



... on participation through participation...

Round Table discussion to develop Council of Europe actions on participation of children and young people under the age of 18, Helsinki, Finland, December 2, 2009

**EDITED COMPILATION OF THE REPLIES TO THE
QUESTIONNAIRE FOR THE ROUND TABLE**

Replies to the questions in the section B in the questionnaire [Questions related to Council of Europe documents (Roadmap 2009 – 2011 and the Terms of reference of the Ad hoc Advisory Group of child and youth participation)]

SUMMARY OF THE REPLIES TO ALL QUESTIONS

- Regarding the **question 1 on “sustainable and meaningful participation”**, the replies range from theoretical definitions to concrete proposals to the Council of Europe for its future actions on child participation.
- According to respondents, supporting sustainable and meaningful child participation means creating favourable conditions and culture for it. Meaningful participation demands applicable tools and education/training supporting usage of the tools. Participation is seen sustainable when children’s voices are part of existing, ongoing decision- and policy-making structures.
- In the **question 2**, respondents gave their opinion on **e-participation forums**. In the replies, words like ‘safe’, ‘permanent’ and ‘user-friendly’ were used to describe the necessary quality of an e-participation forum. Some respondents thought that Council of Europe should create an e-forum or a website for consulting children, others saw that an e-forum is not something that Council of Europe should be responsible for. It was recommended to use existing e-forums in member states, to create software that is easy to use for children and young people, and not to forget complementary forms of participation and face-to-face contacts.

- **Question 3 targets the proposal of a national policy review and the relevance of its outcomes** for respondents, their respective countries and Council of Europe. The following were mentioned:
 - The policy review shouldn't focus on deficiencies or defects, but take a positive approach offering advice and support to the country in question.
 - As a result, a policy review shouldn't only provide a set of recommendations to a country. Participating in the policy review should be a learning process where reviewed countries gain concrete tools and advice for developing further their policies and laws related to child participation.
 - The policy review process on child participation shouldn't duplicate the work done with youth policy reviews; existing connection needs to be taken into account.
 - The policy reviews shouldn't duplicate the implementation and monitoring process of the UNCRC. However, they should support countries to implement Art 12 on the child's right to be heard in practice.

- As regards **the question number 4 on a need for a new Council of Europe legal instrument to promote child and youth participation**, some respondents find it helpful, while others don't see it necessary.

- A large number of the respondents underline the need to promote existing standards and to develop innovative approaches towards child and youth participation. Developing indicators is mentioned as one of the tools to monitor the success of child participation.

DETAILED REPLIES

1. The Council of Europe aims to support "sustainable and meaningful" participation – what does this mean to you?

a) Replies from governments

Czech Republic

- The Council of Europe should develop a **set of tools** which would enable children and young people to have an opportunity to be **consulted on issues that have an impact on them**, first of all at **important stages of reviewing / redirecting Council of Europe's approach to youth and children policy**.

- However, a European level of participation should not prevail national nor local levels. **There are differences in Member States, commonly there is lack of information on how young people find the opportunities to get involved.** Young people don't have a clear explanation of the concept of youth participation, what it includes, means and what they can achieve.
- Therefore, Council of Europe should identify the need to **further develop a dimension of children and youth participation in national youth policies.** Since young people make up a large percentage of the population and will become the future leaders, it is necessary to establish an environment in which young people can develop their interests, be motivated, are able to express their voices and make their opinions heard. These will be valued and acted upon, taking into consideration their different needs.

Finland

- The objectives defined in the Stockholm strategy for 2009-2011 are pertinent to sustainable participation of children and young people (mainstreaming, development of standards and methodologies, dialogue between decision-makers and children etc.).
- "Sustainable" participation can only be achieved through **establishment of well-functioning operational models, methods and structures meeting the various requirements and needs of different age groups** and realised equally throughout the country. The functionality and quality of the influencing and hearing systems should be evaluated on a regular basis.
- Supporting sustainable participation include state subsidies to youth organisations, children's organisations, other organisations doing youth work and various youth activity groups. More recent forms of activities include the activities of youth councils and children's parliaments, student body activities, eDemocracy and other forms of utilisation of new technologies.

Ireland

- The Office of the Minister for Children and Youth Affairs is working to ensure that children and young people have **a voice in the design, delivery and monitoring of services and policies that affect their lives, at national and local level.** Our work is based on the belief that children and young people are the citizens of today, with accompanying rights and responsibilities, and not simply the adults of tomorrow.
- Sustainable and meaningful participation means **building a culture and practice of participation** among those working on the development and delivery of all policies and services for children and young people.

Lithuania

- I understand the “sustainable and meaningful” participation as integrating child participation in the various policy areas (mainstreaming).

b) Replies from ombudspersons for children

Ireland

Sustainable participation:

- is part of a broader and long-term commitment to build a culture of respect for children and their rights, including their right to be heard and to have their views taken into account;
- is focused on integrating and mainstreaming children’s participation rights;
- is practicable and can be resourced in the short-, medium- and long-term;
- **is committed to broadening and building capacity** so that children’s participation is not a specialised area of work that experts and specific agencies undertake on others’ behalf;
- is participation work that can **be adapted and replicated by others**;
- can generate sustainable outcomes for children.

Meaningful participation:

- is underpinned by ethical standards and a commitment to good practice;
- is relevant to children (engages with their interests and concerns);
- is transparent and accessible to children and young people;
- is inclusive of children and young people;
- can involve taking a targeted approach to involving children and young people (e.g. facilitating the participation of a specific group of children in work focused on their rights and welfare);
- is committed to effecting change, including outcomes that are tangible and relevant to children and young people themselves.

c) Replies from civil society

Agenda: Child!

- Agenda Child use its own principles for child participation. These principles are as follows:
 - Principle of Equity: There should be the equivalence in between adult and child participants if they are working together.
 - Adults should believe in potential and the ability that children have.
 - Children should be promoted that they have the power to change/affect.
 - Opportunities should be provided to children to change and to realize their power to affect.

- Child participation should focus on process rather than the product. Generally, process is much more important than the product when we focused on child participation.
- Participation is not privilege for some of the children, it is a right for all the children.
- Children should have the power to define and/or change process of participation.
- Participation is a voluntary act for children. Not to participate is also a right.

International Falcon Movement-Socialist Educational International

'Meaningful' participation

- Children and young people are *involved in*, and not only *consulted about*, policy-making.
- Participation is integrated in the activities and ethos of regular structures (such as youth organisations, schools, service providers, etc.), not only on an ad-hoc basis in individual projects.
- Participation is **accompanied by education** to ensure that children and young people have a good understanding of the issues they are working on and the structures they are participating in, the reasons for and impact of their participation. They should have had the opportunity to develop their own understanding and their own opinions over a longer period of time.
- **Children can clearly see and understand the impact and consequences of their input.** Mechanisms of participation must be transparent, and facilitators (be they peer facilitators or adults) must be clear that children/young people's views will not automatically be taken on board. Thus children and young people will learn that they will not always 'win' where there are good reasons for not doing what they suggest, which is an integral part of a participatory culture.
- Children participate in decision-making on wider issues, not only those generally considered to 'directly affect them'. All issues affect children in some way and in order to create a true culture of participation, we need to ensure meaningful participation of children in a wide range of issues.
- The above criteria form an indivisible ensemble characterising genuine participation. The subtraction of any one of those would mean participation is, to some extent, tokenistic.

'Sustainable' participation

- Sustainability lies in the *personal* dimension: child/youth participation is only sustainable if the person can participate through time and contexts.¹

¹ For instance, participation in a youth club but not at school or in judiciary affairs concerning the child is limited and limiting from a personal point of view: why should one be able to participate in one area of life and not the other, or participate when they are 8 but not when they are 14?

- Sustainable participation crucially **relies on the opportunities** given to (or appropriated by) the child or young person to develop their abilities for participation. These commonly but not exhaustively include critical reflexion, speaking in public, addressing adults, debating skills and listening skills.
- Structures that integrate participation are given **support**, both in terms of finances and resources, and in terms of recognition for their work. This support and recognition should be based on a critical assessment of participation in light of the criteria outlined above. In particular, support is needed for longer processes with sustainable goals.
- **Participation should build on structures that are already in place.** Instead of setting up new structures, support should be given to existing ones, such as youth organisations, schools, and service providers, so that they strive to be more inclusive. Youth organisations particularly need support to reach out and work with wider target groups using non-formal education.
- **Participation should support partnership across relevant sectors;** e.g. youth organisations should be supported to go into schools and work with children there, and similarly schools should be encouraged to partner up with community centres or youth organisations that may have different approaches to participation.

[Power4Youth](#)

- Sustainable participation is one lasting throughout the 'process'. Youth participation can often be challenging, since it might not be so easy for young people to think on the macro level (European for instance), also it is not always are they fully aware of the processes that need to be undertaken before achieving the results. Therefore they might need extra support in order to fully comprehend the subject, the range of realistic and achievable outcomes and to be able to meaningfully participate.
- For example our organisation, Power4Youth, uses kind of a '**mentoring**' system, where always a more experienced young person is accompanying less experienced youth at conferences and meetings, trying to guide him/her towards a meaningful participation. That means also wider and more democratic participation.

[Save the Children Sweden](#)

- Policies and practices which ensures that child participation is mainstreamed through decision making and actions taken (not specific, one-time projects) where children from all groups in the society, including the most vulnerable, can have their voices heard. The participation shall be on the terms of children, voluntary and they should be involved in composing how their voices should be gathered. It is of utmost importance that the mechanisms include also **feedback** to the children who have been involved on how their opinions have been taken into account. Finally, it also includes the right not to participate.

SOS-Children's Villages International

To ensure sustainable and meaningful participation, the Council of Europe should work towards these 3 objectives:

1. To support the development of children's networks

To ensure financial support for such groups or networks, especially by strengthening the budget of the EYC and of the European Youth Foundation

2. To develop child policies and to support their development and implementation in Member States

Meaningful and sustainable child participation should be core of those policies:

- Lobby for creating a legal framework for a practice of young people's participation (e.g. special notification in the national child and youth legislation; special notification in the standards and guidance for implementation at national and local level);
- Collect and promote good practices to support and motivate governmental stakeholders to seek and create opportunities for participation of young people at national level;
- Offer technical guidance on this issue.

Such policy development should be assisted by:

- research on and by children themselves
- training programmes for people working with children
- dissemination of good practices

3. To develop a culture of and set up a system for child participation

- As highlighted in the *State of the World's Children 2003*: "Meaningful child participation requires a radical shift in adult thinking and behaviour — from an exclusionary to an inclusionary approach to children and their capabilities".
- Participation of children should be part of a global policy of participation. All sectoral policies should have a child dimension. Public bodies should therefore implement various forms of child participation.
- Children and youth representatives should be **involved in projects (planning, implementation and evaluation)** and in internal and external gathering organized by the Council of Europe alone or with its partners.²
- It is always important to make evident the **impact** of children and young people's participation on the decision made and on the actions taken. Decisions made or

² SOS Children's Villages can share its experiences in involving children and young people in the steering group of projects at both national and international levels. (See for instance the Leaving Care Advocacy Campaign "I matter" or the Q4C Standards Project).

changes in processes which were determined by participation of children and young people should therefore be **tracked**.

- For each of the above mentioned objectives, principles and various forms of participation should apply to all children **without discrimination**. Special attention should therefore be paid to the most marginalised children:
 - Work closely with governmental stakeholders and NGOs to map the most vulnerable groups of children and young people
 - Define clear guidelines for projects organized by CoE and partners on how to ensure non-discrimination (gender, age, geographic and social-cultural balance) and involvement of most vulnerable groups of children and young people.
- Finally, as stated in the European Charter on the participation of young people in local and regional life: for participation to be successful, lasting and meaningful, any policy or action to promote youth participation “must ensure that the cultural environment is one of respect for young people and must also take into account the diverse needs, circumstances and aspirations of young people. And it must involve some element of fun and enjoyment”.

RATIONALE

- As stated in the Revised European Charter on the Participation of Young People in Local and Regional Life, if participation is to be meaningful, it is vital that young people “can influence and shape decisions and actions when they are young and not at a later stage in life”.
- If children can “influence and shape decisions and actions”, it means that they have been empowered and enabled to do it, through:
 1. Personal capacity development to make their participation possible
 2. Development of opportunity, space and means within the organisation to enable children to influence and shape decisions
- This meaningful participation gives therefore per se a good basis for the sustainability of participation;
 - the child who has been empowered to participate can become actor of his/her life and actor in his/her society³
 - the organisation (institution/authority/...) which enabled this child to effectively influence and shape its decisions and actions has created a system, which itself constitutes a basis for ensuring sustainable participation.

³ SOS Children’s Villages has developed “child development planning” as a tool for quality assurance in care. This is an approach in which the child participates in planning his/her future. Short and long-term objectives are set jointly and are constantly reviewed and adjusted. This allows for individual care, supports the most vulnerable and discriminated children and helps promote the child’s potential.

- The system in place to enable children to participate (both in terms of personal capacity and effective ways to influence and shape decisions and actions) must also be supported by strong political will. In practice, it means that participation should not only be planned in long term programmes, but also enshrined in the general policy/principles of the organisation.

Universal Education Foundation

- For Universal Education Foundation, this means that young people's perspectives, needs and views about issues that influence their lives and well being are heard by adults in all the different aspects their lives (family, school, community, etc.), with curiosity and respect. **Young people have to be seen and to be treated as partners in the formulation and implementation of the education and social reform agendas that influence their lives.** In the same way as adults are treated as citizens, with full participation rights, young people need to be treated as young citizens, also enjoying age-relevant participation rights.
- First and foremost, this means that **adults learn to communicate differently with children and young people**, listening to them with curiosity, attending to what they say and, crucially, sharing the power of decision-making with them in all domains that affect their lives. This could mean, for example, developing training that would be integrated into teacher education, the training of social workers, parental support and education, etc.
- In terms of making participation sustainable, **a children and youth shadow Assembly of the Council of Europe could be established.** Governance and the structure of such a body could subsequently be elucidated through extensive consultations with children and youth networks and groups (including the existing Children's Parliaments and similar structures). In this way, Europe could become a pioneer on a global level for innovative and forward looking youth engagement initiatives.

2. What kind of an e-participation forum for children and young people could be established for Council of Europe actions, and how should the forum be used (in which occasions, how often)?

a) Replies from governments

Czech Republic

- Council of Europe should organize **comprehensive open e-consultations with young people throughout the whole Europe.** Such e-consultations could be organized in cooperation with the assistance of the Governments of Member States not only through the non-governmental youth organizations and their national youth councils, but also through the school system of Member States.

- Such an e-participation forum should provide the users not only with a chance to be heard, but also with a support service to help them to find an opportunity to participate regardless of their ability, age, income, place of residence, or ethnicity. Therefore it is also important not to focus only on participation at European level, as for an ordinary young person local participation in community life is the most relevant and important.

Finland

- Many member states utilise e- participation and -influencing systems which are easily accessible for children and young people through schools, youth clubs and libraries. Possibilities provided by these fora should be examined. The advantages of **using national systems** are that they are to some extent known and used by youth, compared to starting a new international system for e-participation.

Lithuania

- I think it could be established the **special website** where children and young people should get involved in the discussion about actual and future actions of Council of Europe. Children and young people could express their opinion in this website through **discussions and rating**. The results of discussions and ratings should be analysed, evaluated and published. Also these results should be respected.

b) Replies from ombudspersons for children

Ireland

- Through our own work with children and young people, we are aware of the **need to enable children and young people to highlight their views and concerns with us through new media**. We are committed to building our capacity to support children's and young people's participation in this way. As an initial step, we have developed **an application that enables children and young people to record a message for the Ombudsman for Children in a written, audio or audio-visual format**. This application appeals to children and young people and we have noticed that the audio-visual approach is proving especially popular.
- While we are not best placed to advise on what kind(s) of approaches to e-participation will be most effective in terms of facilitating young people to engage with the Council of Europe, we would like to make the following suggestions:
 - It would be worthwhile to **find out young people's views and ideas** on what kind of e-participation mechanism(s) would be effective and how an e-participation forum could be used.
 - E-participation mechanisms should be **complemented by other kinds of participation mechanisms**, including one or more mechanisms that facilitate

periodic face-to-face contact between participating young people and between young people and the Council of Europe.

- It could be beneficial to use a **range of complementary e-participation mechanisms that reflect the aims of specific Council of Europe initiatives** and that provide for:
 - ongoing *and* periodic opportunities for children and young people to participate;
 - quantitative *and* qualitative approaches to children's and young people's participation;
 - broad-based and targeted participation activities.
- The mechanisms used need to be **safe** and to support, in so far as practicable, the gathering of reliable, legitimate information (e.g. in the case of e-voting, an individual can only vote once and is among those who are 'eligible' to vote).
- The mechanisms need to be **user-friendly**, with supports put in place to ensure that they are an accessible, engaging and effective way of involving young people.

c) Replies from civil society

Agenda: Child!

- Many children especially in undeveloped countries do not have proper access to internet. So, e-participation may and important tool for participation and should be supported but **it cannot be main and only method of participation**. This may seriously cause discrimination of children who don't have proper access to the internet.

International Falcon Movement-Socialist Educational International

- Overall, **we do not feel it is the role of the Council of Europe to provide spaces for e-participation on a pan-European level**. A strategy for pan-European e-participation would likely reach a very small percentage of young people, and in our assessment this population would likely be the same as that which currently has access to the local, national and European youth sectors, and is not in urgent need of increased access to e-participation. The Council of Europe should recognise that it is very difficult to achieve inclusive, sustainable participation online, especially at such a high level. Most e-participation is *ad hoc* (like surveys), and would be classified more as consultation than participation.

Power4Youth

- A platform/ forum for youth is a great opportunity to discuss topics interesting to them and in which they feel the need to have a say, with each other and with professionals. **Special topic discussions could be raised for forthcoming bigger events of the Council of Europe**, also ones handling matters concerning the children and youth, in fact they should also have the opportunity to raise a discussion on a

topic of their own choice - conclusions of these forums could be used at conferences, meetings, should be used if they had been brought up for a certain event. After a feedback of the meeting (conference, summon etc) and the input of the website discussion to the event should be provided and published again to the website.

[Save the Children Sweden](#)

- E-participation is most likely the best way to get children's opinions. **Collaboration with e-communities for children and young people in the different member States should be sought**, since it's here children are. Eg there could be links to surveys etc from those website to the CoE website. Further, it's important to have the information etc on the languages children can understand (ie not only English or French).
- The forum should be used to get children's opinions on what issues they are most concerned about, which could be linked to the programme activities of the CoE. They could give their opinion on the need for different instruments, if the questions are asked in the right way.

[SOS-Children's Villages International](#)

- A forum of children and young people could become a **permanent body**. This body could have an **electronic platform for communication**, however, **regular face-to-face meetings should be organized**. Indeed, face-to-face meetings strengthen interpersonal relationships and have a positive impact on the level of motivation and implication of the children and young people involved.
- From our experience, e-participation can work. A core group of children and young people who meet on a regular basis is vital to ensure a dynamic e-participation that can attract an increasing number of internet users. This core group should be part of the steering body of the e-participation platform.

[Universal Education Foundation](#)

- To function successfully an e-forum will have to be designed, developed and then run by young people themselves to integrate the types of functionalities that suit their purposes best. There is already a **large network of schools (EU Schools Net) in Europe** and it may be possible to work with some of the young people already involved to create an e-forum. Such a forum may be used as a virtual space where e-debates, discussions and surveys could be organized around key policy issues. Internet surveys, tapping into young people's satisfaction about certain services, measures, policies could be conducted and the findings used to inform the different policy levels.

3. What should be the outcome of the national policy review - presented in the Roadmap 2009 – 2011 and to be implemented by the Council of Europe Advisory Group - a) for your own work, b) for your country, c) for Council of Europe?

a) Replies from governments

Czech Republic

- The outcome of the national policy review should not focus only on providing a reviewed country with a set of recommendations and mapping the situation in a reviewed country. Such a process should aim at
 - mapping participation opportunities in Member States
 - developing guidelines for Member States in general how to support young people in learning and understanding
 - how and where their views may secure the greatest impact, and why
 - how to ensure them to be able to identify the benefits
 - which skills they will get through their involvement in active youth participation.

Finland

- a-b) The national policy review should **advise on key challenges of the child and youth participation in the country concerned**. The review should identify those areas that are not covered by the current policies. The national policy reviews process should not only produce guidelines and recommendations for policy development, but also **enhance mutual learning and exchange of best practices** between Council of Europe member states. The results of the reviews should be disseminated in a suitable way.
- c) The national policy reviews should contribute to a **learning process** about the implementation of child policies and child and youth participation in Europe. Reviews could also contribute towards a joint approach to child participation across Europe.

Lithuania

- I think that for my work as well as for my country national policy reviews would be **useful for the preparation of national laws and other legal acts, governmental programs** and in other measures related to child and youth participation. Also I think that for Council of Europe national policy reviews would be useful for the preparation of common guidelines and recommendations, after evaluation of policy reviews of different countries is done.

b) Replies from ombudspersons for children

Ireland

- The information provided in the Roadmap document in relation to the proposed national policy reviews and associated activities such as the development of Council of Europe guidelines for child and youth participation suggest that these activities have the potential:
 - to provide an **up-to-date picture of policy provision** for children's and young people's participation at national level within and across Council of Europe member states participating in the pilot;
 - to **facilitate capacity-building** in the area of children's and young people's participation;
 - to **enhance awareness** of children's right to be heard;
 - to **promote and support good practice** in children's and young people's participation in the interests of extending the opportunities for children to be heard and improving children's and young people's experiences of participation.
- These prospective outcomes have the potential to yield benefits at individual agency level, at national level *and* at Council of Europe level. We would suggest that the approaches taken to compiling, presenting and disseminating the outcomes of the activities are such as to maximise their accessibility and relevance to actors working at these different levels and in these different contexts.

c) Replies from civil society

Agenda: Child!

- a) It would be an active **advocacy tool** for all ngos working on child rights advocacy.
- b) It may encourage the politicians move towards to have a national child policy in Turkey.
- c) It would enforce the existence aims and targets of the Council. **After this national policy review Council of Europe will able to see the roadmap throughout implementation of participation right more clearly.** Council of Europe may give **recomendations to member countries to build child rights policy at national level regarding review done** by the advisory group.

International Falcon Movement-Socialist Educational International

- In discussing this issue, we felt that **coherence between this and the national youth policy reviews should be guaranteed to avoid duplication or missing important and relevant connections.**

Possible outcomes:

- Sharing of best practice methodologies and approaches embedding participation in schools and youth organisations/services.
 - A mapping of the child and youth participation work undertaken in different countries. **Country files** could be created and maintained, ensuring that we don't try to reinvent the wheel, but strengthen our participation work, building on the experience of others.
 - The above should be done in **partnership or by closely following processes based in the implementation and monitoring of the United Nations Convention on the Rights of the Child.**
 - Setting Council of Europe standards and disseminating approved methodologies, including practical tools for schools, youth organisations and youth centres.
- Clear proposals for each pilot country to support them to improve their participation work through regular peer review, in addition to the UN Committee on the Rights of the Child's periodical review of countries' compliance with the Convention.

[Power4Youth](#)

a) for your own work

A commitment from the Council of Europe [CoE Resolution (2008) 23] to '**the importance of co-operation and co-ordination between child- and youth-related activities**' mirrors Power4Youth's mission '*ensuring consultation, involvement, empowerment and support of youth, in order for young people with (alternative) care experience to reach their full potential*'. Power4Youth is underpinned by 5 core values; diversity; participation; commitment; inspiration; and accountability. In particular, our core values of participation and commitment states that Power4Youth believes '*in stakeholder participation in all levels of alternative care*' and '*we commit to active co-operation with stakeholders in the field of alternative care. We recognise the United Nations Convention on the Rights of the Child and the Quality4Children Standards for Out-of-Home Child Care in Europe.*'

We welcome Council of Europe's national policy review and hope that the outcomes will have a positive impact on future indicators, activities, representations, participation and rights of children and young people in the future. Children in alternative care are among the most vulnerable groups and we hope that the Council of Europe national policy review includes and identifies this particular group in their review activities. Power4Youth, as [a new, informal and] the only platform for youth in alternative care in Europe, is a peer led organisation to '*advocate for meaningful youth participation by taking time to really listen to youth voices, consulting with them as valued stakeholders and involving them at all levels of decision making*'.

b) for the Council of Europe

The outcomes for Council of Europe for a national policy review are numerous and positive. Even if there would be a negative indicator, this should be viewed as an opportunity to develop and identify an area for targeting. Council of Europe's 3 terms of 'sustainable and meaningful participation' (mainstreaming, developing standards and methodologies and dialogue opportunities) are a welcome acknowledgement that youth and child participation is not a product in itself but an on-going process that needs to be supported at every level. Council of Europe has identified 'residential care' and 'vulnerable children' as part of the inclusive approach.

[Save the Children Sweden](#)

a) An overview of how European countries work with child participation will be very useful, since we work in many European countries through partners, and all involve children in their work. **It can be used for advocacy purposes, sharing of information developing projects** etc.

c) Analyse the differences between the countries, identify good practices to spread and develop appropriate models on how to keep working on this, eg guidelines, recommendations, bilateral projects, information spreading, awareness raising etc.

[SOS-Children's Villages International](#)

For both SOS Children's Villages International and the Council of Europe, outcomes should be:

- conceptualising children and youth participation policies;
- knowing more about delivery of children and youth participation policies; structure and finances;
- dimension and key domains of children and youth participation policies.

4. Is there a need for developing a new Council of Europe legal instrument promoting child and youth participation, and if so, what should the instrument be?

a) Replies from governments

[Czech Republic](#)

- Rather than developing a new legal instrument, **it would be better to work on innovative approaches for youth participation** with the aim to identify creative opportunities to encourage young people to become active in the social and political life of their communities and get them involved in the decision-making process, which has an impact on their lives.

Finland

- A need to initiate a new legal instrument should be **carefully considered**. There are strong legal instruments, such as the UN Convention on the Rights of Child that cover also the child and youth participation. In the first place, the Council of Europe member states should make the **best possible use of the existing legal instruments and focus on efficient implementation of these tools**.

Ireland

- I think a legal instrument **would be very helpful**, as the lack of legal force underpinning children and young people's participation is proving to be a massive barrier to buy-in and effective implementation.

Lithuania

- In my opinion a new legal instrument is **not necessary** because according the Roadmap 2009 – 2011 Council of Europe is already going to draft common guidelines and recommendations on child and youth participation.

b) Replies from ombudspersons for children

Ireland

- Article 12 of the UNCRC, together with the UN Committee on the Rights of the Child's 2009 General Comment on children's right to be heard and the Committee's periodic, country-specific observations and recommendations provide helpful guidance:
 - for benchmarking progress towards recognition of children's right to be heard in the context of relevant law, policy and practice;
 - on how and by whom children's participation rights can and need to be progressed.
- In terms of progressing children's participation rights, one potentially beneficial step for the Council of Europe could be to **continue to invest in the development of supports that will encourage and facilitate member states to action the provisions of Article 12 of the UNCRC and the UN Committee's attendant guidance and recommendations**.
- We recognise that any proposal to develop a new Council of Europe legal instrument promoting child and youth participation needs to be **carefully considered** with a view to **ensuring that its potential effectiveness is maximized and that it complements and builds on the potential of existing international and European legal instruments to progress recognition of and respect for children's rights**, including their right to be heard in the context of decision-making processes affecting them (UN Convention on the Rights of the Child, the European Convention on

Human Rights, the European Convention on the Exercise of Children's Rights, the revised Brussels II Regulation, etc.).

- Bearing in mind Article 41 of the UNCRC, which states that “nothing in the Convention shall affect any provisions” in national or international law which “are more conducive to the realisation of the rights of the child”, we would suggest that any new Council of Europe legal instrument would ideally develop the minimum standard for children's right to be heard provided for under Article 12 of the UNCRC and have the potential to accelerate the process of building a culture that recognises and respect children's participation rights.

c) Replies from civil society

Agenda: Child!

- In all countries, monitoring bodies (non-governmental and governmental) on child rights should be established due to CRC. Council of Europe may promote this process by establishing a **monitoring body among Council of Europe to monitor the implementation of CRC**. So, it can be much more effectively possible to monitor the implementation of participation rights. Besides to this, best practices in member countries should be chosen and promoted (by financially supports, printed guidelines. etc.) in other member countries.

International Falcon Movement-Socialist Educational International

- We feel that **priority shouldn't be given to another legal instrument, but to ensure that those already in place are effective**. This includes legal instruments created and maintained by the Council of Europe itself, but also cooperation around the implementation of other such instruments, especially the United Nations' Convention on the Rights of the Child and the regular country reviews undertaken by the UN Committee on the Rights of the Child. More important than legislation is to **create a culture of participation in Europe** where it becomes second nature, and part of a European ethos of youth work and education. Our goal should be that children feel comfortable to question and criticise the world around them and to offer their own perspectives, knowing that they will be listened to. Education is central to this endeavour, especially in order to counter the predominant feeling of powerlessness

Power4Youth

- **Yes. A legal instrument creates an obligation relationship and can grant a right;** expresses a legally enforceable act, process, or contractual duty, obligation, or right, and therefore evidences that act, process, or agreement. A Council of Europe legal instrument promoting child and youth participation would be a **measurable, visible, enforceable** commitment to children and young people.

- Power4Youth recently gave a workshop at the Eurochild Annual Conference entitled 'Children with Parental Care - good practice for improving the protection and well-being of children'. One of the conclusions of this workshop was to acknowledge **the lack of specific, measureable social indicators into the well-being and participation of children and young people in alternative care in Europe**. A legal instrument by CoE might influence the nations involved to make sure that social indicators are produced and comparable, in order to identify, support and make changes for vulnerable children and young people in our societies.
- More specifically, the CoE Roadmap 2009-2011 (Section III.2.c) identifies **children in care** as one of the groups targeted in specific CoE activities towards good practice on child participation and consultation. A legal instrument would provide the pathway over which children and young people in care are given (and use) the right to participate and be consulted on issues affecting their lives.
- This legal instrument would identify stakeholders responsible to ensure this right of participation and enforce sustainable and meaningful participation of young people and children.
- A significant (and often lacking) element of this procedure, according to Power4Youth, is also the **'space' for feedback and 'reporting' back to young people**, where their contribution is acknowledged and they are shown what difference their participation has made. This can even be extended to make visible the link between their contribution and a change in social policy or standard!⁴

[Save the Children Sweden](#)

- There **might be a need**, I think a decision should be taken after an analysis of how child participation is organized today in the countries. I do not believe a legally binding instrument is the best way to go, but rather guidelines or recommendations on how states can involve children in decision making and activities.

[SOS-Children's Villages International](#)

- SOS welcomes the initiative of a CM recommendation on child and youth participation.
- As follow-up to the PACE recommendation 1698(2005) on the rights of children in institutions, further Recommendation(s) could be developed on the participation of vulnerable groups of children and on non-discrimination within participatory processes involving children.

⁴ An example of a European project that undertook this approach is the Quality4Children standards where direct quotes from young people are included and linked to specific standards in the publication of the 'Quality Standards for Out of Home Care in Europe' so that a direct, visible and measureable link is made between the young people and children's participation and the outcome of the standards (and the project as a whole).

- Besides legal instrument, we suggest to introduce a **peer review mechanism** on child and youth participation among State Parties (involving children and young people in the evaluation peer group).

Universal Education Foundation

- To be useful such an instrument would have to be **developed with substantial children's and young people's participation** to ensure that it integrated their needs and preoccupations.