

Summary of the pilot study “Child Rights Index”

By signing the United Nations Convention on the Rights of the Child (UNCRC) in 1989, the international community acknowledged that the rights of children are particularly at risk and that children cannot enforce their rights in the same way that adults can. Children are to a high degree worthy of protection and, as a result, need different forms of individual assistance and support. The rights of the child also apply to the 13.6 million children (i.e. within the meaning of the UNCRC: people under the age of 18) currently living in the Federal Republic of Germany.

Background

To what extent the rights of the child have been implemented here depends on various factors that children themselves often have no influence on. These factors include features like their gender, their background or the employment status of their parents. Likewise, in addition to their direct familiar and social environment – the place, where they live, as well as the political and legal conditions which apply there, have a significant impact on their development. Even though the Basic Law stipulates equal living conditions, the diverse circumstances, in which children grow up in Germany, are significantly shaped by the different states (Länder). On the Länder level, laws are passed, programs are developed and conditions are created, which often directly affect children and their life situation. Accordingly, the task of ensuring children’s rights lies considerably in the hands of the Länder. However, a well-founded assessment of the status of implementation at the Länder level remains difficult, since no data entry system or respective systematic data collection on children’s rights exists so far. Put simply: without relevant data and information on children’s rights, the implementation of children’s rights as defined by the UNCRC cannot be examined, or be sustainably guaranteed.

Aims of the pilot study

Against this background, the German Children’s Fund committed to the pilot study “Child Rights Index” in spring 2017. The project sets out to analyse and systematize data on the implementation of the UNCRC. It aims at creating an empirical, comparable foundation for the assessment of the implementation of the UNCRC in the German Länder and at developing child rights indicators as well as the first “Child Rights Index”, which systematically compares the status of implementation of children’s rights in the different Länder. By presenting the implementation of children’s rights transparently and effectively to the public, we want to reach political decision-makers, who are responsible for measures, programs, and strategies for the implementation of children’s rights. At the same time, the pilot study should be regarded as an initiator for state actors to check the collection of relevant data on children’s rights, to fill in the gaps or to make already existing data accessible to the public.

Far too often, the UNCRC is dismissed as too vague or as irrelevant for Germany. This pilot study therefore also aims to offer concrete and constructive starting points for the long overdue debate about the deficient implementation of the UNCRC in Germany. It thereby wants to help better implement children’s rights. Children’s rights are more than an international frame of reference; claims to grow up adequately can arise from them and consequently also social and political calls for action. If updated regularly, the “Child Rights Index” could show developments over time and thus make visible the effects of political strategies. The long-term goal is thus to reduce existing discrepancies between the rights as formulated in the UNCRC on the one hand and the concrete realities of life on the other, to effectively improve the living conditions of children in Germany.

Approach

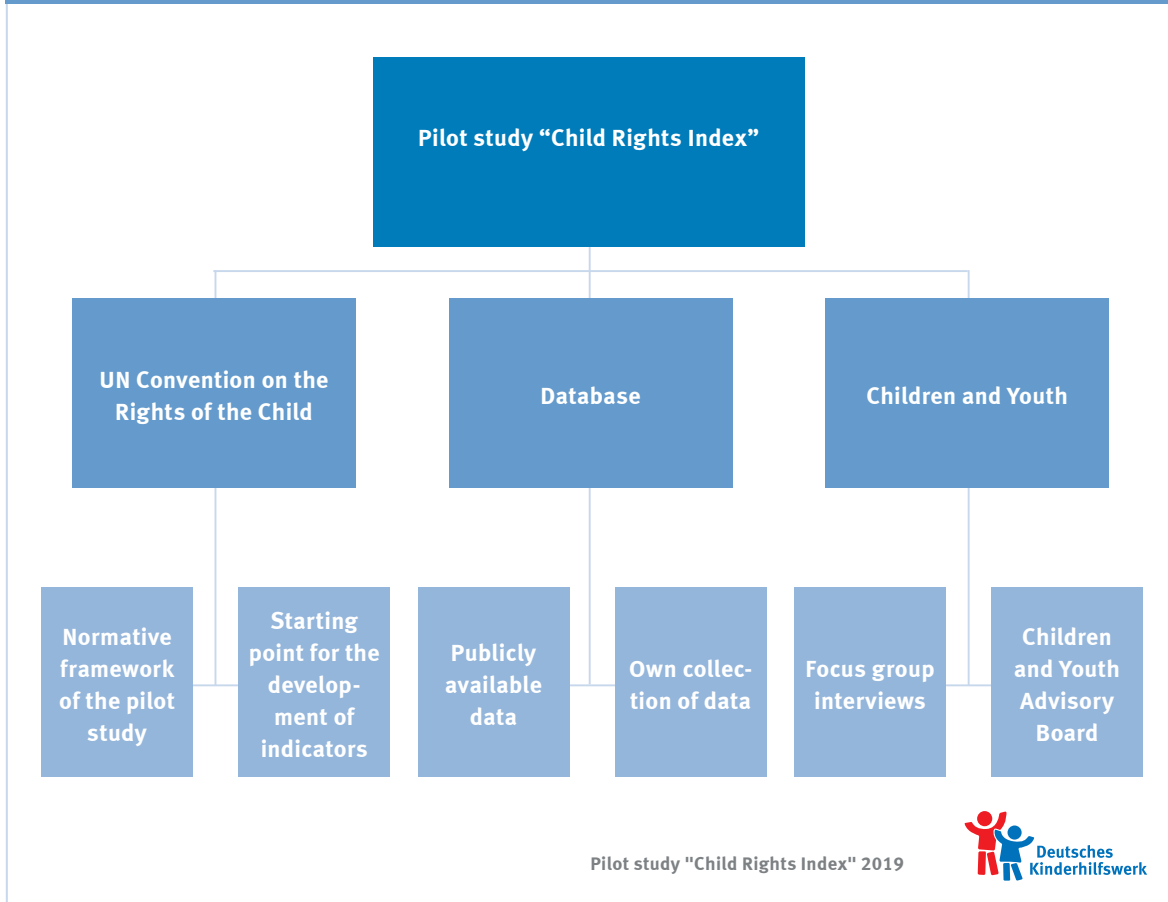
The pilot study is based on a wide research approach on the basis of the UNCRC, which was developed in cooperation with the interdisciplinary scientific advisory board (see fig. 1). The starting point for the development of the child rights indicators is a comprehensive stock-taking and legal analysis of the implementation of the children's rights in the different Länder. The analysis shows, that needs for implementation arise from the UNCRC for the Länder and which indicators should ideally be in place to be able to comprehensively measure and assess the implementation. It also reveals and comments on gaps in the accessibility of data. For the development of a follow-up study and the monitoring of children's rights in general, this is of central importance since no effective monitoring of children's rights is possible without relevant data. On that basis, the "Child Rights Index" analyses the following five rights: the right to participation, the right to health, the right to an adequate standard of living, the right to education, and the right to rest and leisure, play and recreational activities. A stock-taking and analysis of the right to protection were also carried out. However, due to the one-sided database and existing ambivalence in child protection, the implementation of this right could not be evaluated in the context of the development of the index.

On the basis of already existing public data as well as our own collection of data, sixty-four child rights indicators could be defined. The sources include publicly available data like public statistics as well as special analyses

of external data sources, like the Socio-Economic Panel (SOEP) of the German Institute for Economic Research (DIW Berlin/Goebel et al. 2019). In addition, the German Children's Fund carried out its own analyses of framework conditions such as laws, institutions, networks, and programs (conducted in June 2019) and collected data in representative surveys among children and parents in the different Länder (conducted in 2018). All child rights indicators are explained in detail in the stock-taking section (part II) and form the basis of calculation for the "Child Rights Index". In written inquiries to the ministries of the Länder and further research for the pilot study, some best practice examples for the implementation of children's rights were identified; which are also presented in the stock-taking section but were not incorporated in the index evaluation.

The results of the "Child Rights Index" were complemented by children's perspectives on the right to participation, which were collected in qualitative interviews as part of four focus group discussions with children on the following topics: "Inclusion and exclusion in school" and "poverty experiences". Considering the pilot character of the study, these show that qualitative findings can be a useful addition to quantitative research approaches to capture the specific life situations of children. Finally, the Children and Youth Advisory Board of the German Children's Fund formulated demands on the right to participation based on the "Child Rights Index", which can be found at the end of the pilot study.

Figure 1: Approach – pilot study “Child Rights Index”



Results

The results of the “Child Rights Index” offer an overview and a comparison of the implementation of children’s rights in the different Länder. For every children’s right, which was assessed, the available data from the different Länder were interrelated. Following this, the states were divided into three groups, indicating whether a state performed above, below or on average.

It becomes evident that there is a need for improvement in all states when it comes to the implementation of children’s rights – even if to different degrees and in different areas. An overview of the included data can also be found in Länder profiles (part IV 3). Based on those, the Länder can review their work and find many varied examples of good practice from other states.

In the **overall result**, Brandenburg, Niedersachsen, Rheinland-Pfalz, Sachsen, and Schleswig-Holstein perform above average. That means that children’s rights are being implemented comparably well in these states. Baden-Württemberg, Bayern, Berlin, Bremen, Mecklenburg-Vorpommern, Nordrhein-Westfalen, and Thüringen perform on average. Hamburg, Hessen, Saarland, and Sachsen-Anhalt were registered as performing below average.

Regarding the implementation of the **right to participation** (14 indicators) in all matters affecting the child, Baden Württemberg, Brandenburg, Hamburg, Mecklenburg-Vorpommern, Nordrhein-Westfalen, and Schleswig-Holstein perform above average. Bremen, Hessen,

Niedersachsen, and Sachsen-Anhalt perform on average. Bayern, Berlin, Rheinland-Pfalz, Saarland, Sachsen, and Thüringen underperform.

The **right to health** (9 indicators), which includes access to the healthcare system, prevention and health promotion, is implemented best in Bayern, Bremen, Hamburg, Niedersachsen, and Rheinland-Pfalz. Baden-Württemberg, Berlin, Brandenburg, Nordrhein-Westfalen, Sachsen, and Schleswig-Holstein are on average. Hessen, Mecklenburg-Vorpommern, Saarland, Sachsen-Anhalt, and Thüringen in comparison perform below average.

In Bayern, Niedersachsen, Sachsen, and Schleswig-Holstein, the **right to an adequate standard of living** (9 indicators) for the child's physical, mental, spiritual, moral and social development has been implemented best. In this case, nine Länder constitute the average: Baden-Württemberg, Berlin, Brandenburg, Bremen, Mecklenburg-Vorpommern, Nordrhein-Westfalen, Rheinland-Pfalz, and Thüringen. Below the average are Hamburg, Hessen, Saarland, and Sachsen-Anhalt.

Regarding the **right to education** (24 indicators), which includes the implementation of equal opportunities, as well as education curricula and objectives, Brandenburg, Niedersachsen, Rheinland-Pfalz, Sachsen, Schleswig-Holstein, and Thüringen perform above average. Bayern, Berlin, Mecklenburg-Vorpommern, Nordrhein-

Westfalen, and Sachsen-Anhalt are on average. Below the average are Baden-Württemberg, Bremen, Hamburg, Hessen, and Saarland.

The **right to rest and leisure, play and recreational activities** (8 indicators) is crucial for the quality of childhood, for the right of the child to optimal development and the promotion of resilience. Bayern, Brandenburg, Niedersachsen, Rheinland-Pfalz, and Schleswig-Holstein perform above average regarding this right. On average are Baden-Württemberg, Berlin, Saarland, Sachsen, Sachsen-Anhalt, and Thüringen. Bremen, Hamburg, Hessen, Mecklenburg-Vorpommern, and Nordrhein-Westfalen underperform.

All of the results for the "Children's Rights Index" constitute first and foremost a snapshot. It is also in this sense that the title "pilot study" should be understood; the development of a feasible and robust method for the definition and assessment of child rights indicators resulting in an index is a long-term process. Accordingly, the child rights indicators developed in this pilot study should be regarded as a starting point for further discussion and research rather than as being conclusively defined. The aim is to further develop and broaden the indicators in the future with additional data sources as well as legal and political developments. The "Child Rights Index" is thus the first step on the way to a comprehensive and sustainable monitoring instrument.

COMPOSITION OF THE "CHILD RIGHTS INDEX"



OVERALL RESULTS "CHILD RIGHTS INDEX"

