Building a framework for participation: An overview of the CoE Child Participation Assessment Tool

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Council of Europe:
Recommendation CM/Rec (2012)2
Participation of children under
18 years

Recognition of Article 12 both as a fundamental right and as a general principle of the UNCRC



General principles, articles, 2,3 and 6

Evolving capacities, article 5

Broader civil rights, articles 13,14, 15, 16, 17

Council of Europe definition of child participation

'individual or groups of children (have) 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.'



Aim of the Child Participation Assessment Tool

To enable countries to undertake a baseline assessment of current implementation

To help identify measures needed to achieve further compliance

To provide benchmarks to measure progress over time

To strengthen monitoring and accountability

Structure of the assessment tool

10 Indicators

- Structural indicators e.g. laws and policies
- Process indicators e.g. training, measures to implement policies
- (no outcome indicators)

Data sources

- Constitutions, laws, policies, strategies
- Qualitative research, Eurobarometer surveys, NGO reports
- Monitoring reports, CRC Concluding observations

Assessment criteria

- Graduated criteria from 0-3
- Aim to enable tracking of progress
- Need for disaggregation



Imagine it is like creating a home

Steps to think about What does a home need?

- The building itself the structure of the home – ie the laws and policies
- The contents the process of making it a home with furniture, bedding, kitchen equipment, and importantly, spaces for family and friends to be together – ie the resources, support and opportunities

The quality - the *outcomes* or whether is it safe, comfortable, and we are happy there – ie – whether children experience a positive difference

The 10 indicators fall into 3 clusters



Protecting the right to participate



Promoting awareness of the right to participate



Creating spaces for participation

The indicators

Protecting the right to participate

- Legal protection for children's right to participate is reflected in the national Constitution and legislation.
- Explicit inclusion of child participation in a cross-sectoral national strategy to implement children's rights.
- An independent children's rights institution is in place and protected by law.
- Existence of mechanisms to enable children to exercise their right to participate safely in judicial and administrative proceedings.
- Child friendly complaints procedures are in place.

Promoting awareness of the right to participate

- Children's right to participate in decision-making is embedded in training programmes for professionals working with and for children.
- Children are provided with information about their right to participate in decision-making.

Creating spaces for the right to participate

- Children are represented in forums, including through their own organisations, at school, local, regional and national governance level.
- Child-targeted feedback mechanisms on public services are in place
- Children are supported to participate in the monitoring of the UNCRC and CRC shadow reporting, and relevant CoE instruments and conventions.

EXAMPLE: Indicator 5 – Child-friendly individual complaints procedures are in place

Definition

Complaints procedures are mandated by law, and are child-friendly and easily accessible to all children in a range of contexts, notably in schools and education settings, care and protection, health, criminal proceedings, family law proceedings, immigration proceedings. To be child-friendly, a complaints procedure must be safe and accessible, provide information in accessible formats, create effective referral and feedback mechanisms.

Data Sources

National law; Legal and policy instruments in the field of family law, education, health care, juvenile justice, social welfare, housing, immigration; Qualitative research available

Assessment criteria

- o= No complaints or feedback mechanisms in place in any of the areas specified
- 1= Child-friendly complaints procedures are in place in two of the areas specified.
- 2= Child friendly complaints procedures are in place in four of the areas specified
- 3= Child friendly complaints procedures are mandated by law and easily accessible to all children across all of the areas specified. Children are provided with information about their right to complain and receive help and support to pursue a complaint in accordance with their age and capacity.

Supporting implementation of the Tool

Detailed guidance provided including:

- Fact sheet
- Frequently asked questions
- Guidance note on collecting evidence
- Roadmap providing timetable and process



Undertaking the assessment

Preparatory phase

- Translation of CPA Tool and supporting materials (guidance note, guidance for children's facilitators) – ready by induction seminar
- Appointment of responsible person in Ministry and a national consultant
- Appointment of children's facilitators
- Preparation of Training and Induction
 Seminar invite relevant
 stakeholders

Implementation phase

- Children's consultations
- Research and data collection
- Multi-stakeholder consultations including meetings of professionals
- Gather information from a range of different sources across the whole assessment
- Identify gaps in information: consider to include in action plan and next steps

Evaluation phase

- Collection of national data from stakeholders consultations, desk research, children's focus groups
- Compilation of national report
- Evaluation meeting: to present the national report to all stakeholders involved; discuss key outcomes and proposals for moving forward
- Provide feedback of the outcomes to the children who have been consulted

Benefits

- Raised interest in and knowledge of, children's participation and created opportunities for dialogue across sectors.
- Highlighted gaps in both current law and policy and its effective implementation as well as strengths that had been overlooked.
- Highlighted data gaps and reflection on what information is gathered on children's participation.
- The focus groups with children affirmed for adults the importance of participation and the associated learning
- Provided opportunities for a shift in the institutional culture towards children – recognition of the need for embedded laws, policies and practices, and a longer term commitment.

Note: The assessment process has proved to be as important as the outcomes of the assessment



For example: Finland



- The necessary legislation and policies to build the environment for participation are largely in place
- More investment in implementation is needed
- Focus should be placed on reaching out to the most vulnerable children
- More investment in needed in raising awareness of professionals working with children
- Need for improved child friendly consultative approaches and systematic feedback of findings.



- A stronger focus on child participation across departments
- Action to produce online packages of training for civil servants
- •Improved consultative methods for children with disabilities
- •Incorporation of participation into:
- National Child Strategy
- National Democracy Programme 2025
- Right to Learn Programme and
- National Youth Work and Youth Policy Programme.

Challenges

- The time it took to gather all the data from multiple setting and sources.
 Organising the focus groups with children is particularly time-consuming.
- Some countries reported challenges in getting children's views on the relevant indicators because the 'themes were too far away from children's everyday lives'.
- Several States reported difficulties in reaching vulnerable groups because of the limitations of existing support structures
- Mixed experience of engaging government in the assessment process
- Lack of data was reported to be particularly problematic respect of Indicators 4, 5 and 9
- Challenges in awarding scores because the assessment criteria were so rigid
- Limitations of structural and process indicators outcome indicators needed to be able to 'evaluate how children's participation rights are actually being implemented'.





- Gaps in the implementation of child participation mechanisms laws and structures not enough on their own.
- Child participation is a transversal matter covering all aspects of children's lives and experiences
- Giving feedback to children and adult stakeholders who participate in the CPAT process via focus groups and workshops is crucial.
- Better understanding of child participation needs to be generated amongst senior decision makers to encourage and facilitate specific follow up action, and make appropriate resources available.
- Timing is crucial in terms of where the CPAT process fits within a broader, governmental, strategic framework, and at what moment of time it will be initiated.
- Child participation can be a critical dimension in re-energising democracy as it is a means through which children learn that they can make a difference and influence the outcomes of political decisions, and how conflicting perspectives sometimes need to be reconciled.



Future steps

- Recognition of the need for outcome indicators
- Currently working on a set of 12 draft indicators
- Pilot to take place in 2023 in Finland and Slovenia
- When finalized, will be added to the CPAT

