



National human rights institutions (NHRIs) Series:
Tools to support child-friendly practices.

CHILDREN'S PARTICIPATION IN THE WORK OF NHRIs

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ABOUT THIS TOOL

Children's participation in the work of NHRIs

This tool provides detailed guidance to National Human Rights Institutions (NHRIs) on what is meant by child participation, how to engage children in multiple ways in various aspects of the work of the institution and how to ensure that this work is at all times ethical and effective. It draws on the interpretations and elaboration provided by the Committee on the Rights of the Child in several of its General Comments, as well as the Day of General Discussion on the right of the child to be heard, held in 2006. It needs to be read in conjunction with the tools on complaints mechanisms and outreach, both of which are relevant for children's participation.

The content is structured as follows:

- **Sections 1 to 4** provide an introduction to participation: what it means, what it involves and how to undertake it in a meaningful way
- **Section 5** explores how NHRIs can work with children and provides suggestions about possible approaches to their involvement, including practical examples from the work of NHRIs
- **Section 6** identifies some of the challenges and how to address them
- **Section 7** provides some insights into how to monitor and evaluate this work and the availability of tools to support it
- **Appendix one** provides additional illustrative examples of child participation in the work of NHRIs

Objective of the tool

- To enhance understanding of the importance of involving children in the work of the NHRI
- To provide guidance on the meaning and application of participation
- To provide practical guidance on different approaches to participation
- To provide illustrative examples of how children can be involved
- To provide a framework for monitoring government compliance with Article 12
- To provide a framework for monitoring and evaluating the scope, quality and outcomes of children's participation in the work of the NHRI

1. INTRODUCTION

NHRIs are mandated to promote and protect children’s rights. The Committee on the Rights of the Child emphasizes the key role to be played by NHRIs in promoting respect for the views of children in all matters affecting them in their establishment, organization and activities.¹ And this cannot be achieved unless they engage children directly in their work. Children’s participation is not only a right but also a general principle central to the realization of all other rights. It is a necessary component of ensuring the best interests of the child. The starting point must be to have an understanding of what exactly it means. Since the adoption of the Convention on the Rights of the Child (CRC) in 1989, many thousands of programmes, initiatives, policies and strategies have sought to give effect to children’s participation rights. However, there is often still a lack of clarity about what it involves and how to put it into practice.

The right of children to participate in all matters of concern to them, and to have their views given due weight, was introduced in Article 12 of the CRC:

1. *States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.*
2. *For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.*

This right has been conceptualized as ‘participation’,² and is a fundamental right of every child. For children, being involved in decisions that affect them inherently recognizes their human dignity. It is also a means of realizing other rights. Participation needs to be understood not only as the expression of Article 12, but also to include the wider civil rights embodied in the CRC – the rights to freedom of expression; to association; to thought, conscience and religion; to privacy; and to information (articles 13, 14, 15, and 17). These rights are preconditions for participation: the right to express views, have them taken seriously, and influence matters of concern to them. Taken together they represent a radical transformation in the status of children. They introduce recognition, for the first time in international human rights law, that children are active subjects, entitled to play a part in the realization of their rights. In other words, children are not simply passive recipients of adult protection. Rather they are acknowledged to have the right and the capacity, entitlement and agency to influence issues of relevance to their lives. Participation can be defined as: ‘*Children (individually and/or collectively) forming and expressing their views and influencing matters that concern them directly and indirectly*’.³

¹ Committee on the Rights of the Child (2002) General Comment 2, *General Measures of Implementation*, paragraph 16

² Committee on the Rights of the Child (2009) General Comment 12, *The right of the child to be heard*, paragraph 3

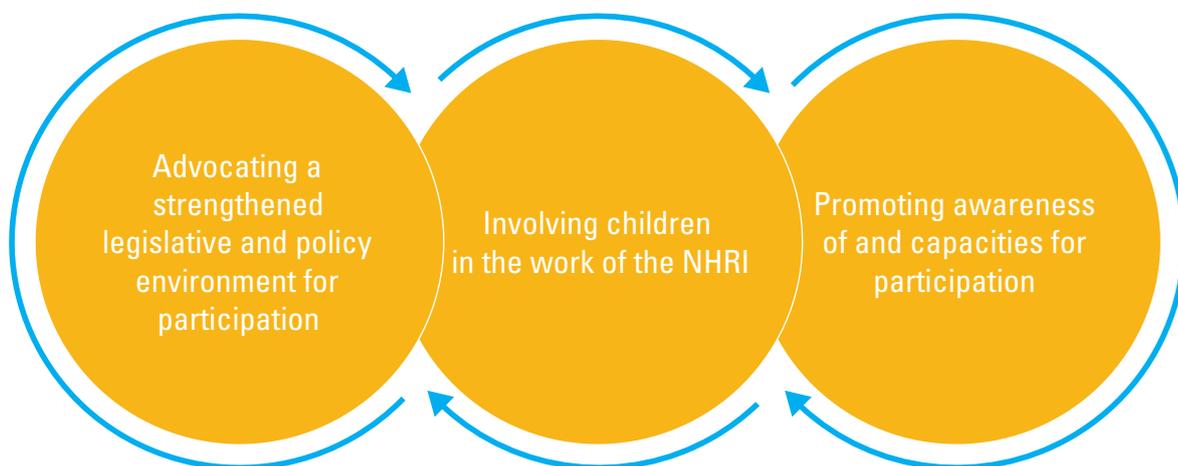
³ Lansdown G, (2018) Conceptual framework for measuring adolescent participation, UNICEF

2. THE BENEFITS OF INVOLVING CHILDREN IN THE WORK OF THE NHRI

In addition to the principled case, there are many additional reasons to listen to children and take their views seriously. While NHRIs have a responsibility to respect, protect and fulfil opportunities for the participation of all citizens, this commitment requires particular consideration of children, in view of their lack of social, economic and political power. It can and does contribute to:

- a. *Improved services and policies:* Children have a unique body of knowledge about their lives, their needs and concerns, together with ideas and views that derive from their direct experiences. This can lead to more effective, relevant and sustainable decisions affecting their lives, and accordingly enhanced fulfilment of their rights.
- b. *Greater accountability:* Participation strengthens accountability. If children have access to the courts, and to complaint and redress mechanisms, as well as direct access to policy makers, they are better able to challenge violations of their rights and hold governments to account.
- c. *Enhanced protection:* Having both the right and the space to be heard in safety acts as a powerful means through which situations of violence, abuse, threat, injustice or discrimination can be challenged. In many societies, children have no avenues through which to report abuse and, in any case, fear that if they do they will not be believed or will be further punished. This traditional silencing of children means that, too often, abusers can continue to hurt children with impunity. Building a culture of listening will empower children to speak out and seek help when they are being abused. Adults can only act to protect children if they know what is happening in their lives – and often it is only children who can provide that information.
- d. *Capacity development:* Meaningful participation enables children to acquire skills, build competencies, and gain confidence. Participation promotes children's capacities for civic engagement, tolerance and respect for others. Societies require citizens with the understanding, skills, and commitment to promote accountability and good governance. Participation enables children to develop those capacities – starting with negotiations over decision making within the family, through to resolving conflicts at school, contributing to policy development at the local or national level, and developing their own clubs, councils and parliaments. Enhanced capacity can also contribute to less children dropping out of school and enhanced employability.
- e. *Contributing to communities:* Children have a major contribution to make to the communities in which they live. Their energies, skills, aspirations, creativity and passion can be harnessed to strengthen democratic discourse, challenge injustice, build civil society, engage in peacebuilding and non-violent conflict resolution, and explore innovative solutions to intractable challenges.

A consistent approach to listening to children needs to be both internally and externally focused and should seek to achieve the following goals:



Activities towards these three goals will serve as follows:

- *Involving children in the work of the NHRI will:*
 - ▶ Ensure that the priorities of the work of the NHRI focus on the issues of most significance and relevance to children;
 - ▶ Ensure that advocacy, investigations and monitoring are fully informed by the experiences and perspectives of children and therefore serve to promote their best interests and strengthen protection and subsequent outcomes for children; and
 - ▶ Serve as a role model or blueprint to the government and other organizations for children's participation.
- *Raising public awareness and strengthening capacities will:*
 - ▶ Build understanding and awareness of the importance of children's participation; and
 - ▶ Strengthen the commitment, skills and capacities of adults working with children to listen to them and take their views seriously.
- *Building government commitment to and opportunities for children's participation will:*
 - ▶ Provide a 'conduit' for establishing communication between children and the government;
 - ▶ Encourage the creation of more opportunities for children's civic engagement and potential to contribute to communities;
 - ▶ Make the case for strengthened legislative and policy provision for children's participation; and
 - ▶ Promote greater accountability for children.

3. UNDERSTANDING THE CONCEPT OF PARTICIPATION

If NHRIs are to promote the right of children to participate in matters that affect them, it is first important to unpack the wording of Article 12 in order to begin to understand how to interpret and apply it in practice:⁴

- **Every child capable of forming his or her own views:** The Committee emphasizes that this wording must be interpreted broadly. It argues that every child can express views, including very young children, even if they cannot do so verbally. The onus is on adults to explore ways of listening to children. For example, in order to find out how young children feel about their school environment, they can use drawing, painting or cameras to describe where they feel safe, where they feel happy, and what they enjoy or do not enjoy. Children with learning disabilities can be provided with pictorial images to help them share their feelings and concerns. It is important to presume capacity rather than require the child to demonstrate it. Furthermore, children have the right to express views on issues affecting them as individuals, for example, in health care, family life, education or child protection and also at a broader level on issues affecting them as a group such as education policy, provision of play spaces or access to confidential health services.
- **The right to express those views freely:** Children must be aware of their right under Article 12 to express their views. They therefore need to be provided with information. Furthermore, in order to ensure the ‘free’ expression of views, children must be enabled to participate without coercion or pressure, and in environments in which they feel safe and respected.
- **In all matters affecting the child:** The Committee supports a broad interpretation of ‘matters’, including issues not directly addressed in the Convention. This means that it must be applied to include not only concerns most obviously associated with children, such as education, play, health, family life, and child care, but also, for example, the environment, public expenditure, transport, planning and the economy. Paragraph two of article 12 specifies, in addition, that children must be provided with the opportunity to be heard in all judicial and administrative proceedings, either directly or through a representative.
- **Due weight to be given to views in accordance with age and maturity:** It is not sufficient just to enable children to express their views: these views also must be given serious consideration. While there is no restriction on the right to express views other than the capacity to form them, the weight afforded to those views must take account of the age and maturity of the child. In other words, it is important not just to consider the age of the child, but also to take account of that child’s level of understanding. Many factors influence the child’s capacity, including cultural expectations, levels of support, individual factors, experience, and provision of information.⁵ The Committee emphasizes that recognition must be afforded to children’s increasing levels of responsibility for matters affecting them as they acquire capacities.

The following box provides a summary overview of the key points to be aware of in understanding Article 12.

⁴ See, for example, Committee on the Rights of the Child General Comment 12 (2009), *The right of the child to be heard*; Committee on the Rights of the Child General Comment 7 (2006), *Implementing rights in early childhood*.

⁵ Lansdown G. (2005), *The evolving capacities of the child*, UNICEF, p. 41; Committee on the Rights of the Child General Comment 12 (2009), *The right of the child to be heard*, paragraph 29

Dimension	Explanation
Universal dimensions of participation	
It applies to all children without discrimination of any kind	Participation is a right for all children. Efforts must be made to reach out to beyond those who are easy to access. Opportunities need to be created for more marginalized children including, for example: girls; children with disabilities; children from indigenous or minority ethnic groups; internally displaced or refugee children; working children; and lesbian, gay, bisexual, transgender and intersex children.
It is both a means and an end	Human dignity and respect require that all individuals are entitled to be involved when decisions affecting them are being made. This is a fundamental right. However, participation is also a means through which other rights can be realized. For example, it is not possible to guarantee access to justice if children are denied a hearing in the process.
It applies to children as individuals and as a group	Children are entitled to express their views as individuals, for example, in matters affecting them in the family, schools or judicial proceedings, as well as on matters affecting them collectively, such as the development of local or national policies or allocation of resources.
It applies to all matters affecting children	The right to be heard applies not only to issues of immediate relevance to children’s lives, but also to wider issues relating to the environment, transport, macroeconomics or immigration.
Multiple dimensions of participation	
It requires different forms for different contexts and issues	The way in which children participate will necessarily differ according to their age and abilities, and also depending on the issues involved. The entitlement to participate applies equally to those, for example, aged below and above 10 years of age but will require different environments, levels of support, and forms of information. A 16-year-old with severe learning disabilities will require different levels of support than a child of similar age but of different abilities.
It encompasses different approaches and means	Participation can take place online or offline, directly and indirectly, and can span processes in which children are consulted on their views through to child-led organizations and movements, and all levels in between.
Power and responsibility dimensions of participation	
It does not obviate the right to protection	Children are entitled to all the protections embodied in the CRC and the right to participation must be realized in accordance with those protections.

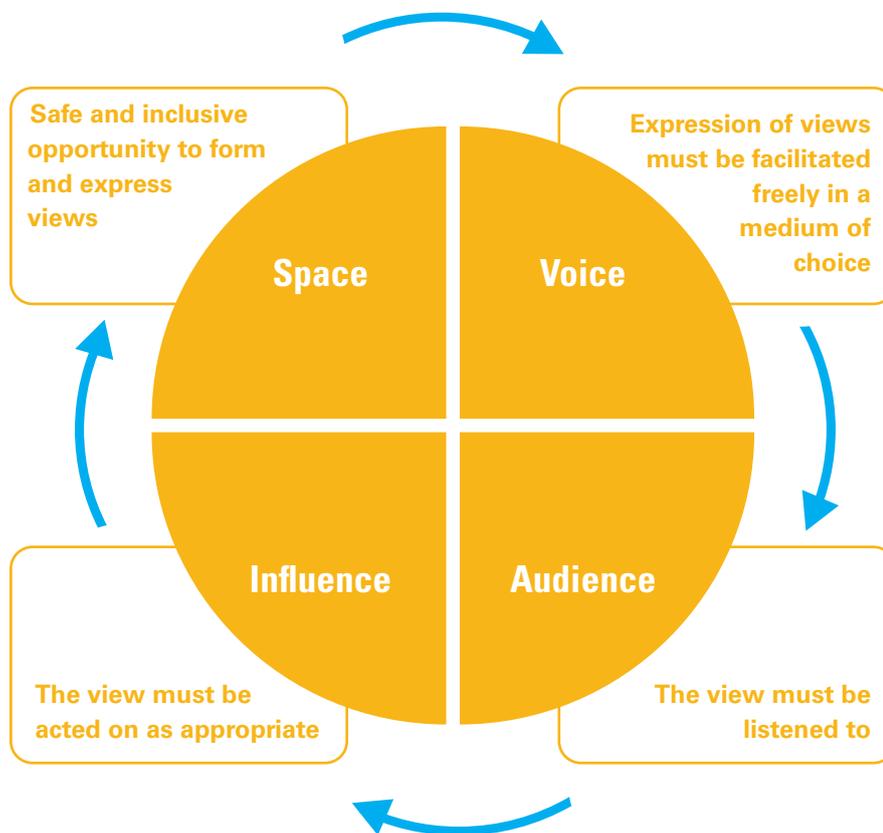
Dimension	Explanation
It differs from adult participation	Unlike adults, children lack full legal independence. Participation is not synonymous with autonomy. They do not have the automatic right to independent decision making. Participation often necessitates the support and facilitation of adults, although with differing levels of involvement depending on the ages, competencies and context in which it takes place. In so doing, adults must promote the best interests of children.
It promotes empowerment	Participation affords children personal opportunities to acquire additional knowledge, skills and self-confidence, and new experiences. It also plays a significant societal role in contributing towards the realization of their rights, and wider civic engagement. Empowering children to have a more active role in decisions that affect them requires a change in the way adults exercise their power in relation to children. This power shift contributes to more democratic relationships between adults and, children and facilitates children's gradual acquisition of responsibility at both the individual and the collective levels.
It is a right not an obligation	Children are entitled to choose whether or not to express their views or participate actively in decision making on issues that affect them or their communities. Some children, like many adults, will choose not to participate. They should never be compelled or pressured to do so against their will.

4. EFFECTIVE, QUALITY AND ETHICAL PARTICIPATION

Making a commitment to listening to children is not enough. It is also necessary to ensure that they are heard and responded to. The nature of children’s experience of participation also matters. NHRIs need to ensure that it is both meaningful and of high quality.

A. Space, voice, audience and influence

Meaningful participation requires that children have the space and opportunity to express their views and that these views are given appropriate consideration. The process of meaningful participation has been usefully conceptualized as follows:⁶



These four stages in the participation process apply both with respect to any participatory activities undertaken by the NHRI itself, and also for activities being supported or promoted by the NHRI, for example, governmental initiatives.

1. *Space:* In order to become increasingly active in influencing matters affecting them, children need to be able to form and express views, and they must be afforded the space and time to do so. In many societies, children are not traditionally encouraged to speak out or to challenge adults.

⁶ Lundy L. (2007), “Voice is not enough: Conceptualising Article 12 of the United Nations Convention on the Rights of the Child.” *British Educational Research Journal* Dec; 33(6)(6):927-942

Particular barriers are experienced by children from marginalized groups, such as many girls; children with disabilities; and children from minority ethnic, indigenous or poorer communities. Children must be given opportunities to gain the confidence, time and space to contribute their views.

2. *Voice*: Children can express themselves through multiple different media. For example, the digital environment affords significant opportunities through which children can speak out. It offers the potential for them to network, reach out and communicate widely to their peers as well as to wider society. Appropriate and accessible information is an important prerequisite for the ability to speak out and express views and negotiate decisions. This needs to be provided in different forms according to the children concerned, for example in relevant languages, in sign language, braille or other forms of augmented communication. Not all children will be able to express themselves easily. The onus is on the NHRI to find ways in which to enable children to communicate their views, concerns or ideas. They may need to be able to raise issues confidentially, or through different forms of expression, for example through artistic media such as music, poetry or writing.
3. *Audience*: Central to the right to participate is the importance of adults listening respectfully to what children have to say. Children must have access to the relevant audience for the views being expressed, whether that is their parents, a teacher, a doctor or judge, a local politician, key civil servants, or relevant media. For example, if you are promoting the establishment of school councils, it is important to emphasize that such bodies must have access to the head teacher or school board if they are to have any meaning. The right to express views and have them given due weight can only be realized if children's views are heard by people who have the power and authority to act on those views and are willing to take them seriously.
4. *Influence*: The right to participate does not imply that children's views must always be acted on. However, it does require that their views are given proper consideration and that any decision that is subsequently made should be reported back to them with an explanation of how and why it was made in the way that it was. Ideally this should apply in all settings.

B. Ethical and quality participation

In order to ensure the quality of children's experiences at each of these four stages, it is useful to consider the nine basic requirements for participation that have been identified by the Committee on the Rights of the Child:⁷

1. *Participation is transparent and informative*

Children must be given information about their right to participate in a child-friendly and accessible format. The information should include how they will be able to participate, why they have been given the opportunity to participate, the scope and nature of their participation and the impact that they will be able to have.

This means in practice that:

- Children's participation has a clear purpose;
- Children understand how much impact they are able to have on decision making;

⁷ CRC/C/GC/12, 2009, paras 132-134

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- The roles and responsibilities of those involved are clear and well understood; and
 - Children agree with the goals and targets associated with their participation.

2. Participation is voluntary

Children must be able to choose whether or not they would like to participate and must be informed and able to withdraw from activities at any time. Children must not be coerced into participating or expressing their views.

This means in practice that:

- Children are given time to consider their involvement and are able to provide informed consent;
- Children are aware and are able to withdraw at any time they wish; and
- Children's other commitments (such as work and school) are respected and accommodated.

3. Processes of participation are respectful

Children should be treated with respect and provided with opportunities to express their views freely and to initiate ideas. Staff should also respect and gain an understanding of the family, school and cultural context of children's lives.

This means in practice that:

- Children are able to freely express their views and are treated with respect;
- Where children are selected as representatives, the selection process will be based on principles of democracy and will avoid discrimination;
- Children themselves are involved in selection processes;
- Children are able to choose how they want to express themselves; and
- Ways of working build self-esteem and confidence, and enable children to feel that they have valid experience and views to contribute.

4. Participation is relevant

Participation should build on children's own knowledge and should be focused on issues that are relevant to their lives and the local context.

This means in practice that:

- The activities that children are involved in are of real relevance to their experiences, knowledge and abilities; and
- Participation approaches and methods build on local knowledge and practices.

5. Participation is child-friendly

Child-friendly approaches should be used to ensure that children are well prepared for their participation and are able to contribute meaningfully to activities. Participation approaches and methods should be designed or adapted based on children's ages, abilities and interests.

This in practice means that:

- Time and resources are available to support children effectively;
- Methods of involvement are developed in partnership with children;
- Meeting places and activity locations are child-friendly and accessible to children with disabilities and other minority groups; and
- Children are given accessible information in child-friendly formats.

6. Participation is inclusive

Children's participation must provide opportunities for marginalized children to be involved and should challenge existing patterns of discrimination. Staff must be sensitive to the cultures of all children participating.

This in practice means that:

- Children are not discriminated against on any grounds;
- Efforts are made to include children from all backgrounds;
- Participation is flexible enough to respond to the needs, expectations and situations of different groups of children;
- The age range, gender and abilities of children are taken into account; and
- Participation challenges and responds to existing patterns of discrimination.

7. Participation is supported by training for adults

Staff must have the knowledge and capacity to facilitate meaningful child participation. This may involve training and preparation prior to engaging children in activities, as well as on-going support as required.

This means in practice that:

- All NHRI staff are sensitized to children's participation and understand its importance;
- Staff are provided with appropriate training and tools;
- Staff are effectively supported and supervised;
- Staff are able to express any views or anxieties about involving children, in the expectation that these will be addressed in a constructive way; and
- Specific technical skills or expertise are built up through a combination of recruitment, selection, staff development and practice exchange.

8. The process of participation is safe and sensitive to risk

Adults working with children have a duty of care and every precaution must be made to minimize any risks of abuse and exploitation or other negative consequences of participation.

This means in practice that:

- The protection rights of children are paramount in how children's participation is planned and organized, with safeguards in place to minimize risks and prevent abuse;
- Children are aware of their right to be safe from abuse and know where to go for help if needed;
- Staff organizing participatory processes have a child protection strategy that is specific to each process;
- Consent is obtained for the use of all information provided by children, and information identified as confidential is safeguarded at all times;
- A formal complaints procedure is set up to allow children involved in participatory activities to make complaints in confidence. Information about the procedure is available in relevant languages and formats;
- No photographs, videos or digital images of a child can be taken or published without that child's explicit consent for a specific use; and
- Responsibilities relating to liability, safety, travel and medical insurance are clearly delegated and effectively planned for.

9. Participation is accountable

Following their participation, children must be provided with feedback and/or follow up regarding: how their views have been interpreted and used; how they have influenced any outcomes; and, where appropriate, how they can be involved in follow-up processes and activities.

This means in practice that:

- Staff and partners are accountable to children for their commitments;
- Children are supported to participate in follow-up and evaluation processes;
- Children are given rapid and clear feedback on their involvement, impact, outcomes and next steps; and
- Mistakes identified through evaluations are acknowledged and commitments given about how lessons learned will be used to improve participatory processes in the future.

C. Practical skills in promoting child participation

Most people will have significant experience of being with children – in their families, in their local communities, in situations at work. However, staff at NHRIs may feel anxious when they are expected to work in environments in which children are actively participating. However, the skills needed to work effectively with children are not complex. The following provides some things to think about when setting up a participation initiative or process:

a) Attitudes and behaviour

- Treat children of all ages, abilities or backgrounds with respect and engage with them in an encouraging manner
- Use a gentle tone of voice
- Share information in accessible child-friendly ways that enable children to make choices
- Allow time for trust building
- Ask open questions and encourage children to explain issues in their own way
- Listen attentively to children, even when their language is limited and concepts are difficult to communicate
- Use creative forms of expression that allow children to express themselves through their preferred style of communication, for example using play or art as a medium of expression

b) Preparation, organization and planning

- Be prepared to listen to children's priorities
- Be clear about what you are trying to achieve
- Be clear about the boundaries of the proposed activity
- Do the necessary research
- Be willing to consult with children on the best methods of involving them
- Remember that children are not a homogenous group
- Be prepared to make the necessary time available
- Make sure you have the necessary resources
- Remember the importance of working with adults as well as children
- Work with children to develop indicators for effective participation

c) Creating a child-friendly environment

- Use creative participatory and experiential tools which enable children to identify, analyse and discuss the issues which most affect them rather than relying on adults conducting interviews or asking questions
- Involve children themselves in helping to design forums that accommodate their needs and interests with regard to, for example, length of sessions, type of refreshments, opportunities for breaks, using ice-breakers and fun activities
- Meet children in a child-friendly location
- Plan sessions at times that enable children to participate easily
- Speak to children in their own local language and use concepts appropriate to the child's age and stage of development and culture

Checklist of things to remember⁸

- ❑ Reach out to all children, including boys and girls, children with disabilities, children who are asylum seekers and refugees, children from different ethnic communities, children in urban and rural communities, children from all socio-economic groups, and children of different ages
- ❑ Remember that it is not enough to listen: it is also necessary to act on what children say
- ❑ Always provide feedback to children on how their voices have been heard. Even where it is not possible to act on children's wishes, it is necessary to feed back to them how their views have been considered and why it was not possible to address them
- ❑ Always use the nine basic requirements as a reference to help guide your participatory work with children
- ❑ Think about participation both for individual children (for example in judicial proceedings) and for wider groups of children (for example in matters of public policy)
- ❑ Involve children as a source of expertise in creating effective opportunities for participation
- ❑ Be prepared to be challenged and change your views
- ❑ Don't underestimate children
- ❑ Remember it is OK to make mistakes, as long as you learn from them!

⁸ For more details, see Lansdown G. (2001), *Promoting children's participation in democratic decision-making*, UNICEF

5. DIFFERENT APPROACHES TO PARTICIPATION

Participation can take many different forms, engage children in different ways and operate at different levels. The ways in which the NHRI works with or promotes children's participation will depend on the particular issues involved and the aims it is pursuing in any individual situation.

A. Levels of participation

Children can participate in activities, processes and decision making at broadly three different levels: consultative, collaborative or child-led. It is important not to perceive these in terms of a hierarchy of preference. Each mode of participation offers differing degrees of empowerment and influence, but they are all legitimate and appropriate in different contexts.



- **Consultative participation** is where the NHRI seeks children's views to build knowledge and understanding of their lives and experiences. Consultative participation is an approach that is adult-initiated and led and managed by adults. However, it recognizes that children have a valuable perspective to contribute to the development of policies, services or local facilities. An NHRI may use consultation processes, for example:
 - ▶ to help inform its priorities for future planning; and/or
 - ▶ to receive inputs from children on government proposals for policy or legislative change.

Sweden

Since autumn 2015, the Ombudsman has met and listened to 600 children and young people who have arrived in Sweden unaccompanied or as part of families. These meetings led to a comprehensive report published in 2016. In 2016, 65 interviews were conducted with a total of 145 children and young people aged between 5 and 18, individually or in groups. Based also on these experiences the Ombudsman – together with the Children’s Welfare Foundation Sweden and the Riksdag (the Swedish Parliament) – hosted a high-level meeting focusing on children in migration on 24 April 2017.

Collaborative participation involves a degree of partnership between adults and children. Collaborative participation is usually adult-initiated, but involves working with children as partners and empowers them to have influence over an initiative. This allows for increasing levels of self-directed action by children over a period of time. An NHRI could involve children collaboratively, for example:

- ▶ by setting up an advisory group of children to serve as a reference body and support for work of the institution; and/or
- ▶ by working with children to launch a campaign to support school councils to become more effective and influential.

Serbia

The Young Advisers panel set up by the Protector of Children’s Rights conducted two pieces of peer research: (1) on school violence and (2) on children’s and young people’s attitudes about corporal punishment and positive parenting. The outcomes were incorporated in the institution’s reports and publications. The members also held 10 public debates with children and adults about an explicit legal ban on corporal punishment. They then made several recommendations that the Protector of Children’s Rights submitted to public authorities.

Child- or youth-led participation is where children are provided with the space and opportunity to initiate their own activities and carry out advocacy. Instead of responding to ideas or projects suggested by adults, the children are supported to make their own choices or establish their own structures or organizations for determining which issues are most important to them, and which they want to address. This allows children to meet to organize their own activities and identify the issues that concern them. It involves adults serving as facilitators rather than leaders, though it is important to recognize that, increasingly, children can and do participate actively online without any adult involvement. NHRIs can play a key role in supporting and encouraging the development of child-led organizations or initiatives by, for example:

- ▶ facilitating and supporting online networks of children and young people to organize on issues they have identified as priorities; and/or
- ▶ advocating for local authorities to support the establishment of youth councils to mobilize activities on issues of local concern, and work with local politicians to influence change.

Note: It is worth bearing in mind that any individual initiative can comprise different elements that operate at different levels. For example, a children’s advisory group for the NHRI, which is itself a collaborative activity, could undertake a consultation with a wider group of children to get feedback on its proposals. The NHRI could advocate the establishment of youth forums in residential institutions to address issues of concern to children living in those environments, but could then consult with those forums when developing broader policy recommendations to the government.

Northern Ireland: Promoting government awareness of children’s right to participation

In the absence of a specific government policy on how children and young people should be involved in having a say in decisions that affect their lives, the Northern Ireland Commissioner for Children and Young People (NICCY) undertook an initiative involving members of the Youth Panel and the Northern Ireland Youth Forum working together to:

- Ascertain pupils’ awareness of participation mechanisms in their schools;
- Explore what impact pupil participation has had on school life and the changes that have taken place within schools as a result of it;
- Celebrate best practice and share learning; and
- Explore the use and knowledge of supporting materials for pupil participation, such as NICCY’s Pupil’s Voices resources.

The study was led by a steering group of six young people from the Northern Ireland Youth Forum Executive Committee, and NICCY’s Youth Panel involved 12 School Councils from both primary and post-primary schools. This group has led on the design, delivery and recommendations for this report, which was delivered to the Minister of Education who was considering the recommendations (until the Government ceased to function in 2017).

B. Different forms of participation

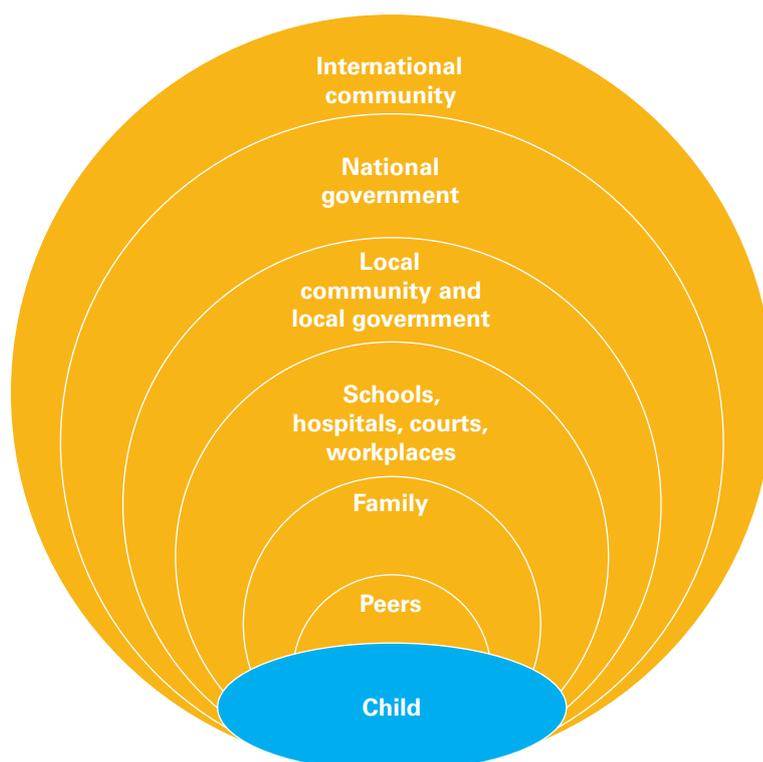
As well as being possible at different levels, participation can involve many different forms of activity depending on the goal that is being pursued. Social media offer increasing opportunities for reaching out to and engaging children and young people. The NHRI needs to both engage and encourage multiple opportunities for children’s participation both on and offline, for example:

- *Involvement in decisions affecting them as individuals:* in the family, in health care, in their education, in the justice system, in child protection, and by using mechanisms of complaint and redress.
- *Contributing to strengthening knowledge:* involvement in research as researchers or respondents; engagement in the media including social media; peer education; and providing information on rights and issues of concern to, for example, teachers, NGOs and policy makers.
- *Protecting rights:* engaging as human rights defenders, mediating conflict, building safe zones and peacebuilding; and reporting abuse and exploitation.

- *Influencing change*: campaigning for legislative and policy reforms; engagement in consultative processes; addressing social norms and harmful traditional practices; and contributing to conferences at local, national and international levels.
- *Strengthening governance*: engagement in community, local and, national political forums; creation of their own organizations including school councils, youth councils, clubs and unions; and building networks, including at the regional level, to promote social movements.
- *Monitoring rights compliance*: holding duty bearers to account and monitoring compliance with children’s rights and the SDGs; auditing services and standards; and contributing to reports to international and regional human rights bodies such as the Committee on the Rights of the Child, and the Council of Europe.

C. Enabling participation across the social ecology

Children’s lives are impacted, both directly and indirectly, by factors throughout the social ecology (see diagram below) – from the family and peers, to school and the local community, to local and national government, through to the international sphere and the global environment. Accordingly, NHRIs should encourage and facilitate participation in all of these milieu in order to try to influence and transform laws, policies, budgeting, service provision and design, cultures and norms, political priorities and socio-economic conditions that affect children, not only now but in the future. Opportunities for wider engagement are enhanced by the digital environment and use of social media, which allow for far greater networks to be built, more responsively, more cheaply and with less need for adult support. NHRIs need to explore and consider all these potential opportunities.



Checklist of things to remember

- ❑ Children can be involved at various levels depending on the situation
- ❑ Consultative, collaborative and child-led participation are all valid but must be conducted ethically and take account of the nine quality requirements
- ❑ Try to go beyond just involving children at a consultative level: create greater opportunities for their empowerment through collaboration or child-led initiatives
- ❑ Create space for children themselves to help design how they are able to get involved
- ❑ Explore the opportunities created by social media for broadening engagement
- ❑ Think creatively about opportunities and methods of involvement
- ❑ Bear in mind the need for participation at all levels throughout the social ecology
- ❑ Recognize children as a key resource – they will often have more creativity and ideas than adults

6. OPPORTUNITIES FOR INVOLVEMENT OF CHILDREN IN THE WORK OF THE NHRI

Given these multiple dimensions of children’s participation, many opportunities arise for NHRIs to involve children in each of the three approaches identified in part 5 above. Each will also serve to reinforce the others. It is important to ensure that staff who are working directly with children have the appropriate training and support. They also need to be committed to and have the attitudes and skills needed to work effectively with children and create a child-friendly environment. While it is helpful to be able to provide a physical environment that is conducive to making children feel accepted and comfortable, it is the behaviour and approach of staff that really determine whether children will be able to participate effectively. If the NHRI is a dedicated children’s institution, it is likely that most staff will have been provided with training and the knowledge and skills they need to facilitate children’s participation. In NHRIs where there is a special section or unit with responsibility for children’s rights, staff in this unit will require training and will then be able to provide support to staff across the institution. Where no such unit exists, it is vital to ensure that those staff who might be engaged in children’s participation are able to access the training they need from outside the institution.

A. Within the work of the NHRI

Advisory groups: Many NHRIs have established advisory groups of children and young people. Their role can be, variously, to act as a reference point for the work of the NHRI, provide feedback, contribute to the planning process, provide guidance on priorities, and offer support on methodologies for engaging children more widely. Issues to think about with children when establishing an advisory board might include:

- Developing terms of reference for participation
- Deciding on a fixed time period for membership
- Advertising opportunities to stand for election to the advisory group (through schools, social media and relevant national networks) and selecting members on the basis of agreed criteria (age, experience, motivation, range of ages and backgrounds, geographic area and so on)
- Reaching out to more marginalized communities to ensure that the perspectives of different groups of children are adequately reflected
- Frequency of meetings – both on and offline
- Consideration of the support to be provided to enable the children to function effectively, including training and capacity building for both staff and the children and young people involved
- Considering whether to establish two groups: one for older and one for younger children
- Ensuring that children are fully informed about their role and rights as members of the advisory group

Wales: Commissioner's Young People's Advisory Panel:

The staff have recruited, trained, inducted and supported young people to form an advisory panel for the Office of the Children's Commissioner for Wales. The panel forms part of the governance arrangements and is made up of 15 children and young people between the ages of 11 and 17 (when they were recruited). They have three full-day meetings a year and its chair and vice chair are also members of the Commissioner's advisory panel. Based in north and south Wales, the panel members hold the Commissioner to account for the delivery of the three-year and annual work plans. Young people attending the panels have been able to provide advice, challenge and support on a range of topics.

Ad hoc specialist groups: The NHRI may decide to convene groups of children to advise them on specific areas of legislation and policy or to gather their views and experiences of particular situations. For example, if the government was developing a policy on de-institutionalization, the NHRI could organise consultations with children living in institutions or with past experience of doing so to draw on their concerns, ideas and recommendations about what was needed to improve their lives. Equally, if the NHRI decided to investigate the discrimination experienced within the Roma community, it would be essential to set up groups of Roma children to hear their stories and their suggestions for changes to laws, policies, programmes and social attitudes in order to challenge discrimination. Such groups could also provide critical comment on draft reports and recommendations. Issues to think about include:

- Reaching out to a broad range of children, For example, if the work was focusing on children with disabilities, the very different lives experienced by children with sensory, physical, intellectual or psycho-social disabilities would need to be recognized
- Utilizing schools, local authorities, relevant NGOs and other organizations to access children
- Ensuring that children have given their free and informed consent to taking part in the groups
- Providing accessible information on why the children are being consulted and how their views will be used
- Ensuring confidentiality for participants who may fear retribution if they disclose abuse or discrimination
- Checking carefully that the interpretation of what has been said by the children is consistent with their understanding
- Providing feedback to the children on how their views have been taken into account

Greece

During the school year 2016/17, the Deputy Ombudsman for Children's Rights took the initiative to visit eight shelters for unaccompanied children in Lesbos and organize focus group discussions, assisted by interpreters, with some of the children staying there about their educational needs and their experiences of attending school. Based on the findings from these discussions as well as on observations from his visit, the Ombudsman sent a letter to the Minister of Education asking for measures to be taken to support the educational integration of refugee children on the island of Lesbos.

Research and consultations: The NHRI may decide to undertake research or a major consultation into a particular area of policy, for example the role played by social media in the lives of children. Obviously, children would be the primary respondents in any such research. However, it is also possible to involve children as advisers for designing the research, or acting as researchers. Issues to consider include:

- Ensuring that the consultation or research reaches out to all relevant children including where appropriate, for example, children with disabilities, out-of-school children and children living in marginalized communities.
- Using a variety of methodologies including online surveys, questionnaires, focus group discussions and practical activities
- Providing appropriate training to both adults and children to enable effective participation
- Openness to taking on board children's proposals on research methodology, research questions and interpretation of findings
- Building in sufficient time to allow for the children's meaningful engagement as advisers

Ireland: Bullying in schools

The Commissioner talked to children and young people about how to tackle bullying in schools, with a focus on coming up with solutions. Many complaints had come to the Commissioner about how schools deal with bullying and we wanted to hear how children and young people felt about it. Three hundred children and young people took part from different schools across the country. They said that a whole school approach to preventing bullying was needed, meaning that all parts of the school, and everyone working there, would be involved. They also said that strategies are needed to help students themselves deal with bullying. They made a video about children's views on dealing with bullying that highlighted many of the ideas that children and young people believed to be important for schools to tackle bullying well.

The consultation resulted in a report that highlighted the views of the children and young people, as well as recommendations that may help schools combat bullying. It was published in 2012 and informed the Action Plan on Bullying and the Anti-Bullying Procedures for Primary and Post-Primary Schools published by the Department for Education in 2013.

Communications: Children and young people have significant expertise of contributing to the development of the communications strategies of NHRIs. They can be involved in helping design websites, leaflets, posters and other promotional materials. They can also play a critical role in building a social media presence through Facebook, Twitter, Instagram and other platforms. Their involvement enhances the potential for the NHRI to establish broad social networks of children and young people through whom the institution can communicate activities, seek feedback and raise awareness of rights. Issues to consider include:

- Communications strategies need to be designed to reach out to and include various constituencies of children including girls and boys, children of all ages, those from different ethnic groups and children with disabilities
- Work on social media sites will of necessity involve only children aged 13 years and over

- Safeguarding policies will be necessary to ensure appropriate protection online
- Children and young people can engage in the online environment to contribute to advocacy work and campaigns

France

The JADE programme (*Jeunes ambassadeurs des droits de l'enfant - Young Ambassadors for Children's Rights*) involves 76 young people, aged between 18-25 years, who work voluntarily with the Rights Defender during their civil service, a programme that enables young people to undertake activities of common interest with a stipend paid by the state. Young Ambassadors visit schools, vocational training institutions, leisure centres, detention centres, hospitals, children in care, unaccompanied minors and specialized institutions, among others, to sensitize children on their rights. First, they present children's rights. Then, during a second session, they explore in-depth with games and activities a right the children have selected. Prior to the visit, Young Ambassadors meet with the school or institution's staff to adapt their interventions. Young Ambassadors also receive training on handling possible cases or indications of problems that may emerge during their interventions. An 'alert notice' is sent to the Defender when a child's words may suggest a child is at risk. Other notices may be sent for cases requiring attention but not representing an immediate danger for the child. In 2016-2017, over 44,000 children and young people were sensitized and 55 alert notices were sent.

Advocacy: NHRIs can work with children as partners in advocacy and campaigns to promote the realization of children's rights. Children can be involved in helping design campaigns, promoting issues through schools, speaking at conferences, meeting with politicians at local and national levels and speaking out through the media. Issues to think about include:

- Children can be highly effective communicators
- Children can be involved in helping design advocacy campaigns and use their own social media networks to strengthen support
- Children themselves need to be provided with opportunities for identifying both issues of concern and how to promote and advocate for them
- Avoid always profiling the most articulate and confident children. It is important to create platforms for more marginalized children
- Children need to be aware of the implications of speaking out as advocates or human rights defenders, and not exposed to unnecessary risks

Wales

Transport is an important issue for young people in Wales, especially in rural areas. Many are dependent on public transport and spend a disproportionate amount of their wages on fares. In 2016, young people brought this issue to the attention of the Children's Commissioner for Wales. A discounted bus travel scheme for young people aged 16-18 was to come to an end. The Commissioner requested sight of the Children's Rights Impact Assessment (CRIA) for this decision: there was no CRIA in place when the decision was made and the CRIA that was created following her request reflected that it was only ever planned for the scheme to run until March 2017 and that there would be no negative impact on children. She wrote to the Cabinet Secretary for Economy and Infrastructure to raise her concerns about this scheme ending and the lack of consideration for children's rights and experiences. The scheme was reinstated for a transition period while alternative options were explored. The Welsh Government is reviewing options for future provision. The Commissioner argued that there is no logical reason for eligibility for discounted fares to end at the age of 16 when the legal definition of childhood is 0-18 and most young people aged 16-18 are in education or training.

Monitoring compliance: NHRIs should involve children actively in their work for monitoring compliance both at the national and international levels. Children can contribute to reporting processes to the Committee on the Rights of the Child as well as other international or regional mechanisms such as the Universal Periodic Review or the Council of Europe. Issues to consider include:

- Support can be given to enable children to produce their own independent reports as well as contributing to those produced by the NHRI: this has been done, for example, in the United Kingdom and Republic of Ireland
- Children can be invited to attend and participate in the pre-sessional meetings of the Committee on the Rights of the Child or Universal Periodic Review sessions
- The NHRI can support children to audit local services (such as local police, hospitals, or schools) to assess compliance with human rights standards

Hearing complaints: The role of NHRIs in hearing complaints is addressed in the *tool on complaints* in this toolkit (See complaints toolkit.) However, it is important to recognize that many concerns raised by children will arise in the context of their participation and not as formal complaints – whether informally through visits to schools, through discussions in focus groups, in consultations, or from a children's advisory group. In general, children are reluctant to make formal complaints, so issues they raise informally provide valuable insights into their priorities, the impact of public policies on their lives, and the problems they are facing in their daily lives. The NHRI needs to acknowledge these concerns and take them seriously.

B. Awareness, skills and knowledge

Raising awareness: NHRIs have a key role to play in raising awareness and understanding, as well as the implications, of children's right to express their views and have them taken seriously, including the implications of this. Issues to consider include:

- Using opportunities, as appropriate, to speak out in the media, in conferences, and at meetings about why participation is important
- Enhancing the messages of participation by creating opportunities for children to speak out on their own behalf. One of the most persuasive ways of promoting understanding about the positive benefits of participation is seeing children themselves speaking out and actively participating
- Embedding children’s rights, including child participation, in school curricula is an effective means of ensuring that all children are aware of their rights

Capacity building: Lack of capacity and confidence to work to promote children’s participation can serve as a major barrier to the realization of article 12. The Committee on the Rights of the Child repeatedly stresses, in its Concluding Observations, the importance of all professionals working with children having training on children’s rights, including the right to participation. NHRIs can make an important contribution by building capacity among professionals working with children on how to facilitate and support their participation. Issues to consider include:

- Developing training resources, running courses, hosting webinars, and providing advice and guidance to those seeking help with improving their practice
- Encouraging academic institutions providing training for professionals to incorporate modules on children’s rights into their courses
- Providing training for children interested in active engagement

Estonia

The Chancellor of Justice organizes various roundtables, conferences, seminars and training events in cooperation with other organizations in order to give information about and promote the rights of the child, and issues the award “Lastega ja lastele” (With Children and to Children). In order to inform children, parents and specialists who work with children, the Chancellor of Justice issues informational materials in Estonian and Russian, and organizes various training events (including events for school boards, social and child protection workers, teachers and judges).

C. Strengthening government commitment to and opportunities for participation

Legal reform: The right to participate needs to be established in legislation in order to establish the right of every child to be heard in line with article 12. It is not sufficient for opportunities to rely on the goodwill of individual adults. NHRIs can play a critical role in making the case for strengthened legislation. Issues to consider include:

- Advocating for governments to introduce the right of individual children to be heard in the family, in their own health care, in the civil and criminal courts, in education and in child protection proceedings.
- Putting in place an obligation on schools to support discussions in class assemblies and create school students’ councils, and for local authorities to set up and support youth councils
- Putting in place an obligation for local authorities as well as national government to consult with children on issues of relevance to their lives

- Introducing safe, accessible and effective complaint mechanisms for all relevant services used by children

Austria, Belgium and Norway

Institutions in Austria, Flanders in Belgium, and Norway have advocated lowering the voting age to give voting rights to children. This has delivered successful results in Styria (Austria) where the age has been lowered to 16 years and in Norway where several municipalities are testing a lower age.⁹

Dialogue between governments and children: NHRIs can provide and support opportunities for governments to hear directly from children. Issues to consider include:

- Supporting the establishment of children's parliaments
- Taking groups of children to speak at parliamentary events such as committees, or to meet individual members of parliament
- Supporting members of parliament to visit schools on a regular basis to hear the concerns and priorities of children
- Encouraging government departments to set up consultations with children on all relevant legislative programmes

Nepal

The NHRI helped to organize regional workshops to give children a voice in the drafting of the country's new constitution. Unlike its predecessor, the Interim Constitution of Nepal included a section on child rights, providing for rights to a name and identity, to the provision of services, and to protection from labour and exploitation.

Creating spaces for participation: Children need spaces and opportunities to meet and explore issues of concern to them. NHRIs should encourage local authorities to facilitate this process. Issues to consider include:

- Providing guidance to local authorities on how to support local forums for children
- Organizing conferences on child participation to highlight the issues and share models of good practice
- Encouraging local authorities to build a commitment to children's participation into their planning and budgeting processes.

⁹ UNICEF (2012), *Championing children's rights*

Norway

The Ombudsman facilitates both expert meetings and expert groups of children so that those with very different experiences can be heard, and their opinions and experiences taken into consideration when the authorities make decisions that have an impact on the group of children in question. The primary task of the expert groups is to advise the Ombudsman on the kind of recommendations to make to better help children and young people who find themselves in a similar situation. The groups are made up of children and young people with experiences in a particular area who work for a period of time on important issues with the Ombudsman's staff, typically between three to four meetings over the course of two to four months. By contrast, expert meetings are relatively short, one-off meetings with a group of children and young people.

One example of an issue addressed by the expert groups was sexual harassment. A specialized NGO was asked by the Ombudsman to invite children and young people around the age of 18 who had experienced sexual abuse in the family to participate in an expert group in order to give their opinions to the government. They also met the minister responsible, strictly without media presence. NGO personnel (care workers and psychologists) were invited to be at the meeting, to provide support if any of the children were distressed by the experience.

Checklist of things to remember

- ❑ All children can participate as long as appropriate support and time is provided
- ❑ Children can be involved in multiple ways in the work of the NHRI: as advisers, as researchers, as communicators and as peer educators
- ❑ The work of the NHRI is strengthened by the direct involvement of children
- ❑ Capacity building and education are key for adults as well as children themselves – it is not possible to promote children's right to participate if you do not know that the right exists or how to implement it
- ❑ Attitudes of respect and commitment to children's participation are essential if it is to be meaningful and effective
- ❑ Working with governments to fulfil their obligation regarding article 12 is vital: governments need to establish entitlement through legislation, create opportunities and spaces for participation and generally promote the principle that children have the right to be heard and to be taken seriously

7. ADDRESSING THE CHALLENGES

NHRIs can face challenges in pursuing the effective realization of children's right to participate. It can be helpful to anticipate these challenges in order to find ways of overcoming them.

- *Break the stereotype that children lack capacity or knowledge:* In most societies, there is social, cultural or political resistance to the idea that children are entitled to be involved in addressing matters that affect them. The reasons given for not supporting participation include – 'they are too inexperienced, ignorant, or unreliable', 'they lack wisdom', 'they should be allowed to just be children', 'adults know best', 'giving them the right to be heard will make them disrespectful of adults', and 'they will make unreasonable demands'. It is important to challenge these arguments on the basis of the accumulated evidence from many hundreds of thousands of initiatives from around the world:
 - ▶ Children have direct experience of their own lives that cannot be replicated by adults. Obviously adults – whether parents, professionals or politicians – also have valuable expertise. But this does not substitute for the perspectives of children. Children have the capacity to make additional and unique contributions on, for example, the impact of social media on their lives, how they experience access to health care, what works as effective teaching in the classroom, or the types of recreational activities they want in their local communities.
 - ▶ Evidence shows that when children are offered opportunities to engage they are keen to do so, and do not experience this as a taking away of their childhoods. They make serious and valuable contributions. Participation is a right not an obligation. No child who lacks interests should be expected to be involved.
 - ▶ Participation serves as a virtuous circle. The more opportunities children are offered, the more skilled and competent they become. And participation serves to build respect for others. As children themselves experience being valued and respected, so they understand the reciprocal nature of participation.
- *Avoid the risk of working with only a few 'professionalized' children:* It is important to avoid selecting a few articulate children and using them repeatedly for different activities. The suggestions elaborated in this tool for different approaches to engaging children should highlight the multiple approaches throughout the social ecology that can be adopted to work with children with very different backgrounds.
- *Tackle the 'haemorrhaging' of children as they grow older:* Self-evidently children are only children for a limited period. Accordingly, it is a good idea to commit to investing in recruitment of, training and support for new groups of children on an on-going basis. One approach to prevent the loss of experienced older young people is to involve 18-25 year olds as mentors and supporters of younger children. This enables them to stay involved in activities and to share their accumulated experience and guidance.
- *Build the skills of adults:* Many professionals working with children lack confidence for working with children. Reluctance to establish initiatives is as often a result of a lack of training and capacity as a lack of interest. NHRIs need both to build skills internally in working with children and to provide opportunities for training externally. It is also useful to identify other organizations able and willing to provide training workshops, or to bring in international expertise to provide support in this process.

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- *Reach out to the most marginalized children:* As indicated above, it is vital to reach out beyond the most accessible and able children, and to ensure that the voices of more marginalized children are heard. Children can be approached through schools, residential institutions, hospitals, NGOs working with particular constituencies of children, parent organizations and local media outlets. Organizations of persons with disabilities can be a valuable resource, both for identifying groups of children with disabilities and for providing guidance on how best to create accessible and child-friendly environments for them.¹⁰
 - *Balance participation, best interests and protection:* The Committee on the Rights of the Child has emphasized that there is no tension between the child's best interests and their right to express their views. Indeed, it argues that in order to determine the child's best interests, it is imperative, wherever possible, to ensure that the child's voice is heard.¹¹ Empowering children to speak out is an essential dimension of child protection. It is not possible to protect children if they are denied the opportunity to be heard, to challenge violence or abuse or to seek redress.
 - *Avoid decoration, tokenism and manipulation:* It is important to avoid approaches to the involvement of children which merely use them as a means to an end. For example, it is not participation if children are simply brought into an event to sing, provide entertainment, hold a banner or provide a good photo opportunity for a politician. Nor is it participation if they are selected by adults to speak at a conference and given no meaningful opportunity to determine for themselves, or with other children, what they wish to say and how they choose to say it. Children should never be manipulated simply to promote an adult agenda. Complying with the nine basic requirements for participation, and ensuring that participation always includes opportunities for space, voice, audience and influence (as described earlier), will ensure that these problems are avoided.

¹⁰ See also, UNICEF (2013), *Take Us Seriously: Engaging children with disabilities in decisions affecting their lives*,

¹¹ Committee on the Rights of the Child (2009), General Comment 12, paragraph 74; Committee on the Rights of the Child (2016), General Comment 20, paragraph 22

8. MONITORING AND EVALUATING CHILD PARTICIPATION

A. Monitoring the internal participation work of the NHRI

In order to ensure that the goals set by the NHRI to promote, protect and monitor children's participation rights are being achieved, it is useful to develop a system for monitoring and evaluating the work that is being done. The process needs to be undertaken in partnership with children themselves so that their experience is reflected in the results and can help contribute to strengthening the quality of the work. A framework piloted extensively in a number of countries and published jointly by Save the Children, UNICEF, Plan International, World Vision and The Concerned for Working Children provides an accessible system for undertaking that process.¹² This tool could be used to monitor, for example, the effectiveness of a children's advisory group for the NHRI, a campaign on a particular issue, or the accessibility and effectiveness of the system for complaints. The tool comprises analysis of the following three dimensions:

- What was the scope of children's participation?
- What was the quality of children's participation?
- What were the outcomes of children's participation?

It also provides many different instruments that can be used to undertake the monitoring with children.

Example, when evaluating how meaningful a children's advisory group has been for the children involved, and for the work of the NHRI, issues to consider are as follows:

1. What was the *scope* of children's participation?

a) At what point were children involved in any piece of work undertaken by the NHRI? For example:

- Were they involved in analysis of priority areas of work to be undertaken?
- Were they involved in planning and design of the initiative?
- Did they play a part in implementing the initiative, for example undertaking research, delivering information, or media and promotion work?
- Did they play a part in monitoring the initiative to determine how effective it was at reaching its objectives?
- Were they involved in helping disseminate any findings or outcomes of the initiative?

b) At each of these stages of the process, what was the level of child participation - consultative, collaborative or child-led? For example, was the children's advisory group:

- Consulted on their views and ideas, but the decisions and actions taken exclusively by the staff in the NHRI?
- Involved in a collaborative process in which there was an opportunity for joint decision making and some shared responsibility between the staff and the children?

¹² For details on the methodology for monitoring and evaluation see G. Lansdown and C. O'Kane (2014), *Toolkit for Monitoring and Evaluating Children's participation*, Save the Children et al, at <https://resourcecentre.savethechildren.net/document-collections/toolkit-monitoring-and-evaluating-childrens-participation>

- Able to organize themselves to determine priorities, supported and facilitated by the staff of the NHRI?

c) Which children were involved (ages, abilities, circumstances). For example:

- Does the children's advisory group involve children from a wide age range?
- Is it accessible to children with different disabilities: for example, could children who are blind, deaf, or have physical or intellectual disabilities take part and did it specifically reach out to and encourage their participation?
- Were efforts made to engage children from a wide geographical area, and from all relevant marginalized communities?

Once this information is gathered, the tool provides a matrix against which the findings can be entered in order to gain a sense of what level and scope of participation your children's advisory group is achieving and whether this is consistent with your aims for the group.

2. What was the *quality* of children's participation?

The quality of children's participation in the advisory group can be monitored against the nine basic requirements for quality participation (elaborated in Section 4(b) *Ethical and quality participation* above). For each requirement, children can provide an assessment, for example, ranging from 0-3 of how positive their experience was. The nine requirements are:

- *Transparent and informative*: did the children have sufficient information to make a positive choice to join the advisory group and did they feel that they fully understood its role, their contribution to it, and the level of commitment it involved?
- *Voluntary*: were the children who joined genuinely making that decision for themselves or was there pressure from schools or other adults to take part?
- *Respectful*: did the children feel that their views were taken seriously, that the NHRI was genuinely interested in listening to them and taking their contributions into account? Were they encouraged to build their confidence in order to contribute effectively?
- *Relevant*: did the children feel that the NHRI was focused on activities of real importance to them?
- *Child-friendly*: were the children provided with sufficient time and resources to enable them to participate effectively? Did the NHRI create an atmosphere in which they felt welcome, accepted, and encouraged?
- *Inclusive*: did all the children in the advisory group feel equally valued and included? Was information accessible to all the children? And was there the opportunity to raise concerns if anyone felt excluded or marginalized?
- *Supported by training for adults*: did the children feel that the NHRI staff were equipped to work effectively with children and that they fully understood and believed in the importance of children's participation?
- *Safe*: did the children feel safe at all times as members of the advisory group? Did they know where to go and what to do if any problem arose?

- *Accountable*: did the children feel that the NHRI staff provided good and consistent feedback on what actions were taken as a result of the work of the advisory group? If the children raised any problems, did staff take all necessary action to address them?

3. What were the *outcomes* of children's participation?

It is important to measure two types of outcome for children's participation:

a) What outcomes did the children experience themselves, as a consequence of taking part in the children's advisory group? For example, did they:

- Feel more self-confident?
- Have greater knowledge of their rights?
- Feel more able to speak out in public?
- Feel more valued in their community?
- Establish new friendships?
- Have opportunities to meet people they would otherwise not have met?

b) What outcomes were achieved in the realization of their rights? These outcomes would be determined by the objectives for any given initiative. For example:

If the children's advisory group was helping the NHRI to produce an alternative report to the UN Committee on the Rights of the Child, the objectives might be:

- To ensure that groups of children from all relevant communities across the country were consulted;
- To ensure that the children's perspectives were fully included in the report;
- To enable a group of children to go to Geneva to meet with the Committee or interact via video-conference; and/or
- To persuade the Committee to make recommendations on the issues of concern raised by the children.

The process would be evaluated by working with the children's advisory group to assess how far and how well they felt those outcomes had been realised.

B. Monitoring progress by governments in implementing article 12

The NHRI may also be interested in working with the government to try and ensure that it is fulfilling its commitment to the implementation of article 12. The Council of Europe has developed an assessment tool on child participation that provides a set of 10 indicators against which to measure progress, together with a guide that provides a methodology for assessing progress.¹³ These indicators can be used to help assess what is already in place, what needs to change, and priorities for action. The assessment process needs to be undertaken with governments in collaboration with professionals, NGOs, and children themselves.

¹³ Council of Europe (2016), *Child Participation Assessment Tool*, at <https://www.coe.int/en/web/children/participation>

The 10 indicators are as follows:

Protecting the right to participate

1. *Legal protection for children and young people's right to participate in decision making is reflected in the national constitution and legislation:*
 - Children and young people's right to participate is explicitly accompanied by a requirement to give their views due weight in accordance with age and maturity.
 - Legal protection applies to laws directly affecting children, for example in schools and education, child protection, care, and adoption procedures, custody and family proceedings, health care and consent to treatment, immigration and asylum proceedings, and criminal justice proceedings.
2. *Children and young people's right to participate in decision making is explicitly included in a cross-sectoral national strategy to implement children's rights:*
 - Children's participation is understood as part of the wider strategy for implementation of the UNCRC.
 - It is accompanied by concrete goals, indicators of progress and a budget for implementation
3. *An independent children's rights institution is in place and protected by law:*
 - The institution can be a standalone body or part of a broader NHRI, but must be independent of government.
 - It is able to respond to key concerns and issues raised by children themselves.
4. *Mechanisms are in place to enable children to exercise their right to participate safely in judicial and administrative proceedings:*
 - The Council of Europe child-friendly justice guidelines provide that children coming into contact with the justice system must be informed of their rights, have free access to a lawyer, be heard and taken seriously and have decisions explained in a way that they can understand.
 - These provisions are available to children in all judicial and administrative proceedings, including criminal, family law, care and protection and immigration.
5. *Child-friendly complaints procedures are in place:*
 - Children have access to complaints procedures that are mandated by law in a range of contexts, for example, school and education settings, care and protection, health care.
 - Procedures are easily accessible and child-friendly. This means that children have information about how to complain in age- and disability-appropriate formats, in accessible locations.
 - Follow-up, referral and response mechanisms are well established and effective.
 - Feedback on complaints is communicated directly to children within a reasonable timeframe and in a manner adapted to their age and understanding.

Promoting awareness of the right to participate

6. *Training on children and young people's right to participate in decision-making is embedded in training programmes for professionals working with and for children:*

- Professionals are provided with competency-based training that includes learning and applying skills as well as knowledge.
- A wide range of professionals working with and for children are equipped to understand and apply children's rights, including teachers, nurses and doctors, judges and lawyers, police, prison officers, social workers, youth workers and civil and public servants.

7. *Children are provided with information about their right to participate:*

- Children are provided with information about their participation rights, including how and where they can participate, how to make complaints, how to form their own organizations, and how to take part in decision-making processes.
- Information is available in child-friendly and accessible formats, including through social media networks.
- Education on children's rights, including the right to participate, is a mandatory component of the school curriculum.
- Wider information programmes are also in place to raise public awareness.

Creating spaces for participation

8. *Children are represented in forums, including their own organizations, at school, local, regional and national governance levels:*

- Children have access to spaces where they can identify issues of concern to them and bring them to the attention of relevant policy makers.
- Spaces can include, for example, school councils, national student unions, children's parliaments, youth councils, or youth forums.
- These spaces provide for children themselves to be involved in election of their members, to reach out to marginalized children, and to provide meaningful access to those in positions of power.

9. *Child-targeted feedback mechanisms are in place on local services:*

- All public authorities responsible for local services have mechanisms in place through which children can be consulted and provide feedback on those services including, for example, education, alternative care, play and recreation, cultural services, child protection, and family support services. Mechanisms for feedback could include evaluation forms, surveys, or focus groups.
- Children are provided with information on how their views have been responded to and their concerns addressed.
- Children are involved in the design, implementation and evaluation of feedback mechanisms.

10. *Children are supported to participate in monitoring and alternative reporting for the Convention on the Rights of the Child and other international treaties, as well as relevant regional instruments and conventions:*

- Children's views should always be included in monitoring reports to any international instruments or conventions.
- Children should be supported to produce their own reports wherever possible.

9. FURTHER RESOURCES

Committee on the Rights of the Child (2009), *General Comment 12: The Right of the Child to be Heard*, CRC/C/GC/12, July, <http://www2.ohchr.org/english/bodies/crc/comments.htm>

Committee on the Rights of the Child (2017), *General Comment 20: Implementation of the Rights of the Child during Adolescence*, CRC/C/GC/20, 2017, <https://digitallibrary.un.org/record/855544?ln=en>

Lansdown G (2011) *Every Child's Right to be heard: A resource guide on the UNCRC General Comment No. 12*, Save the Children and UNICEF, https://www.unicef.org/french/adolescence/files/Every_Childs_Right_to_be_Heard.pdf

Save the Children (2003), *So you want to consult with children? A Toolkit of Good Practice*, <https://resourcecentre.savethechildren.net/library/so-you-want-consult-children-toolkit-good-practice>

O'Kane C, (2004) *Children and Young People as Citizens: Partners for Social Change*, Save the Children, <https://resourcecentre.savethechildren.net/library/children-and-young-people-citizens-partners-social-change-exploring-concepts-part-1>

UNICEF (2013), *Take Us Seriously: Engaging children with disabilities in decisions affecting their lives*, https://www.unicef.org/disabilities/files/Take_Us_Seriously.pdf

Lansdown G and O'Kane C (2011), *Framework and Toolkit for Measuring Children's Participation*, CRIN, <https://resourcecentre.savethechildren.net/authors/lansdown-gerison>

Council of Europe (2016), *Child Participation Assessment Tool*, <https://www.coe.int/en/web/children/participation>

APPENDIX 1. ADDITIONAL ILLUSTRATIVE EXAMPLES OF CHILD PARTICIPATION

These additional examples of activities undertaken by NHRIs to promote children's participation in their work are clustered in accordance with the three different approaches for NHRIs in working with children.¹ It is important to recognize, however, that many activities cut across these approaches. For example, involving children in consultative activities to inform the work of the NHRI can also serve to educate and build capacity. Monitoring processes can contribute to governmental change, in recognition of the need to strengthen opportunities for children to be heard.

1. Involving children in the work of the NHRI (advisory groups, ad hoc groups, research and consultations, communications, advocacy and monitoring)

Serbia: During the drafting of its Guidelines on Child Friendly Justice, the Council of Europe (CoE) launched a consultation process with children throughout Europe, through a questionnaire prepared for them. In this context, Serbia's Ombudsman conducted a consultation process with over 700 children between the ages of 13 and 17 years in March 2010. The team visited 20 municipalities in Serbia. They avoided visiting large cities (except Belgrade and Nis), focusing mainly on children in rural areas and smaller towns. The target groups were children in correctional centres, schools and shelters. The team visited 11 elementary schools, 11 high (secondary) schools, 2 juvenile correctional centres and 2 shelters in Belgrade. Before the questionnaire was distributed, the children were informed about child rights, the work of the Ombudsman, the Council of Europe, justice and the questionnaire. The whole process lasted one month and individual interviews with class were limited to two hours, of which one-and-a-half hours was intended for interactive dialogue with children and half an hour for completing the questionnaire. The outcome was a report sent to the CoE. On the basis of the submitted reports, the CoE expert reported on the consultation of children and young people, and this report had an impact on the final version of the Draft Guidelines that was later adopted.

Greece: The Deputy Ombudsman for Children's Rights organized and participated in discussions in schools and consultation meetings with students from 57 different secondary schools in three large cities (Athens, Thessaloniki and Heraklion) on the operation of students' communities (including assemblies and elected students' councils) and implementation of school democracy. The students' proposals were collated and presented in a joint document. After also consulting with other groups of students and teachers and having taken advice from its youth advisory panel, the Ombudsman's Office addressed its proposals to the Minister of Education in March 2016. However, although the proposals were favourably received, no action was taken. Thus, the Ombudsman thought that it would be helpful to organize a national consultation on the issue. A short questionnaire was prepared, with a contribution from the youth advisory panel of the Ombudsman and scientific advisors of the Ministry of Education. The questionnaire was distributed electronically to all secondary schools in Greece (nearly 3.000) along with explanations and instructions on how it should be completed anonymously by students, in combination with holding discussions in the classrooms. A total of 377 schools responded to the Ombudsman's call, sending back the answers of 37,488 students in total. Apart from providing very strong documentation on the level of approval of the Ombudsman proposals, the consultation was a very good opportunity to raise awareness among students and teachers of the need to refresh

¹ These examples are, variously, drawn from: UNICEF (2012), *Championing Children's Rights: A Global Study of Independent Human Rights Institutions for Children*, Florence,; GANHRI/UNICEF (2018) *Children's Rights in National Human Rights Institutions: A Mapping Exercise*,; Hodgkin, Rachel and Newell P (2010), *The role and mandate of children's ombudspersons in Europe: Safeguarding and promoting children's rights and ensuring children's views are taken seriously*, ENOC survey, Strasbourg; and UNICEF, *ECARO mapping exercise of NHRIs*, 2017.

discussions about how students' communities operated and on practicing democracy in schools in general. The results were sent to the Ministry and publicized in autumn 2017.

El Salvador: In 2010-2011, the NHRI, Procuraduría para la Defensa de los Derechos Humanos, established a juvenile dissemination unit involving around 300 young people aged 15-25 years, who are based in the Office and are actively engaged in both human rights promotion and monitoring of compliance with the CRC.

Ontario, Canada: According to its 2010-2011 Annual Report, the Office of the Provincial Advocate for Children and Youth was making monthly visits to special schools for hearing- and vision-impaired children, and those with severe learning disabilities, to hear about their experiences of accessing services. Since other means of communication present significant barriers to these children, they felt more comfortable raising concerns to staff from the Advocate's Office in person.

Sweden: In 2012, the Ombudsman visited a total of 13 police cell blocks and remand prisons around the country, asking open questions about what happens and what a child thinks when he/she is deprived of his/her liberty. In his subsequent report, he submitted proposals to the government for changes and measures needed in response to the findings from the children.

Azerbaijan: The NHRI of Azerbaijan has a child rights resource centre, the Azerbaijan Child and Youth Peace Network, that acts as an advisory council to the NHRI. Members of the advisory council participate in all activities on children's rights organized by the commissioner. In order to improve the knowledge and abilities of children, in 2001 a so-called "Leadership School" was created by the network.

Mexico: The Mexican NHRI partnered with other institutions to organize the 10th Parliament of Girls and Boys in 2017. More than 300 young people from all over the country participated, most of them girls. They were able to express their ideas and concerns about the issues that affect them and their families, school and community, generating proposals to help bring about harmonious coexistence of citizens, strengthening of transparency, and increased awareness and dissemination of their rights.

European regional networks: Participation can also be promoted at international or regional level. This has been practised through ENYA, the European Network of Young Advisors, which was formed by ENOC in 2009 (http://enoc.eu/?page_id=179). Youth advisory groups/panels worked on chosen subjects and then their representatives met, exchanged and collaborated in finalising common proposals. In 2017, for example, the text that came out of an ENYA meeting on sexuality education was very strong and was mentioned and included in the ENOC Final Statement issued later in the year.

2. Raising awareness and capacity building

Sweden: Young Speakers: A Method for Listening to Children. During 2010, the Ombudsman and his staff met over 100 fostered children and young people aged 3–23 years in 13 different districts in Sweden and listened to how they would like to see child social welfare improved in Sweden. This was done by means of a method they call Young Speakers. The method originated at the ChangeFactory in Norway – an organization with long experience of listening to children in vulnerable situations. The core of the method is that the adult working with the children seriously listens to what the children and young people have to say and lets them have their say without interrupting them with the adult's

own values and opinions. The experiences and opinions of the children and young people were presented to those with authority over child social care – the Minister for Children and the Elderly, the Ministry of Health and Social Affairs, the Swedish National Board of Health and Welfare and the Swedish Parliament’s Social Affairs Committee – when the Ombudsman made his annual report to the government. The Office also produced a special pamphlet showing the work material of the children and young people by way of feedback to all those who contributed to the work. The office staff also trained the method to other professionals.

Scotland: In 2010 the Commissioner undertook a consultation with children, called **A RIGHT Blether**, in order to:

- raise the profile and work of the Commissioner;
- inform the Commissioner’s strategic workplan for 2011-2015; and
- raise awareness of children’s rights

The process involved five activities:

- PARTICIPATE – packs were distributed to schools and other youth settings to support adults to deliver interactive workshops for children and young people to learn about their rights;
- CREATE – children and young people could tell the Commissioner about their ‘RIGHT brilliant thing’, which could have been an idea about their future or examples of where their rights were being respected;
- MEET – the Commissioner travelled across all of Scotland to introduce himself to and gain the views of children and young people
- VOTE – children voted on what the Commissioner’s priorities should be, on questions determined by children and young people beforehand under four headings: 1) In The Home, 2) Where We Learn, 3) In The Community, and 4) In Scotland;
- CELEBRATE – parties were held to mark the 21st anniversary of the United Nations Convention on the Rights of the Child.

The findings from the evaluation suggest that the aims were met and participation was impressive, with 74,059 children and young people taking part in the online element of the consultation alone. The four priorities identified by children were: being safe and secure, being treated fairly, being respected and being included. The project was successful in improving understanding and awareness, both among adults and children, of the work of the Commissioner and of children’s rights. Wider impacts on children and young people include: the development of discussions on citizenship; increased awareness of how they can exercise their rights on a day-to-day basis; increased knowledge of and engagement in decision-making processes; and increased dialogue about human rights in other countries.

Italy: In 2016, the Italian Authority for Children and Adolescents promoted a project entitled “Dallo scontro all’incontro: mediando si impara!” [From clash to encounter: learning through mediation] to raise awareness about school mediation, thanks to an agreement signed with the G.E.M.Me Association (Groupement Européen des Magistrates pour la Médiation) - Italian section, and the Istituto Don Calabria. The dissemination of a culture of mediation is included in the law instituting the Authority. The aim of the initiative is to analyse in depth the theme of school-based and juvenile conflicts, and to

disseminate a culture of mediation by introducing tools to develop typical mediation skills (empathic listening, impartiality, confidentiality, fairness, “returning to the parties” without judging, reaching an agreement, remedying, and so on), raising awareness, and educating on the theme of differences and respect for the ‘other’ as an indispensable prerequisite for peaceful coexistence. The Authority invited junior high schools from all over Italy to show their interest in participating in the project. The project has involved fourteen first-grade secondary schools throughout the country. It comprises two meetings: the first one is held in Rome with a group of student representatives from the school, and the second – involving the whole school – takes place at the school itself. The second meeting aims to disseminate a culture of mediation and conflict prevention among school students, teachers and parents, but also associations and offices that deal with mediation in that particular area. The implementation of project activities also provides an opportunity for girls and boys to be heard. The project methodology is designed to encourage responsive pathways and the active participation of children, as well as monitoring and evaluation.

Afghanistan: The NHRI organized ‘child-to-child’ workshops in 2008 to train more than 2,700 children in various child rights topics so that the participants could, in turn, train their peers.

South Africa: The South African NHRI has developed child-friendly spaces at all of its provincial offices and has introduced a Child Friendly Complaints Handling Procedure. In addition, it reported in 2018 that senior managers and legal officers had undergone training on how to manage child complainants. The training was undertaken with the assistance of UNICEF South Africa.

Malawi: The NHRI of Malawi noted in 2018 that it works with children in schools and has organized essay competitions and debates for children in schools. Important aspects of their work in schools are, for example, engaging children in decision-making processes in schools and getting the views of children, for example, on child protection issues in schools and possibilities to resolve them.

Many NHRIs, including the *Finnish, Spanish, Mexican* and *Slovakian* NHRIs, have child-friendly websites and provide age-appropriate materials. The *Hungarian* NHRI is trying to address the information needs of different age groups through a section of its website and a Facebook page for children between 10 and 14 years of age, and popular outdoor children’s events, where they target the 8 to 14 years age group by way of quizzes and other games.

3. Strengthening government commitment to and opportunities for participation

Estonia: The Chancellor has established an Advisory Body in which all major youth organizations are involved and send representatives. It has a balanced representation of Estonian- and Russian-speaking children. One example of its work was that in 2016-2017, the Chancellor asked young people for their opinions on draft legislation on the working conditions of young people, and their views were taken into account in the drafting process. One result was that the initial plan to shorten the vacations of young workers from 35 days to 28 days was abandoned.

Germany: In 2017, in cooperation with the Federal Ministry for Development and Economic Cooperation, the German NHRI carried out a youth consultation to feed into an action plan on children’s rights in Germany’s development policy. Twenty-five young people from different parts of Germany participated in the process. They attended three workshops and voiced their demands on children’s rights in German

development policy through a video clip, a number of postcards and during consultations with civil society organizations and the Ministry.

Norway: In 2015, when the Government of Norway was planning to deliver a report on how to handle cases of bullying in schools in the future, the Ombudsman was clear that it needed to place significant emphasis on the children's own experiences of their encounter with the current system and on their recommendations for improvements. The voices of children and young people should be directly incorporated into the report: to this end the Ombudsman had conversations with children all over Norway. They met 22 children and young people between the ages of 9 and 19.

The Ombudsman's Office reached out to children who had been bullied in order to get their voices to that governmental expert group. It contacted parents who had previously reached out to the Ombudsman because their children had experienced bullying, or some schools where bullying may have taken place. They tried to cover the whole of Norway. First, the staff sent information about the expert groups by email to the parents. The meeting was organized in the Office in Oslo and the Office paid their expenses to attend.

During the discussion, the children met the Prime Minister and visited the Parliament in order to provide advice on the legal changes. The meetings were led in the Office by 2-3 advisers, using their own method for talking with to children. The meetings employed a 'support system': if any children had issues during the meetings, their parents were waiting outside. As a result of the meeting, the Government revised the legal background on bullying and produced a white paper. The Ombudsman also recommended that children be consulted, and the law has been improved, for example by reducing the length of time a school has to handle bullying cases to one week.

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