorded to gender issues.

Far fewer participants were disabled, and it appears that only Opatija in Croatia and the Greek Children's Ombudsman were able to include children and young people with disabilities. Unfortunately, because of these very small numbers it was not possible to draw any useful conclusions in the findings regarding the specific experiences or attitudes of these children, or of the barriers they faced. Whilst the Trust made attempts to engage a project working with young gay and lesbian people in the UK, this contact did not come to fruition. Hence the experience of children from this group is missing, or at least invisible, within the findings.

From the outset the Child-to-Child Trust was committed to working with children in variety of sectors and settings and to the development of methodologies to ensure inclusion. Some of the projects were carried out mainly or exclusively with child respondents in mainstream settings such as schools. The Office of the Children's Ombudsperson in Croatia engaged members of its Young Advisors Network as peer researchers, but they then went back to their own schools in different parts of the country and distributed questionnaires there.

The Trust also paid special attention to working with children 'in situations of vulnerability' and therefore approached organisations working with children from a variety of backgrounds. In the end, the partners worked with children and young people who were:

- migrants, asylum-seekers or refugees (Yohri [Netherlands], Somali Development Group [UK], Roots [Greece])
- living in foster or residential care (SOS Children's Villages, Croatia and Poland)
- experiencing mental health issues (Off the Record [UK])
- young carers (Black Young Carers [UK])
- from different areas of the country (Greek Children's Ombudsman, Croatian Children's Ombudsperson, SOS Children's Villages in Croatia and Poland)

In other cases, special attention was given to including children from a range of disadvantaged groups together. For example, children of foreign or minority origin, young people living in institutions, and children with disabilities were among those selected by the Children's Ombudsman in Greece, and almost 20% of their participants came from disadvantaged groups. The Children's Ombudsperson in Croatia ensured that children living on islands or in disadvantaged areas, and children belonging to the Roma minority were also included in their sample.

One unusual approach was adopted by Yohri in the Netherlands, who invited the peer researchers to choose amongst themselves the target group they wanted to research. Of various options considered (e.g. children in hospital, children without parents, children in contact with the police, homeless children), refugee children were agreed upon. This was interesting, as in many other peer research projects – including for this study – children have generally interviewed children from similar backgrounds to their own.

Only in one case did it prove impossible to carry out the planned research at all, owing to the immense difficulties of developing contact with the particular disadvantaged group. The Roots NGO had intended to implement part of their project with Roma children living in a camp in Corinth, Greece, but owing to violent incidents at the camp and in nearby villages it became too dangerous to work there. Moreover, the children Roots had hoped to work with were very upset, and some had to move with their families to other locations. For this reason project staff redirected their focus at the last minute to working with children from the Filipino community in Athens, alongside another group that was already underway in a multicultural school.

Induction and training

All the partners initiated some induction and training for the children who were to act as peer researchers. But this varied widely in depth and content.

For the projects based in Bristol, UK, an initial training workshop was provided in different research methods by providing the opportunity for the young peer researchers to try out different research methods experientially and begin to explore understandings of 'participation'. The peer research groups then met on a weekly basis to develop ideas with supporting staff about the questions they will explore, the methods they will use and to build skills in conducting interviews and using media equipment. Off the Record highlighted that *'the young people who attended did state that it gave them a much better insight to the research outcomes and methods they could use on this project'*. External research support was provided on a regular basis with subsequent training provided as young people's ideas started to develop.

In contrast, before starting their research, the peer researchers in Opatija (Croatia) had several workshops where they explored the topic of research, techniques and research methods that can be used. After introductory training, they selected the target group and determined who would examine which group:

'They selected the methods and techniques that would be used in the study: group conversations, journalism and interviews. They created two sets of questions, one for the younger group and one for the older group of children. Methods that were used in the training were: workshops, power point presentations, brainstorming and role plays. Before conducting the research, the young researchers practiced asking questions through role play'.

The training for the peer researchers from SOS Children's Villages in Poland and Croatia was also extensive. In the four project locations in Poland a number of workshops and meetings were set up (in one case with a local radio reporter), covering issues such as conducting an interview, communication skills, operating the equipment, and developing interview questions. In Croatia, the training took place in the youth community in Velika Gorica and lasted three days. The peer researchers in Croatia described their experience of the training as follows:

'We learned how to avoid anxiety and how to cope with awkward situations, we learned how to be facilitators and co-facilitators, and we learned what would be our tasks during the research. We played different games through which we developed the skills required for facilitation of the focus groups. There were four groups, and each one got one big topic which we elaborated, and about which we asked various questions and answered them. We had test focus groups, in which we played our roles in a familiar environment, helping each other through commentaries, feedback and support'.

For the Yohri project in the Netherlands, an initial meeting was held (attended by eight girls and seven boys, aged 13 to 15) where the young researchers met each other and learned about: children's rights, participation, and peer-to-peer research methods, and selected their research target group. They practised interview techniques by role-play and interviewing each other. They wrote the answers down on paper, which was used afterwards as article and research information in a magazine about the research. This was followed by a residential weekend, during which they decided on the specific research methods and focus group locations, and formulated their questions.

For the first stage of the Roots project in Greece, the facilitators met with a small group of six children who would become peer researchers, and worked on their understanding of participation and children's rights. The facilitators asked the children to create their own groups to undertake research with their peers; the children chose to explore the latter's understanding of their rights. The peer researchers were given the freedom to do this in any way they wanted and were provided them with tools such as cameras, tape recorders, and cards.

Given that their research was conducted at two main meetings in Thessaloniki and Athens, the Office of the Children's Ombudsman in Greece inevitably adopted a slightly different approach to training. All young people – both peer researchers and interviewees – took part in similar initial activities to those described above (including ice-breaker games, exercises to establish trust, interview role plays), but the staff also made presentations about the themes the focus groups could cover, including family/alternative care, school, friends, services, and other fields of social life. Following evaluation of the first meeting, further sessions were added to the second, providing more detailed understanding of the right to participation. Those interested in becoming researchers also received a special briefing and directions about the proposed procedure.

Research methods

The main methods used in the research were questionnaires, individual interviews, and focus groups. A variety of research tools were used to implement the methods. Many of these drew upon tools outlined in the Peer Research Guide produced by the Trust (e.g. group questions, mapping exercises, face-to-face questionnaire, reporter role), but some were developed by the children and young people themselves.

Questionnaires are generally well suited to producing statistics, analysing patterns, and highlighting trends, and are usually fairly quick and cheap to administer. They were used by several of the projects. Although they produced some useful material, in most cases the numbers of questionnaire responses was relatively small so it was then hard to develop any robust statistics from the data. Some of the questionnaires also involved a mixture of 'open' and 'closed' questions and this again made analysis more difficult to do.

The Office of the Children's Ombudsperson in Croatia was, however, successful in generating a large number of questionnaire responses. Members of the Young Advisors Network, assisted by adult project coordinators, designed a questionnaire composed of 15 items, divided into four main sections reflecting the overall objectives of the study. The questionnaire was piloted through an online forum with members of the Young Advisors Network, and slightly modified according to their suggestions. The first category of the questionnaire explored issues such as participation in decisions about education; whether children's and young people's views were listened to and considered; whether they were encouraged to express their views on school; the consequences of expressing one's opinion; whether children were given the opportunity to freely express their opinions and participate in educational decision making; and the impact of children's involvement in decision-making (i.e. whether children could effect change in school policy or programmes).

The second explored whether children and young people believed that they should offer their opinions in any given situation; the children's right to be provided opportunities to participate by voicing their opinions and ideas; and the work of the Student Council. The third sought to determine what the most common obstacles to children's participation in school decision making were and what could deter children from expressing their views on school issues. The last category aimed to explore the most common solutions to help children and young people overcome the challenges they faced.

Although interviews are more time-consuming to set up and carry out, they are an adaptable format, and enable the interviewer to follow up ideas, probe responses and investigate feelings, which a questionnaire cannot do. The Polish report by SOS Children's Villages confirmed that *'the results of qualitative research obtained through in-depth scenario interviews provided an insight into the reasons for decisions and the motivation of the young people taking them. The data revealed some of the children's experience and life stories'*. Whilst the training clearly helped the peer researchers to undertake the interviews effectively, there was a sense from the reports that interviewing presented the researchers with a significant challenge. Nevertheless their confidence grew as the project developed and they gained more practice. The Polish report noted that through this research the young interviewers learnt how to develop conversations, enquire and listen actively. As one of the peer researchers put it: *'I think my last interviews were the most successful ones; I'd never thought that it's so difficult to listen, just listen without interrupting (...) because I did interrupt my interviewee a few times'* (Boy, aged 16).

Focus groups allow for interaction between the group members so that ideas can be developed, but they can be difficult to steer and control. Nevertheless, for the research by the Children's Ombudsman in Greece, discussions were conducted in groups of five, with a young person facilitating the discussions. Audio recordings were made by the children themselves in order to be able to make better use of the material collected afterwards. Despite the risk of coming up with material that was not directly comparable, the semi-structured group discussions were satisfying for those involved and made it possible to produce a wider range of information.

Some of the partners used a combination of methods. Unusually, in the research undertaken by the Somali Development Group in the UK, material was gathered using a variety of media depending on the choice of the interviewee – either voice recording only, or video camera or handwritten questionnaire. Interviews were drawn up through consultation between the peer researchers and staff, and used to try to ensure some uniformity, however not all children answered all the questions. In some cases the peer researchers struggled to maintain the flow of an interview, particularly when recording was sometimes carried out in relatively noisy locations, such as in the street.

For the Yohri research in the Netherlands, the peer researchers adopted the role of reporters, investigating the research participants' views and experience of participation, and writing up their conclusions in a child-friendly magazine. They were also involved in taking photographs for and designing aspects of, the magazine. Whilst the researchers enjoyed this innovative project and learnt a lot about the experiences of refugees, they appeared to find it difficult to maintain a focus on the primary objective of researching participation. Perhaps inevitably, some of their questions and conclusions tended to highlight the living circumstances of refugees, and differences in the experiences of refugees in the Netherlands and in their countries of origin, rather than their experiences of and attitudes towards participation.

Ethical issues

The Trust expected that adult staff members in each partner organisation would need to hold responsibility for ensuring that high quality was maintained and that ethical standards were adhered to. For example, before they were able to participate in the study, partners were also asked to send a copy of their child protection policy to the Child-to-Child Trust. In a small number of cases, where organisations did not have their own policy, they signed a statement produced by the Trust.

A further requirement was that a consent form should be signed by each participating child and that for children aged 16 or under written consent of parents or carers should be gained prior to any involvement in the participatory activity/ies. Partners were also obliged to give both children and responsible adults sufficient information about the project to make informed decisions about consent. The Trust did not have the resources to manage the additional administrative burden that would have resulted from checking the forms for each participating child. Hence this was a process for which the partner organizations took full responsibility.

The information from reports by the partners suggests they made strenuous efforts to ensure appropriate consent was gained:

- *'Written consents on participation and photo documentation record were collected from the participants and their legal carers. The carers were also informed on the project objectives, the voluntary participation rule, and the possibility of resigning at any stage of the study'.* (SOS Children's Villages, Poland)
- *'Adolescents and their parents were asked to sign consent forms before the meetings, including information about the research, the participation terms in the meetings, the way the material shall be utilized afterwards (anonymity, consent for photographing and briefing about the use of photos for the action's publicity). They were also informed that they can leave at any time during the procedure if they wish to do so'.* (Children's Ombudsman, Greece)
- *'The survey was carried out in accordance with the principles set out in the Code of Ethical Conduct in social research involving children in Croatia, and parental consent was obtained in writing for research participation by minor respondents under 14 years of age; all participants were required to give their written consent to participate in a research study'.* (Office of the Children's Ombudsperson, Croatia)
- *'In addition to gaining the children's verbal consent we felt it was important to explain the project to the parents of the peer researchers and research participants. At a parents' forum, the centre manager introduced the project and explored the commitment required of the children and how this data will be used. The parents approved of this project and many of them had already heard about the project from their children. A consent form was constructed to gain written consent from each parent and, where possible each child could also mark the form to state their approval'.* (Newstead, UK)
- *'We did receive written consent forms from each parent or from the participating student themselves that participated'.* (Roots, Greece)

In the case of the Somali Development Group (UK), all children who elected to take part consented in writing, however parents were not involved. The project report argued that lack of parental involvement was seen as *'giving more validity to the children's responses'*, but acknowledged with hindsight that this *'may have left the project vulnerable to criticism'*. They reiterated, however, that children could withdraw their consent at any time, and that none did so during the project.

It might have been expected that issues of access and consent would be problematic for the Yohri project in the Netherlands, when the young peer researchers wanted to go into asylum centres to interview asylum-seeking children. But in practice this was not the case and the centres were very happy with the interest of the young researchers and enthusiastic to work with them. The young researchers were trained to use the consent form before interviewing and Yohri requested that the COA (the Asylum Seekers Support Service) should have the children and their parents sign the consent form before answering any questionnaires. The asylum centres were also asked whether the use of photography would be a problem before, during or after the research process; one of the centres specifically asked the parents of the children with pictures in the magazine produced from the research for their consent. The director of the other centre felt that photography was only acceptable during the 'bike festivities' – a project activity. Only a few adults with children who were approached didn't want to cooperate with interviews, perhaps for fear of any impact on their asylum procedure. The report concluded that *'as far as we could tell, the interviewees felt free to answer'*.

There were other positive examples of partners taking additional measures to ensure ethical standards were upheld. Although the peer researchers were often named and photographed (with appropriate consents), almost all projects chose to anonymise the identities of respondents in the analysis of their data. Reflecting processes elsewhere, during and after the interviews by children from SOS Children's Villages in Poland, local project co-ordinators were on hand all the time. In practice attendees sometimes wanted to talk about an interview afterwards, either to express doubts about what had been said, or simply because they felt an urge to discuss the interview and its effectiveness. The overriding principle was that *'children and young people were not expected to deal with the issues arising on their own'*. The Roots project in Greece outlined how their facilitators and their helpers (teachers, translators) acted as a support system. In the first meeting they explained to the children what the project was and discussed with them ways of developing it. In subsequent meetings *'they were just present and alert to answer or facilitate children's requests and needs (questions, materials and equipment)'*. The Children's Ombudsman in Greece made sure that young people were escorted to the places where the meetings were held by their parents or their teachers (and special escorts were available for children from vulnerable groups), so that they could all safely attend meetings in either Thessaloniki or Athens.

Child participation within the projects

SOS Children's Villages in Poland described clearly the process of children's involvement at each stage of the research:

'The study engaged children and youth at an early stage of establishing the basic framework. Then the participants were included in the process of developing research tools and a relevant analytic survey. They were also responsible for recruiting study respondents and interviewing them. Finally, they took part in compiling the results by conducting relevant discussions and volunteering their own observations and remarks'.

The final report was written by the overall co-ordinator, based on reports by staff from the four Polish locations. Each local group of peer researchers completed the project by developing an accessible children's version of their individual report. The organisers concluded that the young people who carried out the interviews treated their task seriously and responsibly.

The report from Yohri in the Netherlands described in similar terms the young people's involvement in the project from the start:

'Together they chose the target group, the research methods, carried out interviews and took photographs, analysed results and wrote articles. Some of them helped preparing the intergenerational meeting. They participated in diverse workshops and learned several skills'.

These included: knowledge of refugee issues, and of children's rights and participation; research methods (e.g. brainstorming, interview techniques, role-play); photography; graphic design; analysing results and writing; project research visits; and presenting results. In the end, the young people produced, with the help of the organizers, a well-designed magazine describing themselves, their research and their findings. The final report on the project was written by the adult co-ordinator.

The Roots project in Greece was unusual in that they worked with two groups of children – children in a multicultural school and children from the Filipino community – and the experience of participation between these groups was hugely different. Interestingly, the organisers sought to measure (by scoring on a scale from 1-5) levels of participation based on factors such as: confidence in speaking up in the discussion; energy of the discussion; the initiatives children took; the flow of the discussions; communication and interaction between children and adults; how they listened and responded to each other; how they shared their academic knowledge or personal experiences; and their commitment to the project. Their analysis showed that, among children in the multicultural school, *'participation was passive, discussion did not flow easily and in many cases it was a struggle for children to participate'*. Working with children from the Filipino community was however a completely different experience: *'Participation was active, fluent and consistent. The educational level and the familiarity of the children in participating in group activities made communication easy and provided a good quality of participation'*. They concluded that:

'The low quality of participation in the first group was clearly due to the low self esteem and lack of confidence that these children had. The source of this is the environment and their background stories. They feel unsafe in their environment and the society they are living in. In contrast, the second group was stronger and more united as a group but also more opened minded and well read. This is due to the fact that the children in this group are more educated and more integrated in the society they live in'.

After talking with the children in the multicultural school, however, the coordinators became aware that the children in the group wanted to have tangible "goals" from participating that were meaningful to them (discussing future work employment, for example), rather than participating purely for the right to be heard.

The children and young people from SOS Children's Villages Croatia not only undertook all aspects of the research, but they also contributed extensively to the final report with a vivid description of their experiences as researchers. This was unique among the projects; whilst on the one hand it did mean that no separate child-friendly report was produced, including children's perspectives directly in the formal report raised the status of their reflections, setting them alongside those of the adult co-ordinators.

The experience of the children at Newstead in the UK was also positive, but again unique among the projects, given the age of the children (two, three and four years old):

'When carrying out the data collection the children were serious, purposeful and embraced their tasks efficiently. Their level of professionalism during the interviews took the supporting adults by surprise. They asked the questions using the visual prompts and listened to the answers often reacting to them by either replying or encouraging a more detailed report, saying 'what else' if the answer was only one word. They appeared to be really interested in each other's' replies and when a reply was too brief or not in keeping within the frame of the question the young researchers gave back constructive feedback'.

The supervising adults noted that they did not need to intervene at any point in the data collection and commented that this was significant on two levels:

'Firstly it is common during activities for adults to intervene, and secondly this presented a change in power relations between the children and the adults, with us hovering in the background if needed – and they portrayed maturity in the manner the interviews were conducted. The children owned the process and were interested in what they were doing'.

Sometimes lack of motivation and other commitments meant that children and young people were less involved for the duration of the project than had been originally intended. Young people in the Off the Record project (UK) were trained, created and distributed questionnaires, arranged focus groups and carried out some one-to-one interviews. However, they were not involved in data analysis of the project to any significant level. This was also the case for other projects, such as the Somali Development Group and Roots. The co-ordinator of Yohri stated that, due to delays in responses to the questionnaires by COA, there was little input to really analyse together, but admitted that *'I'm honestly not sure if this group of young researchers would have had the patience to analyse at all'*.

Annex Six: Primary Research Tools

EVALUATION OF LEGISLATION, POLICY AND PRACTICE ON CHILD PARTICIPATION IN THE EU

Interview Topics for Stakeholder Interviews (Country mapping) Phase 1

Interviewer note

This topic guide is intended to assist with the interviewing of stakeholders as part of the phase one of the mapping of legislation, policy and practice on child participation.

There is time allotted for conducting interviews of between 30 minutes and 1 hour in duration according to the level/depth of knowledge of individual respondents, with 6-7 key stakeholders per country. Please note the topic guides are intended only as a guideline of topics to be covered. The focus of each interview needs to be tailored to the specific role of the individual respondent. The main function of the interviews is to assist with populating the country fiche, so please avoid too much open-ended discussion.

Interview protocol

- The interviews should be scheduled at the time and place most convenient for the respondent.
- Interviews will be conducted face to face/telephone and complementary document exchanges
- Inform respondents of the confidentiality of interview responses at the beginning of the interview and explain how information will be used.
- Complete a cover sheet for each interview to maintain a record of interviews completed.

Cover Sheet

Date, Time, Duration of interview:	
Name of Interviewee:	
Position, organisation:	
Name of Interviewer:	
Format: (telephone/ FTF etc.)	

About the Interviewee/Agency

1. Can you briefly describe the objectives/main areas of work of your agency/organisation, and your specific roles and responsibilities in relation to the participation of children?

Legislation and policy framework for children's participation

*This section relates to **Part A of the country fiche – National Legislative/ Policy Framework (including definitions and budget/financing)***

2. Can you tell me a bit about how policy and practice for children's participation has developed in your country, to help provide some **background** to the interview? *Probe:*
 - Historical development – direction of travel for national policy (key drivers and developments, e.g. Ombudsman appointed, landmark policy directives or reforms)
 - Predominant cultural attitudes to children's participation – drivers of positive / negative attitudes, and their influence

Article 12 – legislation and supporting structures

3. What **legislation** has been enacted to support the implementation of Article 12 of the United Nations Convention on the Rights of the Child in your country? *Probe:*
 - *Relevant national legislative or policy documents*
 - *Obligations imposed on authorities, bodies, and / or appropriate adults*
 - *Remedies for violations of these obligations*
4. Which **children** are covered by the provisions for Article 12 UNCRC in national legislation? *Probe:*
 - Whether this covers all children (up to the age of 18?)
 - Whether legislation addresses
 - the individual child
 - children as a group, and / or
 - specific groups/ages of children
 - Any known exceptions or exemptions
5. How are responsibilities for implementation organised? Is there **one entity or body with oversight** on implementation of UNCRC Article 12 at national level?

Definitions

6. How is children's participation **defined** in national legislation? *Note: Please seek a definition, as set out in legalisation, and request supporting documents where these have not already been obtained.*
7. What **assumptions** are made within legislation about what form children's participation should take (e.g. consultation, collaboration in decision making, child led projects etc.)?

Other drivers

8. What **other drivers of participation** exist in the country beyond obligations to implement article 12 of the UNCRC to promote the participation of children?

Budget and Financing

9. What are the **budgetary resources** and relevant financial programmes aimed at the promotion and implementation of child participation in each Member State? *Probe:*
 - Budget holders
 - Sources / volumes of funding (if known)
 - Visibility of financial programmes and budgets

Sector coverage

This section relates to ***Part B of the country fiche – Tools, Measures, Processes and Scope by Sector***

10. Which **sectors/settings** are covered by legislation relating to Article 12 (e.g. health, education, local and national government)?

Probe:

- Identify which sectors are strongest for participation, and how this links to legislation
- Identify any sectors where participation is weakly reflected in policy and legislation (and any possible explanatory factors – historical, cultural, etc.)

11. I am now going to run through a list of **specific sectors** that we are seeking to cover through the study.

Researcher note: please run through each of the sectors, giving examples to help ensure a common understanding. You should complete for each sector where the respondent has an overview.

Sector	Examples	Covered by legislation relating to Article 12 (Yes / No?)	Sector overview <i>Please include brief details for the following:</i> - Main legislation / policy directives - Which children (e.g. any age distinctions / measures for vulnerable groups) If possible to determine, also outline: - Main forms of participation - Main levels of participation	Strengths and weaknesses <i>Please give a brief overall indication of:</i> - <i>Strengths / areas of good practice</i> - <i>Weaknesses / gaps or insufficiencies</i>
1. National Government & overall policy-making	<i>Parliament, Government Departments</i>			
2. Local and regional government & services	<i>Planning, housing, the environment and sustainable development</i>			

Sector	Examples	Covered by legislation relating to Article 12 (Yes / No?)	Sector overview <i>Please include brief details for the following:</i> - Main legislation / policy directives - Which children (e.g. any age distinctions / measures for vulnerable groups) <i>If possible to determine, also outline:</i> - Main forms of participation - Main levels of participation	Strengths and weaknesses <i>Please give a brief overall indication of:</i> - Strengths / areas of good practice - Weaknesses / gaps or insufficiencies
3. Care	<i>Child protection, alternative care, adoption</i>			
4. Asylum and immigration	<i>All asylum and immigration procedures</i>			
5. Education	<i>Schools and education services; complementary education settings</i>			
6. Health	<i>Health services and institutions; universal and child specific</i>			

Sector	Examples	Covered by legislation relating to Article 12 (Yes / No?)	Sector overview <i>Please include brief details for the following:</i> - Main legislation / policy directives - Which children (e.g. any age distinctions / measures for vulnerable groups) <i>If possible to determine, also outline:</i> - Main forms of participation - Main levels of participation	Strengths and weaknesses <i>Please give a brief overall indication of:</i> - <i>Strengths / areas of good practice</i> - <i>Weaknesses / gaps or insufficiencies</i>
7. Justice	<i>Criminal justice, civil justice and administrative justice</i>			
8. Recreation	<i>Play, sport, cultural activities, the media</i>			
9. Child employment	<i>Child employment and VET</i>			
10. Others (specify)	-			

EU and Wider Policy Influences

This section relates to **Part C of the country fiche**

12. What influence do **policy and recommendations at EU level** have in developing legislation policy and practice for implementing Article 12 in your country?
13. To what extent is the Council of Europe's Recommendation on the participation of children and young people recognised and used in promoting participation? *If necessary prompt as follows:*

The CoE Recommendation on the participation of children and young people has been adopted by the Committee of Ministers of the CoE meaning that its Member States have agreed to implement its measures to protect and promote children and young people's right to participate. In order to monitor its implementation a series of 11 indicators have been developed and a self-assessment tool.

If the respondent has knowledge of this Recommendation, please explore:

- *How has it been translated into the national language(s)/disseminated within the Member State/implemented in part?*
- *How useful do you feel these indicators and self-assessment tool are/might be?*
- *Do you have any recommendations as to how the indicators or tool could be improved?*

If necessary provide an overview of the indicators (overleaf) now or send and ask for written feedback:

CoE Indicators

PROTECTING THE RIGHT TO PARTICIPATE

- 1.1. Legal protection for children's right to participate is reflected in constitutions, legislation and regulations
- 1.2. Existence of a national strategy to implement children's right to participate
- 1.3. An independent children's rights institution or representative is in place and protected by law
- 1.4. Child friendly complaints procedures are in place
- 1.5. Existence of financial, legal and psychological support to enable children to exercise their right to participate safely in judicial proceedings

PROMOTING AND INFORMING ABOUT PARTICIPATION

- 2.1. Training in child participation is embedded in professional training programmes
- 2.2. Children are provided with information about their right to participate
- 2.3. Existence of mechanisms for the collection of national and regional data on children's participation

CREATING SPACES FOR PARTICIPATION

- 3.1. Young people are participating in civic activities
- 3.2. The existence of public service feedback mechanisms
- 3.3. Children and young people and their representative organisations are supported to participate in the monitoring of the implementation of Article 12 and other relevant Articles of the UNCRC

Implementing legislation and policy

*This section relates to **Part D of the country fiche – Implementing Legislation and Policy***

14. How **effective** is legislation in supporting the implementation of participation overall?
15. What have been the **main challenges and barriers** to implementing this legislation and policy /developing participation in practice? *How have they been addressed?*
16. What is the situation of child participation in sectors that **are** covered by relevant legislation?
Probe for any good practice examples of child participation that can be identified in areas cited in legislation or policy measures
17. What is the situation of child participation in sectors that **are not** covered by relevant legislation?
 - *What are the non-legislative measures and tools available for those sectors?*
 - *What participatory processes are in place?*
18. Which groups of children, or types of settings, are experiencing **low levels of participation / non- participation**? Probe
 - Factors resulting in these circumstances
 - The impact on children of low / non-participation
19. What **additional legislation, policy or awareness-raising / culture change** might be needed to address these gaps or weaknesses?

Structures and children's networks

*This section relates to **Part E of the country fiche***

20. What official bodies or institutions are involved in promoting and implementing child participation? (*E.g. governmental department or agency, parliamentary body, semi-state agency, independent body such as an ombudsperson, etc.*)
 - *What is their remit and activities?*
21. Which **children's organisations and networks** exist nationally to promote participation? *Probe:*
 - whether these are universal or sector / group specific
 - at what scale they exist (national, regional, etc.)
 - main focus of their work, and how they are funded
 - relationship with national policy and legislation (points of engagement with decision-making, and how decisions are communicated)

Implementation in practice

*This section relates to **Part F of the country fiche***

22. What **tools or mechanisms** are in place/have been used most frequently to support implementation and monitoring of children's participation in practice (e.g. frameworks, quality marks or standards, child rights impact assessments)
23. How are organisations and services **trained and supported** to understand and develop appropriate child friendly participation? To what extent is participation incorporated into professional development?
24. What are **the prevailing modes of children's participation** that can be found within your country at national and local (city/region) levels?, *Probe:*
- national youth participation organisations
 - youth councils, parliaments, forums,
 - youth conferences
 - surveys or research
25. What are the most common **forms** that participation takes? *Probe:*
- consultation on decisions affecting children
 - collaboration in shared decision making with adults
 - child-led projects
- a. *Are these forms typically time-limited, or on-going?*

Impact

*This section relates to **Part G of the country fiche***

26. To what extent has children's participation been effective in **influencing /affecting change** (e.g. to policy and practice)? *Probe:*
- Overview and specific examples
27. What are the most **commonly accepted measures** of 'effective' or 'meaningful' children's participation within your country? *How were they developed?*
28. How is the impact of participation **monitored and evaluated**, and by whom?
- Types of monitoring tools used
 - Whether there are processes in place to provide feedback and / or inform children of the results / impact of their participation

29. Are there any nationally recognised examples of children's participation you consider to be **good practice**? Explore why this is the case

- Cross-reference good practice criteria
- Clarify scope (i.e. could be an organisation or a practice which exists across different organisations).

30. Is there anything else you wanted to share, that we haven't covered today?

Note: Researcher to re-cap on any documents or action points that were identified during the discussion, and to agree timescales for completion.

THANK RESPONDENT AND CLOSE INTERVIEW

EVALUATION OF LEGISLATION, POLICY AND PRACTICE ON CHILD PARTICIPATION IN THE EU

Interview Topics for Stakeholder Interviews (Country mapping) Phase 2

Interviewer note

This topic guide is intended to assist with interviewing stakeholders as part of Phase 2 of the mapping of legislation, policy and practice on child participation. This builds on the mapping work undertaken at Phase 1 to provide more detailed insights within each country for a selection of:

- **Three (3) specific settings** (e.g., criminal justice, healthcare or educational settings)
- **Two (2) sub-categories / groups of children**, with a focus on vulnerability or disadvantage (e.g. migrant children, children with disabilities, or young carers); and,

The selection should be informed by the findings from Phase 1, to ensure coverage of settings / groups where there are specific issues arising in relation to children's participation (i.e. due to the scale or quality of practice). Country experts should consult with the core evaluation team to finalise the selection prior to commencing Phase 2.

There is time allotted for conducting telephone interviews of 30-40 minutes in duration with up to 10 key stakeholders per country. Please note the topic guides are intended only as a guideline. The focus of each interview needs to be tailored to the specific role of the individual respondent. The main purpose is to assist with populating the country fiche (Part 2) so please avoid open-ended discussion.

Interview protocol

- The interviews should be scheduled at the time and place most convenient for the respondent.
- Interviews will be conducted face to face/telephone and complementary document exchanges
- Inform respondents of the confidentiality of interview responses at the beginning of the interview and explain how information will be used.
- Complete a cover sheet for each interview to maintain a record of interviews completed.

Cover Sheet

Date, Time, Duration of interview:	
Name of Interviewee:	
Position, organisation:	
Name of Interviewer:	
Format: (telephone/ FTF etc.)	

About the Interviewee/Agency

1. Can you briefly describe the objectives/main areas of work of your agency/organisation, and your specific roles and responsibilities in relation to the participation of children?

Overview of the country context (for the setting / group)

2. Can we start with a bit of **background** to the context for [*children in this setting / this group of children*] within your country? *Probe:*
 - Overall situation / circumstances
 - Funding and policy development
 - How services and support structures are organised

Legislation and policy frameworks

3. What **legislation or regulations** are in place to ensure that [*children in this setting / this group of children*] are able to participate in matters that affect them? *Probe:*
 - Relevant national legislative or policy documents
 - Obligations imposed on authorities, bodies, and / or appropriate adults (and how they relate to Article 12 of the UNCRC)
 - Remedies for violations of these obligations
4. What provisions are made within policy and legislation to ensure the participation of:
 - a. the individual child,
 - b. children as a group; and,
 - c. specific groups/ages of children
5. To what extent have these laws, policy or statutory measures been effective in supporting the **implementation** of participation for these children? *Probe:*
 - Which laws have been effective any why
 - Any barriers to implementation, and how they have been addressed
6. What **other drivers of participation** exist in your country in this sector / for this group of children, beyond obligations to implement Article 12?

7. What influence do **policy and recommendations at EU level** have over children's participation in this sector / with this group, within your country? Probe:

- Awareness of Council of Europe Recommendation + the indicators
- How / whether this is applied and with what success

Structures, networks and budgets

8. What **specific institutions** or agencies are involved in promoting and implementing child participation in this sector / for this group? *What is their remit?*

(E.g. governmental department or agency, parliamentary body, semi-state agency, independent body such as an ombudsperson, NGOs)

9. How is support for children's participation in this setting **funded**? Probe

- Volumes and sources of funding (and views on their sufficiency)
- Criteria attached (e.g. whether ring-fenced for children with specific needs)

10. To what extent do **children's organisations and networks** exist within the setting/for this group to promote participation? *Probe:*

- Level at which they operate (e.g. national, regional, etc.)
- Main focus of their work
- How they interact with policy & legislation

11. To what extent have these organisations been able to interact with policy and legislation? What have been the main barriers and enablers for their engagement?

Standards and training

12. What **frameworks or standards** exist to support the development and implementation of children's participation in this sector?

13. How have these frameworks been implemented, and with what degree of success?

14. What kind of **training and support** is available for organisations and services in this sector/setting to understand and develop appropriate child friendly participation? *Probe:*

- Whether participation practice is included in professional development/training
- Views on sufficiency, accessibility and relevance of this training

Developing participation in practice

15. In what kinds of **contexts** and for what **purpose** does children's participation tend to occur in this setting / with this group of children?
16. At what stages in the **decision-making cycle** do children tend to get involved, and what **forms** of participation are possible?

Researcher note: use the following grid to map the principal forms of participation that are known to take place at each stage in the decision-making cycle (for policy and practice development).

Stages in decision-making cycle	Forms of participation Some examples might include: <i>a. Consultation via surveys, workshops, etc.</i> <i>b. Collaboration in decision making</i> <i>c. Child led projects /research</i> <i>d. Training and recruitment of professionals</i> <i>e. Producing child friendly information (e.g. children's leaflets, quizzes, websites)</i>
a. Identifying and prioritising needs	
b. Dialogue, reflection and inquiry (analysis and sense making)	
c. Policy or programme design	
d. Policy or programme implementation	
e. Undertaking appraisal, evaluation and feedback	

17. What **structures and forums** are available to support the participation of children in this sector / this group? *Probe: whether provision is made for children's councils, parliaments, advisory groups, etc.*
18. What processes are in place to **provide feedback** to and /or inform children of the outcomes of the decision making process they have contributed to and any impact?

19. To what extent have children in this sector /these children able to initiate and be supported in **shaping the agenda for participation** on their own terms?

- *If so, how is this achieved?*

Appraisal of participation practice

Effectiveness

20. What are the commonly accepted measures of '**quality**' and '**effectiveness**' for children's participation in this setting / with this group of children? *How were they identified?*

21. How is effectiveness of participation monitored and evaluated and by whom?

22. What forms / types of participation practice have consistently proven to be the **most effective** for children in this setting / group, within your country? Probe:

- Success factors
- Practical examples (what was done, and how do they know it worked?)

23. Have any forms / types of participation practice have proven **less effective** or **more problematic** to implement for children in this setting / group, within your country? Probe:

- Constraining factors
- Practical examples (what was tried, and how / why was it unsuccessful?)

24. Are there any nationally recognised examples of children's participation that you consider to be **good practice**? *Probe:*

- Criteria / justification
- Scope and scale (*i.e. could be an organisation or could be a practice which exists across different organisations*).

25. Any examples of bad practice?

Impact and outcomes

26. How successful has children's participation been in **influencing or affecting decisions** in this sector /for this group of children? Probe
- Overall / in general terms
 - Specific examples (probe)
27. What evidence is there to demonstrate the **benefits of participation for children and adults** within this setting / for this group of children? *Probe:*
- How / where impact is the greatest
 - Sources of evidence (e.g. research, evaluation)
28. Overall, what have been the main **challenges and barriers** in promoting children's participation and fully implementing article 12 in this sector/with this group?
29. What **additional legislation or policy** is required to enable the full participation of children in this sector/for this group? Probe:
- National level
 - Anything that could be done at a European level
30. Thank you for your time. *Was there anything else you wanted to discuss today?*

THANK RESPONDENT AND CLOSE INTERVIEW

EVALUATION OF LEGISLATION, POLICY AND PRACTICE ON CHILD PARTICIPATION IN THE EU

Interview Topics for EU Stakeholder Interviews

About the Interviewee/Agency

1. Can you briefly describe the objectives/main areas of work of your agency/organisation and your specific roles and responsibilities regarding the participation of children?

EU policy context for children's participation

2. What EU level statutory guidelines, standards or policy documents (if any) influence your agencies' focus on children's participation?
3. (If not covered above) Has your agency released any other communications or recommendations relating to child participation?
4. To what extent has this policy been effective in influencing practice?

Structures and networks

5. What official bodies or institutions are involved in promoting and implementing child participation in the EU?
6. Which **children's organisations and networks** exist in the EU to promote participation?
Probe:

Tools, measures, processes, and scope (Implementation in practice)

7. What **tools or mechanisms** are in place/have been used most frequently to support implementation and monitoring of children's participation in practice?
8. How are organisations and services **trained and supported** to understand and develop appropriate child friendly participation? To what extent is participation incorporated into professional development?
9. What are **the prevailing modes of children's participation** that can be found within the EU?
10. What are the most common **forms** that participation takes?

Cultural attitudes to children's participation in the EU

11. What is the general attitude towards children's rights to be heard in the EU?
12. If positive attitudes exist, what are the key drivers of that?
13. If negative attitudes exist, why do you think that is?
14. Are different attitudes evident in particular sectors or settings? Which are positive/negative?
15. What barriers are faced in changing those negative attitudes?
16. What further work or support is needed at EU level to overcome these barriers?

Impact

17. To what extent has children's participation been effective in **influencing /affecting change** (e.g. to policy and practice)?
18. What are the most **commonly accepted measures** of 'effective' or 'meaningful' children's participation within the EU?
19. How is the impact of participation **monitored and evaluated**, and by whom?
20. Are there any recognised examples of children's participation you consider to be **good practice**?
21. Is there anything else you wanted to share, that we haven't covered today?

THANK RESPONDENT AND CLOSE INTERVIEW

Annex Seven: Study Team

The core evaluation team	
Project Director / Team Leader Laurie Day, Director (Ecorys)	Lead Researchers Barry Percy-Smith, Professor BPS, Director of the Centre for Applied Childhood and Family Studies, University of Huddersfield Sandy Ruxton, Independent Consultant (commissioned by the Child-to-Child Trust)
Project Manager Katharine McKenna, Senior Research Manager (Ecorys) – <i>January to August 2013</i> Katy Redgrave, Research Manager (Ecorys) – <i>September to December 2013</i>	Supporting Researchers Sophie Lehouelleur, James Whitley, Sandra Frost, Nicolas Lee, Marco Valenza, Facundo Sabino-Herrera (Ecorys); Bella Tristram (Child-to-Child Trust)
Project Advisers Tricia Young, Director, Child-to-Child Trust (Institute of Education) Gerison Lansdown, Independent Children's Rights Consultant Claire O'Kane, Independent Consultant	

Country experts		
Country	Name	Occupation/Organisation
Austria	Dr. Ulrike Zartler	Assistant Professor, University of Vienna, Department of Sociology
Belgium	Dafne Reymen	Senior Expert, Idea Consult
Bulgaria	Nelli Petrova-Dimitrova	Chair of the Board of Managers, Social Activities and Practices Institute
Croatia	Ivana Jeđud Borić	University of Zagreb, Faculty of Education and Rehabilitation Sciences
Cyprus	Eleni Athanasiou	Lecturer in Social Work, European University of Cyprus
Czech Republic	Pavel Trantina	Independent Expert, Czech Council of Children and Youth
Denmark	Prof. Hanne Warming assisted by Sarah Alminde Kærsgaard	Professor, Department of Society and Globalisation, Roskilde University Ph.D. fellow, Roskilde University
Estonia	Marti Taru	Researcher, Institute of International and Social Studies (IISS), Tallinn University
Finland	Mieke Schuurman	Independent consultant on Children's Rights and EU Policies
France	Diletta Zonta	Consultant; social policy ECORYS Brussels
Germany	Andreas Pauer	Consultant; social policy ECORYS Netherlands
Greece	Evi Hatzivarnava Kazasi	Independent consultant on children's rights
Hungary	Marta Levai assisted by Kath McKenna	Independent consultant on children, schools and family policies Senior Consultant, ECORYS UK
Italy	Alessandra Cancedda	Senior Consultant Social Policy, ECORYS Netherlands
Ireland	Maria Corbett	Legal and Policy Director and Deputy Chief Executive, Children's Rights Alliance
Latvia	Ilze Trapenciene	University of Latvia
Lithuania	Neringa Mozuraityte	Consultant, Social and Family Policy, ECORYS UK

Country experts		
Country	Name	Occupation/Organisation
Luxembourg	Martin Gosset assisted by Sophie Lehouelleur	Consultant Social Policy, ECORYS Brussels Consultant, Ecorys UK
Malta	Ruth Farrugia, assisted by Ms Anthea Turner	Legal Consultant to Malta's Commissioner for Children and Senior Lecturer in Law, University of Malta Research Assistant
Netherlands	Reinout van Brakel, assisted by Annemieke Pickles	Senior Consultant and Consultant; Social Policy, ECORYS Netherlands
Poland	Joanna Włodarczyk	Research Development Coordinator, Nobody's Children Foundation, Poland
Portugal	Natália Fernandes	Assistant Professor, University of Minho
Romania	Prof. Maria Roth	Professor and Chair of the Social Work department, Babes-Bolyai University
Slovakia	Mieke Schuurman	Independent Consultant on Children's Rights and EU Policies
Slovenia	Dr. Sonja Rutar	Assistant Professor at the Faculty of Education, University of Primorska
Spain	Myriam Pérez Andrada assisted by Valentina Patrini	Consultants; Social Policy, ECORYS Spain
Sweden	Maria von Bredow	Independent consultant in Childhood Studies and Children's Rights
UK	Rachel Gardner assisted by Aaron Raijana	Senior Consultants, Social and Family Policy ECORYS UK

Annex Eight: Terms of Reference

TERMS OF REFERENCE FOR AN EVALUATION

Evaluation of legislation, policy and practice on child participation in the EU

1. INTRODUCTION

The promotion and protection of the rights of the child⁷¹² is one of the objectives of the EU on which the Treaty of Lisbon has put further emphasis. Notably, Article 3(3) of the Treaty on European Union explicitly requires the EU to promote the protection of the rights of the child. Furthermore, the EU explicitly recognised the rights of the child as a fundamental right in the Charter of Fundamental Rights of the European Union⁷¹³, specifically in Article 24.

Promoting the rights of the child is also a result of international commitments. The rights of the child form part of the fundamental rights that the EU and the Member States are bound to respect under international and European treaties, in particular the UN Convention on the Rights of the Child (UNCRC) and its Optional Protocols⁷¹⁴ and the European Convention on Human Rights⁷¹⁵ (ECHR). The UNCRC is therefore considered as an essential foundation for the realisation of the objectives of the EU and the fostering of EU values. Protection of the rights of the child is rooted in the values and principles of the UNCRC, ratified by all EU Member States and binding on them.

1.1 Context of the study

Article 24 of the Charter of Fundamental Rights of the European Union guarantees the right to such protection and care as is necessary for the well-being of children. An important principle of the Charter is that when decisions are being made on the best interests of children, children may express their views freely and their views shall be taken into consideration on matters which concern them in accordance with their age and maturity.

⁷¹² Children, according to the definition of the [1989 UN Convention on the Rights of the Child \(UNCRC\)](#), are all human beings below the age of 18 years. They are vested with the full range of rights.

⁷¹³ Charter of Fundamental Rights of the European Union, OJ C 364, 18.12.2000.

⁷¹⁴ UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; UN Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

⁷¹⁵ Full text available at:

<http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/EnglishAnglais.pdf>

The study will support the implementation of the Commission Communication of 15 February 2011 "An EU Agenda for the Rights of the Child", (hereafter referred to as "the EU Agenda")⁷¹⁶. The EU Agenda presents general principles to ensure that EU action is exemplary in ensuring the respect of the provisions of the Treaties, the Charter and of the UNCRC with regard to the rights of children.

The EU Agenda highlights that full recognition of children's rights includes children's right to voice their opinions and participate in making decisions that affect them. The right of all children to be heard and have their views taken seriously in accordance with their age and maturity is also laid down in Article 12 of the UNCRC. It is one of four rights identified by the Committee on the Rights of the Child as general principles of the Convention, relevant to all aspects of implementation of the UNCRC to the interpretation of all other articles. Apart from being a substantive right, it should also be considered in the interpretation and implementation of all other rights.⁷¹⁷ [General Comment No 12](#) of the UN Committee on the Rights of the Child on *the right of the child to be heard* provides detailed guidance on how to interpret this right, its implications for governments and other stakeholders, and the legislation, policy and practice that are necessary to achieve its full implementation. This is complemented by a resource guide⁷¹⁸ published in 2011.

The term "child participation" is broader in scope, arising from the right to be heard, but also other articles of the Convention⁷¹⁹. It has been used to describe ***"processes, which include information-sharing and dialogue between children and adults based on mutual respect, and in which children can learn how their views and those of adults are taken into account and shape the outcome of such processes"***.⁷²⁰

⁷¹⁶ COM (2011) 60 final.

Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0060:FIN:EN:PDF>

⁷¹⁷ UN Committee on the Rights of the Child's General Comment No 12 (2009) on the right of the child to be heard. Full text available at: <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-GC-12.doc>

⁷¹⁸ A December 2011 resource guide on General Comment No 12 has been published by Save the Children and Unicef, entitled "Every child's right to be heard". The UN Committee on the rights of the child recommends the resource guide as a contribution to achieve change, as it elaborates the General Comment and provides practical examples on implementation. Available at: <http://www.savethechildren.org.uk/resources/online-library/every-childs-right-be-heard>

⁷¹⁹ Apart from children's right to be heard in all decisions affecting them (Art 12), articles relating to children's participation are, in particular: "the right to non-discrimination" (Article 2), "primary consideration of the best interests of the child" (Article 3), "parental guidance and the child's evolving capacities" (Article 5), "the right to life, survival and development" (Article 6), "separation from parents" (Article 9), "the right to freedom of expression" (Art 13); "the right to manifest a religion or belief" (Art 14), "the right to freedom of association" (Art 15), "right of access to information" (Art 17), and "children deprived of family environment" Art 20 (Adapted from: Inter-agency working group on children's participation: Children's participation in decision-making: Why do it, when to do it, how to do it. Available at: http://plan-international.org/files/Asia/publications/children_decision_making.pdf

⁷²⁰ UN Committee on the Rights of the Child's General Comment No 12 (2009) on the right of the child to be heard. Full text available at: <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-GC-12.doc>

On 28 March 2012, the Council of Europe Committee of Ministers adopted Recommendation to member States CM/Rec(2012)2⁷²¹ on the participation of children and young people under the age of 18. The Recommendation sets out a pragmatic approach for the implementation of Article 12 UNCRC.

Given the traditional disempowered status of children, Article 12 of the UNCRC has proven to be one of the most challenging to implement, even though child participation is an important means through which other rights are realised. The rationale for this study is to survey what is done in each EU Member State and Croatia⁷²² to date and - by promoting good practice - to provide a new impetus to tackle existing barriers to child participation and step up its implementation in the EU as a whole. For examples of different types of child participation in different settings, please refer to the resource guide on General Comment No 12, "Every child's right to be heard".⁷²³

1.2 Principles of child participation

There are certain principles of child participation arising from international standards. Most of the principles summarised below derive from the Council of Europe Recommendation on participation.⁷²⁴

- There is no age limit on the right of the child or young person to express her or his views freely. All children and young people, including those of pre-school age, school age and those who have left full-time education, have a right to be heard in all matters affecting them, their views being given due weight in accordance with their age and maturity.
- The right of children and young people to participate applies without discrimination on any grounds such as race, ethnicity, colour, sex, language, religion, political or other opinion, national or social origin, property, disability, birth, sexual orientation or other status.
- Consideration needs to be given to the notion of the evolving capacities of children and young people. As children and young people acquire greater capacity, adults should encourage them to enjoy, to an increasing degree, their right to influence matters affecting them.
- Particular efforts should be made to enable participation of children and young people with fewer opportunities, including those who are vulnerable or affected by discrimination, including discrimination on multiple grounds.
- Parents and carers have the primary responsibility for the upbringing and the development of the child and, as such, play a fundamental role in affirming and nurturing the child's right to participate, from birth onwards.

⁷²¹ Available at: <https://wcd.coe.int/ViewDoc.jsp?id=1927229&Site=CM>

⁷²² For the purposes of this study, references to "Member States" in these terms of reference should be understood to include Croatia.

⁷²³ Available at: <http://www.savethechildren.org.uk/resources/online-library/every-childs-right-be-heard>

⁷²⁴ Most principles extracted from Council of Europe Recommendation CM/REC(2012)2 of 28 March 2012 of the Committee of Ministers to member States on the participation of children and young people under the age of 18: <https://wcd.coe.int/ViewDoc.jsp?id=1927229&Site=CM>

- In order to be able to participate meaningfully and genuinely, children and young people should be provided with all relevant information and offered adequate support for self-advocacy appropriate to their age and circumstances.
- If participation is to be effective, meaningful and sustainable, it needs to be understood as a process and not a one-off event and requires ongoing commitment in terms of time and resources.
- Children and young people who exercise their right to freely express their views must be protected from harm including intimidation, reprisals, victimisation and violation of their right to privacy.
- Children and young people should always be fully informed of the scope of their participation, including the limitations on their involvement, the expected and actual outcomes of their participation and how their views were ultimately considered.
- In line with the General Comment on Article 12 of the UNCRC, all processes in which children and young people are heard should be transparent and informative, voluntary, respectful, relevant to children's lives, in child-friendly environments, inclusive (non-discriminatory), supported by training, safe and sensitive to risk, and accountable. Member States should integrate these requirements into all legislative and other measures for the implementation of this recommendation.
- The Article 12 UNCRC right should be enshrined in national legislation applicable to all children and all settings of their lives.

2. SUBJECT OF THE CONTRACT

a. Objectives and scope of the study

The study will evaluate the existing situation by providing a comprehensive overview of the legal and policy framework for child participation at Member State and EU levels. The study will also provide an overview of particular tools and methods, as well as the impact of child participation.

By enhancing knowledge of the reality and potential of child participation in the EU, the study results should comprise a baseline for the participation of children in the development and implementation of actions and policies that affect them both at national and EU level, for **individual children, groups of children and children as a group** -

More specifically, the study will map legislation, policy and practice in the 27 Member States of the EU and Croatia with regard to implementation of Article 12 UNCRC and other UNCRC articles pertaining to child participation. The study will also address **cultural attitudes** to, and **cultural acceptance** of, child participation in the various settings.⁷²⁵ The study will identify any barriers to full implementation of Article 12. The study will also address and identify enablers of child participation. The study will further identify and showcase good practice on child participation in the EU Member States, including at local, regional and national levels, as well as within the EU institutions, which could be used to improve possibilities for participation of children in the design, development and implementation of actions, policies and decisions that affect them.

⁷²⁵ See REQ 4 below on settings in scope of this study.

The study will also evaluate the work done by the EU on child participation. The Contractor shall specifically look at the European Commission (including the Commission Representations in the Member States), the European Parliament, the Council, the Committee of the Regions and the European Economic and Social Committee. Child participation activities undertaken by the EU Institutions outside the territory of the EU are not in scope of this study.

On the basis of the good practice identified by the Contractor in the context of carrying out this study, the Contractor will draw up draft practical guidelines for child participation at local, regional, national and European level.

The Contractor must bear in mind that for all Member States and the EU information will derive from multiple sources.

2.2 Requirements

In the completion of the tasks and outcomes of the study the Contractor shall fulfil the following requirements:

- REQ 1.** The contractor will subscribe to the **principles of child participation** as summarised in Section [1.2. Principles of child participation](#).
- REQ 2.** Child participation shall be looked at in the context of the existing **EU and international standards**, namely the Charter of Fundamental Rights of the European Union, the UNCRC (in its entirety, not only its Article 12)⁷²⁶, the UN Committee on the Rights of the Child General Comment No 12⁷²⁷, and the Council of Europe Recommendation on child participation⁷²⁸. Attention should be paid also to the existing guidelines and good practice examples compiled by different relevant stakeholders, such as Member States, NGOs, academics, researchers, practitioners, etc.
- REQ 3.** Consequently, various **levels of participation** should be looked at. This should include, but not be limited to: children as recipients of relevant and child-friendly information, their consultation on specific topics and their active involvement in policy design, implementation and evaluation as well as decision-making.
- REQ 4.** Child participation and its impact should be analysed by studying **various situations, settings and sectors**, including judicial and administrative proceedings, juvenile justice systems, child protection systems, custody decisions, adoption and alternative care, asylum and immigration, individual health decisions in the provision of health services, local government and services, child employment, school and education, play, recreation, sport and cultural activities, media, environmental protection and sustainable development, and all levels of policy- and law-making. Insofar as the **family setting** is concerned, the Contractor will **not** consult with or interact with families during the course of the study, but

⁷²⁶ Including the implementation checklist for Article 12 from the Implementation Handbook for the Convention on the rights of the child, available at: <http://www.unicef.org/crc/files/Implementation%20Checklists.pdf>

⁷²⁷ Including the previously mentioned resource guide

⁷²⁸ <https://wcd.coe.int/ViewDoc.jsp?id=1927229&Site=CM>

will address what support and guidance for parents is available - to enable and ensure child participation in the family setting - when mapping legislation, policy and practice at national level.⁷²⁹

- REQ 5.** The Contractor will address **cultural attitudes** to and cultural acceptance of child participation. The Contractor will also identify **other barriers to and enablers of** full implementation of Article 12 and child participation.
- REQ 6.** The Contractor will look at child participation in relation to the **individual child** (e.g. in family, school, health decision-making, parental custody, etc.) as well as to **groups of children** (e.g. in relation to environmental and planning decisions, local community, etc.) and **children as a group** (e.g. impact of overall government policies, during preparation of legislation); and to **specific groups of children** such as children in all forms of detention, children from migrant backgrounds irrespective of their status, adopted children, children with disabilities, etc.⁷³⁰.
- REQ 7.** **The Contractor shall, for each Member State or EU Institution, consult a representative range of stakeholders covering all the settings in scope of this evaluation:** e.g. Member State and EU officials, NGOs, national human rights institutions, Ombudspersons for children, relevant international organisations, academics, practitioners and children themselves. The Contractor will propose a draft list of stakeholders at the kick off meeting for validation by the Commission. The validated list of stakeholders will be included in the inception report.
- REQ 8.** **Children** should be involved in all stages of the study. Due account should be taken of their experiences of participation, their attitudes towards it as well as obstacles they encounter and solutions they propose. In its bid, the Contractor is required to propose an age-appropriate child-sensitive methodology to meet this requirement while paying due attention to the need to ensure broad geographical representation and the inclusion – for each Member State and setting - of children from vulnerable groups. Appropriate **expertise and experience in child participation** must be brought to bear in order to fulfil this requirement.
- REQ 9.** As this is a study about child participation, the Commission expects children to be involved to a **significant level** in this study and this should be reflected in the overall methodology, budget, task design, etc. This requirement is reflected in the overall budget allocated by the Commission for this study.
- REQ 10.** **When involving children** in all stages of the study, the Contractor shall ensure that child participation techniques and methodologies applied meet international child protection standards and principles. With this in mind, the Contractor will be

⁷²⁹ The Contractor should be guided by The Implementation Handbook for the Convention on the Rights of the Child, chapter on Article 12, but also others relating to child participation.

⁷³⁰ See, for example, the Rights of Children and Young People (Wales) Measure 2011
<http://www.legislation.gov.uk/mwa/2011/2/contents/enacted>

required to present in the inception report the child protection policy it will adhere to for the execution of the contract⁷³¹.

- REQ 11.** Throughout this study as a whole and all its subtasks, **the Contractor will pay special attention to children in situations of vulnerability**⁷³², to those who are marginalised in society, and to very young children. The Contractor will conduct a specific analysis on marginalised children – for example Roma, migrant/asylum-seeking children/undocumented children, children with disabilities - and is required to elaborate an appropriate methodology to ensure their inclusion.
- REQ 12.** The Contractor will establish **a roadmap** in order to meet the requirement on the involvement of children in this study (see REQ 8, 9, 10 and 11). The roadmap will be included in the inception report and submitted to the Commission for its approval.
- REQ 13.** The Contractor will establish **a list of criteria** – taking account of the principles mentioned above - against which potential examples of good practice will be assessed. The list of criteria or checklist will be included in the inception report and submitted to the Commission for its approval.⁷³³
- REQ 14.** In collecting evidence, the Contractor will take note of the fact that the Council of Europe has commissioned the elaboration of draft indicators for a self-assessment tool on child participation in 2012. On condition that these indicators are made available to the Contractor by the date of the kick-off meeting, the Contractor, during **consultations with Member States** will also gather feedback on the usefulness of these indicators and the self-assessment tool and draw up **recommendations** on how to improve them.
- REQ 15.** The European Commission (DG EAC) is in the process of concluding a study on youth participation in democratic life. As youth participation covers the age group 13-30, the Contractor will be required to take account of the final report of that study, which will be available by the time of the kick-off meeting. The Contractor will avoid covering the same ground as the youth participation study again, but may reference information gleaned from that study.⁷³⁴
- REQ 16.** In drawing conclusions and where appropriate the Contractor will **include practical recommendations** to support Member State and EU actions to facilitate the full and sustained implementation of the child's right to be heard. In proposing recommendations the Contractor shall take into consideration the fact that the implementation of recommendations should be **feasible and sustainable**, taking into account legal possibilities, competences, subsidiarity, proportionality and the

⁷³¹ In addition to standards and principles already suggested, the contractor shall abide by the "Minimum standards for consulting with children" developed by Inter-Agency Working Group on Children's Participation. Available at: <http://images.savethechildren.it/f/download/Policies/st/standard-partecipazione.pdf>

⁷³² Eurochild literature review – studies and surveys based on vulnerable children's own views, December 2011 http://www.eurochild.org/fileadmin/Projects/Speak%20Up/Speak_up!_Literature_review_Final.pdf

⁷³³ See also UNICEF/Save the children/Plan/World Vision Toolkit for monitoring and evaluating child participation, currently in piloting phase: <http://www.crin.org/resources/infodetail.asp?id=25808>

⁷³⁴ Terms of reference (see Section 3.2 in particular) available at: http://eacea.ec.europa.eu/about/call_tenders/2010/call_tenders_03_2010_en.php

political context. A one size fits all approach in this area will not yield the desired results and care should be taken to propose a range of recommendations so that all addressees can effectively use them and take them on board.

- REQ 17.** Child participation cannot be addressed in isolation to the rest of the society. In carrying out this study, the Contractor will pay particular attention to the **importance of intergenerational aspects of child participation** – integrated child participation that promotes intergenerational understanding, solidarity, communication and activities.
- REQ 18.** As this is an EU-wide study, the Contractor is required to deliver appropriate comparative overviews that will be useful to a wide variety of stakeholders.
- REQ 19. Quality management:** The Contractor will implement a robust quality management and quality assurance methodology in the execution of this study. The Contractor is required to inform the Commission of how it will assure quality management from the outset of the study. The proposal should describe what quality measures are planned, what quality standards are adhered to and which staff resources will fulfil quality management and assurance roles. The Contractor will pay particular attention to include measures to assess and scrutinise independently the information received from its various sources or national networks and adopt a method to check information received for factual accuracy.
- REQ 20. Data protection:** The Contractor will ensure that information and data collected and processed is in full compliance with applicable national and EU data protection laws. The Contractor shall pay particular attention to the sensitive nature of data related to children. If, during the execution of this study, the Contractor has access to or processes any personal data, the Contractor shall destroy any personal data processed for the performance of this contract after the Commission has approved the final report. The Contractor may only retain statistical information which will not allow the identification of the individuals whose data is processed in any way.

2.3 Description of tasks

Task 1: Mapping of Member States' legislation, policies, and practice on child participation

In order to allow an in-depth understanding of the situation in the 27 Member States regarding child participation and to provide a basis for the identification of best practices, the Contractor is required to map definitions, structures, tools, legal and non-legal measures, and actions in place in Member States to ensure effective, and meaningful and sustainable⁷³⁵ child participation. Country reports to the UN Committee on the Rights of the Child and subsequent recommendations of the Committee must be taken into account in the analysis⁷³⁶.

The mapping will include the following:

a) definitions

Is the UNCRC Article 12 right reflected in the Constitution and/or in a comprehensive children's act or code?

b) structures

The Contractor will carry out an analysis of which official bodies and institutions (e.g. governmental department or agency, parliamentary body, semi-state agency, independent body such as an ombudsperson) are involved in promoting and implementing child participation. What are their respective roles?

c) national legislative framework

- (1) How is Article 12 UNCRC reflected in legislation? What obligations does it impose on authorities, bodies and/or appropriate adults, e.g. in the various settings such as family, education, health (including consent to treatment), child protection, etc?
- (2) What sectors are covered by the relevant legislation?
- (3) How is the second paragraph of Article 12 UNCRC realised in judicial and administrative proceedings involving or affecting children?
- (4) What remedies are in place for violations of UNCRC Article 12 obligations set out in law?
- (5) What has been done in the Member State pursuant to the Council of Europe Recommendation on child participation? Has it been translated into the national language(s)/disseminated within the Member State/implemented in part?
- (6) Is there one entity or body with oversight on implementation of UNCRC Article 12 at national level?

⁷³⁵ See principles of child participation.

⁷³⁶ UNCRC country reports are available here: <http://www2.ohchr.org/english/bodies/crc/sessions.htm>

d) tools, measures, processes, and scope

- (1) What are the official mechanisms and tools in place to implement UNCRC Article 12 and national legislation?
- (2) What tools and measures have been put in place to implement the Council of Europe Recommendation on child participation?
- (3) What is the situation of child participation in sectors that **are** covered by relevant legislation? What good practice in child participation can be identified in areas that are cited in legislation or policy measures?
- (4) What is the situation of child participation in sectors that **are not** covered by relevant legislation? What good practice in child participation can be identified in areas that are not cited in legislation or policy measures (for example children negotiating better access conditions to socialise in shopping malls and at the same time contributing to the local community, medical practitioners consulting children on aspects relating to delivery of service, children participating in local community initiatives, etc)?
- (5) What are the non-legislative measures and tools available for those sectors?
- (6) What participatory processes are in place?
- (7) What processes are in place to provide feedback to and/or inform children of the results of consultation and its impact, if any, on decision-making?

e) budget and financing

- (8) What are the budgetary resources and relevant financial programmes aimed at the promotion and implementation of child participation in each Member State?
- (9) How visible are budgetary resources and financial programmes covering child participation?

f) child-friendly/child-sensitive measures

- (10) What child-friendly practices are in place with respect to fulfilling the obligation under the first paragraph of Article 12 UNCRC? For example, what guidance on its implementation is given within the family (e.g. in parenting education and support), within social work and child protection systems, within health services⁷³⁷, within the education and school system, etc?
- (11) What specific structures have been developed to enable children to be consulted on policies and practice (e.g. advisory groups, children's parliaments, etc.)?
- (12) What enforcement measures are in place?
- (13) How is implementation monitored?
- (14) How is implementation evaluated?
- (15) By whom is implementation evaluated?

⁷³⁷ See also <http://www.each-for-sick-children.org/>

g) Implementation on the ground – heat maps

Create heat maps for each Member State that identify

- (16) What the most common child participation actions are for individual children (for example in family law proceedings or in the health sector, etc.)
- (17) What the most common child participation actions are for groups of children (for example a children's parliament or similar structures).
- (18) Which are the areas of low activity and for which groups?
- (19) Which Member States operate a type of child participation kitemark system⁷³⁸? Are there different systems operating in Member States that achieve the same objectives or plans to introduce similar systems?

h) impact

- (20) What is children's experience of UNCRC Article 12 in the various settings of their lives?
- (21) How do children consider that the adults in their lives respect UNCRC Article 12?
- (22) How do adults consider that children have influenced or effected change in the various settings as a result of child participation?
- (23) How well do adults value children as active, equal citizens and social actors and as people in their own right?

i) children's networks

- (24) Complete mapping of Member States in terms of children's networks either on regional or national level.
- (25) What are the various methodologies used to support these networks and include their views and opinions in national policy and legislation?

Task 2: Identification of good practice on child participation in all 27 Member States

Based on the analysis provided in Task 1, the Contractor will identify good practice in the 27 EU Member States taking into account the benchmarks for meaningful child participation provided by the international standards and recommendations, namely by taking into account the principles outlined by the Council of Europe and as summarised in Section [Principles of child participation](#) above, using the checklist on Article 12 UNCRC, set out in the *Implementation Handbook for the Convention on the Rights of the Child*⁷³⁹, and also other sources. The contractor will establish a list of criteria for identifying good practice examples as set out in REQ 11.

⁷³⁸ See, for example: <http://www.iic-uk.org/index.php> and <http://www.participationworkerswales.org.uk/userfiles/file/How%20the%20National%20Participation%20Kite%20Mark%20works.pdf>

⁷³⁹ Available at: <http://www.unicef.org/crc/files/Implementation%20Checklists.pdf>

In the identification of good practice the Contractor will look at all **sectors and settings as well as** processes and actions conducted by a **variety of entities** ranging from local, regional and national government services and agencies, parliaments and specialist committees that engage with children, international organisations, NGOs, Ombudspersons offices, courts, municipalities, schools and kindergartens, to child-led children's organisations, children's networks and others. The Contractor will investigate a variety of tools used in child participation and look at the types of decisions and activities children are involved in. The Contractor will also assess the impact of good practice on child participation.

Task 3: Mapping of EU actions on child participation and identification of good practices

Taking due account of the role of the EU and its competencies, the Contractor will in the first instance map legislation, policy and practice on child participation in the EU institutions, including the structures in place and various tools at the EU institutions' disposal, such as funding through financial programmes. As in Task 2, the Contractor shall identify good practice by taking into account the benchmarks for meaningful child participation provided by the international standards, principles and recommendations. The Contractor will also assess the impact of good practices on child participation.

The Contractor shall specifically look at the European Commission (including the Commission Representations in the Member States), the European Parliament, the Council, the Committee of the Regions and the European Economic and Social Committee. The EU's external action is not included in the scope of this study.

Task 4: Catalogue of resources and material on child participation

The Contractor shall compile a catalogue of resources and material (standards, guidelines, models, methods, research, good practice, etc), that can be filtered by Member State/age group/sector/type of participation/type of resource/setting for the purpose of explaining and promoting international standards and good practice on child participation and fostering a European culture of child participation in the spirit of the UNCRC. The catalogue will be provided to the Commission in PDF format for publication on Commission and other websites. The catalogue will have a clear table of contents with a focus on usability: it will make use of internal bookmarks and be well organised in chapters where material has already been filtered by Member State or by setting, age, etc (in line with the filters mentioned above). Internal bookmarks will be used throughout the document to facilitate document navigation (not just from the table of contents). It will include relevant links and contact details for the various child participation practices catalogued. All source resource and document files upon which the PDF is based must also be delivered to the Commission on a USB stick.

2.4 Study outputs

Along with an executive summary of five to ten pages, presenting the main findings, the key evidence that underpin them and resulting recommendations, the final report shall comprise the following:

Task 1

AD1: The Contractor shall produce a narrative overview of legislation, policy and practice on child participation for each EU Member State.

AD2: Based on the above narrative, the Contractor shall compile a summary narrative overview for EU27 and appropriate comparative tables of legislation, policy and practice for all EU Member States, for all settings included in the scope of the study. The templates must be agreed with the European Commission.

AD3: The Contractor shall produce heat maps on child participation.

Task 2

AD4: The Contractor shall provide a description of good practice identified in all EU Member States in a variety of sectors and settings, including an analysis of their impact.

Task 3

AD5: The Contractor shall produce a narrative overview of legislation, policy and practice on child participation in the EU institutions and describe in summary form the good practice identified.

Task 4

AD6: The Contractor shall compile a catalogue of resources and material (standards, guidelines, models, methods, research, good practice, etc), that can be filtered by Member State/age group/sector/type of participation/type of resource for the purpose of explaining and promoting international standards and good practice on child participation and fostering a European culture of child participation in the spirit of the UNCRC. The catalogue will be provided to the Commission in PDF format for publication on Commission and other websites. The catalogue will have a clear table of contents with a focus on usability: it will, among others, include sections, for example by making use of internal bookmarks, where material has already been filtered by Member State or by setting, age, etc (in line with the filters mentioned above). Internal bookmarks will be used throughout the document to facilitate document navigation (not just from the table of contents). It will include relevant links and contact details for the various child participation practices catalogued. All source resource and document files upon which the PDF is based must also be delivered to the Commission on a USB stick and a CD/DVD.

Annex: Child friendly version of the study

AD7: The Contractor shall produce a child-friendly summary of the study, not exceeding eight pages. The text should be written in a way that is accessible by and understandable to young audiences – target age group 10 to 17.

3. WORK PLAN, ORGANISATION AND MEETINGS

a. Project management and steering group

Responsibility and management of the evaluation are with the European Commission (Directorate General Justice). Unit C1 (Fundamental rights and rights of the child) will monitor the evaluation and will be the main interlocutor of the Contractor. Unit C1 will be instrumental in the provision of information to the selected Contractor. The Contractor must keep it regularly informed on the progress of the work. A steering group will be set up to follow the evaluation process, and to assess and decide on acceptance and rejection of the different deliverables that the Contractor will have to provide. The Contractor must take into account the comments and recommendations of the steering group.

b. Communication and meetings

The Contractor will be requested, and should be prepared, to attend the following meetings at the Commission's premises in Brussels:

- **a kick-off meeting** further to the signature of the contract which will be convened within one week of the signing of the contract by the last of the two parties;
- **a meeting to discuss and finalise the draft inception report** which will be convened within two weeks after the receipt of the draft inception report
- **a meeting to discuss and finalise the draft interim report** which will be convened within two weeks after the receipt of the draft interim report;

- **a meeting to discuss and finalise the draft final report** which will be convened within three weeks after the receipt of the draft final report.

At the above meetings the Contractor will be asked to present the delivered reports.

Apart from the above meetings the Contractor will be required to keep the Commission regularly updated through emails or telephone contacts of the progress made. In particular any questions, difficulties or challenges encountered shall be notified as soon as they arise. At least once a month, the Contractor shall send to the Commission an overview of the work done in the preceding period and the tasks planned ahead.

c. Reporting

The overall duration of the tasks should not exceed **12 months**, commencing from the date of signature of the contract by the last of the two parties. The Commission will require the contractor to submit an inception, an interim and a final report in English in three (3) hard copies in each case accompanied by an electronic version compatible with the Commission's computer facilities (MS Word and HTML format).

The reports will be deemed to have been accepted if the Commission does not expressly inform the Contractor of any comments within **45 calendar days**. Otherwise, the Contractor shall modify the reports according to Commission's requests; a modified version of the reports will be submitted within maximum **20 calendar days**.

The Contractor shall be required to submit the following reports :

- Within **two weeks** of the kick-off meeting a **draft inception report** detailing the proposed methodology, including age-appropriate and child-sensitive methodology to address the requirements for the involvement of children in this study (See REQ 12). Within two weeks of receipt of the draft inception report, the contractor will be invited to the inception meeting to present the draft inception report. The inception report is subject to Commission's approval within the deadlines prescribed above.
- Within **six months** of the signature of the Contract by the last of the two parties, a **draft interim report** to inform the Commission on the progress of the work and on any problems encountered. The report will also present preliminary emerging conclusions. After submission, a meeting will be organised between the selected contractor and the Commission to discuss and clarify possible open questions and issues. The Contractor must submit any new documents within **20 calendar days** of receiving the Commission's comments. The acceptance of the draft interim report will be subject to the validation of all accompanying documents following the Commission's final comments.
- Within **12 months** of the signature of the Contract by the last of the two parties, a **draft final report**, presenting the conclusions and a synthesis of Tasks 1-4 and an executive summary of five to ten pages. As **annex to the draft final report**, the contractor shall also submit a child-friendly summary of the study, not exceeding eight pages. After submission, a meeting will be organised between the selected contractor and the Commission to discuss and clarify possible open questions and

issues. The acceptance of the draft final report will be subject to the validation of all accompanying documents in line with the Commission's final comments.

- The final report, **reflecting fully the Commission's comments on the draft final report**, must be submitted no later than **20 days** from the date of receipt of such comments.

d. Confidentiality and rights

The Commission may publish the results of the study. The Contractor must ensure that there are no restrictions for reasons of confidentiality or based on the intellectual property rights of third parties. Should the Contractor intend to use data in the study which cannot be published, this must be explicitly mentioned in the offer. Should interviews be carried out with national authorities in the context of this study, the Contractor must validate the contents with the Member States concerned (responsible ministry/department) and is required to have all interview summaries validated by the interviewee, preferably at the end of the interview. In addition, the Commission may review the results for quality assurance.

Rights concerning the reports and those relating to its reproduction and publication shall belong to the European Commission. No document based, in whole or in part, upon the work undertaken in the context of this Contract may be published except with the prior formal written approval of the European Commission. All documentation collected in the context of this evaluation must be delivered in its entirety to the Commission.

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