

## The European Union and Child Participation

### Introduction

More than two decades after the adoption of the UN Convention on Rights of the Child (UNCRC) children's right to participation, set out in various articles of the UNCRC, continues to challenge prevailing attitudes and practice.

The European Union (EU) has expressed a clear commitment to children's participation, including in the *Charter of Fundamental Rights* article 24, the EC Communication "*Towards an EU Strategy on the Rights of the Child*" and the "*EU Agenda on the Rights of the Child*".

Save the Children acknowledges that important steps have been taken by a variety of stakeholders at different levels in the EU Institutions and Member States. However, while important progress has been made to allow children to participate in the decision-making, there is still a lack of a common framework and principles to guide action. Action often tends to be ad hoc, largely focusing on "the right to information", rather than supporting participation of children in decision-making processes at different levels. There is still a considerable lack of efforts to create opportunities for children to influence and access decision-making processes at an early stage, i.e. before the actual decisions affecting children's lives have been taken.

All children demonstrate competence to engage, once provided with relevant information, appropriate support and the freedom to express themselves comfortably. Children can act as valuable partners to decision-makers, including to the EU.

Save the Children believes that the EU can and should to take a more prominent role in setting examples of *collaborating* with children, as well as *promoting* children's participation to other stakeholders. We recommend that the EU fully explores its role in promoting and implementing children's participation, and that it adopts a systematic approach, including common definitions and principles.

In this paper, Save the Children presents some thoughts around the EU's role in relation to children's participation<sup>1</sup> and introduces guiding principles and important considerations that need to be taken into account to ensure meaningful, safe and ethical child participation.

Brussels, December 2011

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<sup>1</sup> Save the Children and many other NGOs have provided concrete examples of how children can be involved in decision-making. In this paper, we limit ourselves to discussing the role of the EU in relation to children's participation.

### Save the Children Definition of Children's Participation

- Participation is to have an opportunity to express a view, influencing decision making and achieving change.
- Children's participation is an informal and willing involvement of all children, including the most marginalised and those of different ages and abilities in any matter concerning them directly or indirectly.
- Children's participation is a way of working and an essential principle that cuts across all programmes and takes place in all arenas from homes to government and from local to international levels.

*(Save the Children Practice Standards in Children's Participation (2005))*

Children's participation rights are set out in Articles 12, 13, 14, 15 and 17 of the UNCRC. These articles cover:

- Article 12: The right to express views freely in all matters affecting him or her with those views given due weight in accordance with the child's age and maturity
- Article 13: The right to freedom of expression
- Article 14: The right to freedom of thought, conscience and religion
- Article 15: The right to freedom of association
- Article 17: The right to information

### Why Does Save the Children Promote Child Participation?

Save the Children works towards a world which listens to and learns from children. Children are the experts of their own lives, and can provide important *insights and expertise* that adults may not identify or prioritise. Children constantly prove to us that they are important *actors*, generating positive change for their peers and the community at large.

Children's participation is about familiarisation of children with democratic processes, including understanding and respecting different points of view, the need for compromise, a sense of responsibility for group decisions and accountability. Opportunities to participate offer children an opportunity to develop skills to protect themselves and challenge rights abuses.

Children's participation is not merely a commitment and cannot be reduced to an ad hoc activity – it is an *obligation* that adults at all levels are accountable to. Save the Children believes that in order to achieve long-term improvements to children lives, the world must move away from a perception of children as “objects of intervention” to subjects with the *right, capacity and willingness* to influence their own lives. Ensuring that there are opportunities for children to “play a leading role” in their own lives, including making sure that they can play a part in relevant decision-making is therefore an integral and necessary component of all work towards realising children's rights.

## Who, What, When?

The right to participation applies to every child capable of forming his or her own views. There is no reference to age limits in the UNCRC, rather the monitoring bodies have discouraged States Parties from introducing age limits in law and practice which restrict the child's right to participation. This is also in line with the aim to recognise and respect non-verbal of communication such as play, body language, facial expression, or drawing and painting which increase the possibilities for very young children to make choices, express wishes and preferences and to show how they understand their environment. Duty-bearers have an obligation to ensure that different ways of communicating and expressing views are made available so that the lack of an ability to express views in spoken language does not become an obstacle for participation.

The fulfilment of the child's right to participation is a great challenge, which requires conscious efforts from decision makers and adults at large. It affirms that the child is a fully- fledged person having the right to express views on all matters affecting him or her, and having those views heard and given due weight. This means that a child not only has the right to participate in decision-making processes affecting his or her life, but also to influence decisions taken in his or her regard.

Child participation goes beyond opportunities to engage with political decision-making processes at a national level. There are few areas of family, community, region, national or international decision-making that do not affect children. Moreover, participation rights stretch far beyond "children's topics" or areas otherwise mentioned specifically in the UNCRC. This means that there are no areas of traditional parental or adult authority – the home or the school for example – that can ever be considered "child opinion free zones". While States Parties have the obligation to ensure that children's participation rights are fulfilled, a great deal of this work can only be realised if States promote and introduce policies which require other actors – such as parents, teachers, social workers, judges – to ensure children's participation. This includes a clear task for States to adopt legislation and support measures which aim at changing attitudes and practice among adults and professionals.

This dual role as an "implementer" and "promoter" expands and translates into cases where States "hand over" or share decision making powers, such as in the case of the EU, implying that the EU has a role in engaging both directly with children, and in promoting and securing children's participation with key stakeholders involved in or affected by its decisions and action.

## Fundamental Principles to Child Participation – Save the Children's Practice Standards

Save the Children has developed practice standards for children's participation, which are based on years of experience in supporting children's participation at local, national and global levels. These standards have the primary aim of ensuring consistent, high quality, meaningful and ethical child participation within our programmes. Apart from guiding our practical work with and for children they help us to evaluate current practice and identify areas of improvement. They also constitute our framework for discussing and promoting children's participation with other actors. We strongly believe that these standards are relevant to all actors who wish to develop their approach to children's participation, and encourage the EU to adopt internal child participation guidelines including child safeguarding policies.

***1. Ethical approach: Transparency, honesty and accountability:*** The purpose and scope is clear. Children understand how much impact they can have on decision-making and who will make the final decision. The roles and responsibilities of all children and adults involved are clearly outlined, understood and

agreed upon. Adults involved in any participatory process are sensitised to working with children and willing to listen and learn. Organisations and workers are accountable to children for the commitments they make.

**2. Relevant and voluntary:** Children participate in processes and address issues that affect them - either directly or indirectly – and have a choice as to participate or not. The issues are of real relevance to children and to their knowledge, skills and abilities. Children are involved in ways, at levels and at a pace appropriate to their capacities and interests.

**3. A child-friendly and enabling environment:** Adults are sensitised to understand the value of children's participation and are enabled to play a positive role in supporting it through awareness-raising, reflection and capacity-building. The physical environment for meetings etc. is considered in all its aspects to enable children's participation, including children with special needs. Children have had opportunities to express what information they need and have had access to information in formats and languages they understand.

**4: Equality of opportunity:** Child participation challenges and does not reinforce existing patterns of discrimination and exclusion. Real efforts are made to give children an equal opportunity to participate. Participation practice always encourages those groups of children that typically suffer discrimination and exclusion based on age, race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. The aim should always be to involve all rather than a few, which in practice often means to reach out to children in their local settings rather than inviting representatives to a central point. No assumptions are made about what different groups of children can and cannot do.

**5: Adults and staff involved are effective and confident:** All staff and managers are trained and sensitised to children's participation and understand their organisational commitment to children's participation. Adequate support is provided for managers and staff for whom children's participation represents a significant personal or cultural change or challenge, without this being regarded as a problem.

**6: Child participation promotes safety and protection of children:** Child protection policies and procedures are in place. Organisations have a duty of care to children with whom they work and everything must be done to minimise the risk to children of abuse and exploitation and other negative consequences of their participation. Careful assessment is made of the risks associated with children's participation in speaking out, campaigning or advocacy. Under certain circumstances steps may be needed to protect children's identity (not least in media) and provide thorough follow-up measures. Information provided by children as well as all photos, videos or digital images can only be published with the child's explicit consent for a specific use. Staff organising a participatory process have a child safeguarding strategy that is specific to each process.

**7: Ensuring follow-up and evaluation:** Children are given rapid and clear feedback on the impact of their involvement, the outcome of any decisions and next steps. Children are asked about their satisfaction with the process and their views on ways in which it could be improved. Positive and negative aspects identified during the evaluation are acknowledged steps are taken to ensure that lessons learned are used to improve future participation practice.

### *Reaching out to marginalised children*

It is often children whose rights are being violated most frequently and severely who are least likely to be reached by existing initiatives to provide children with support and opportunities to voice their concerns. Child participation must meet the requirements of Article 2 – the right to non-discrimination, which stipulates that no child may be discriminated against in the exercise of their rights under Article 12 on grounds of race, colour, sex, language, religion, political or other opinion, ethnic or social origin, property, disability birth or other status. This entails investing in ways to involve children that do not require certain characteristics or skills. Appropriate measures need to be taken to address discrimination of vulnerable or marginalised groups of children such as girls, those affected by poverty, very young children, children without parental care, children in institutions, children with disabilities, children living with HIV/AIDS, refugee and displaced children, street and working children, children in conflict with the law and children belonging to indigenous and minority groups, to ensure that they are encouraged and enabled to participate on an equal basis with other children. This can be a great challenge, and no matter how distinguished our methods to involve children on their own terms are, there are children who will need spokespersons who can gain children’s confidence and voice their concerns correctly.

### **The Role of the EU and Children’s Participation**

Children’s participation is often confined to when *adults* are prepared to listen and have invited children to adult/professional spheres of decision-making. However, taking a meaningful and ethical approach to children’s participation always includes determining which option is the most relevant for the specific case, aiming at securing the best outcomes for those involved. In order to do so, it is important that policy-makers have a clear framework and principles to help them to determine the best way to involve children in the decision-making process at hand. Save the Children would like to encourage the EU to look carefully at its role in relation to child participation and to formulate a framework that can be applied to a wide range of decision-making processes, e.g. legislative reform, policy making, planning, data collection, budgeting and resource allocation.

### *Communicating with children*

The Commission has recognised an important role for itself in terms of communicating with children and sharing information that is relevant to them<sup>2</sup>. Save the Children believes that the EU can play an important role in terms of communicating with children, if its role is geared towards creating an awareness about the EU and how it affects children’s lives; securing access to child-friendly material and a basis for informed opinions; and generating an interest in getting involved by providing interactive ways of engaging with decision-makers and other children.

Access to child friendly information is key to meaningful participation. The Commission’s commitment to “translate” relevant EU legislation and policy in to child-friendly versions constitutes important progress in terms of securing children’s access to information about the EU and policy and legislation that affect them.

Web portals and social media can provide effective channels for participation, provided that its content is consistent with international human rights instruments such as the UNCRC, and that they provide an

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<sup>2</sup> See for instance “EU Agenda on the Rights of the Child”

interactive platform for children and adults. We welcome, in principle, the EU's web portal for children "Kids' Corner" and would like to see it developing into a useful and relevant tool for children.

The Eurobarometer has successfully been used as a tool to gather the views of children.<sup>3</sup> It is worth noting that it has limitations in terms of reaching out to age groups younger than 15. This does not justify leaving younger children out, rather it places demands on the EU to come up with innovative ways of interacting with younger children.

We encourage the EU to build on progress already made, going beyond access to information by providing children with an interactive platform to influence decision-making. In this context, it is worth emphasising our standards on safeguarding children, in particular in terms of protecting the privacy of children, and creating a safe environment.

#### *Involving Children in decision-making*

The EU can play an important role in involving children directly in its decision-making. The key to ensuring meaningful, safe and ethical child participation is to adopt a framework which helps decision-makers to establish when and how they should involve children. A clear set of standards and principles, such as those presented above, must guide all forms of child participation at all times.

The EU can and should make it possible for children to take part in meetings, consultations, conferences etc., whenever it will provide a meaningful, safe and ethical way for children to make their voices heard. Save the Children would like to emphasise that children's participation cannot be reduced to an "events-based" approach, whereby children are merely involved in one-off public meetings, conferences or consultations. While proving useful in some cases, it is not always the best option in terms of securing systematic and meaningful involvement of children in decision-making processes. Moreover, it should serve as a complement to more systematic and longer-term processes.

The EU can also support and capitalise on local processes, which often provide opportunities for more children to engage in an environment which is familiar and safe. "Tapping" in to local processes is an effective way of engaging with children, often at a lower cost, providing a channel for regular and relevant participation. The EU could also explore opportunities to learn from and support children's involvement in reporting to the UN Committee on the Rights of the Child. It is also important that the EU uses children's alternative reports to the Committee as a basis for their own policy development.

Numerous countries have created children's parliaments, councils, committees or forums at national, regional and local levels which establish formal links between children and decision-makers. These institutionalised forms for child participation harbour great potential and should have a natural role in every society. For many of these initiatives, it remains a challenge to demonstrate clearly how children's views are taken into account in the formal political process, and to ensure that children are provided with adequate feedback and response in relation to their proposals.

The EU can also reach children through those who work with them, capitalising on structures and processes that are already in place. This is one way to reach out marginalised children or specific target groups. The EU can also engage with, and promote the work of independent children's ombudsmen or commissioners.

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<sup>3</sup> See Qualitative Study on the Rights of the child, 2010

[http://ec.europa.eu/public\\_opinion/archives/quali/ql\\_right\\_child\\_sum\\_en.pdf](http://ec.europa.eu/public_opinion/archives/quali/ql_right_child_sum_en.pdf)

*Promoting and supporting children's participation*

The EU can play an important role in ensuring that its own policy and legislation secures and sets minimum standards for child participation, for instance in relation to policy and legislation on victim protection, child sexual abuse, migration, asylum and trafficking.

The EU has the potential to reach decision-makers, communities and children across the world in implementing and promoting children's participation. Save the Children encourages the EU to build on progress already made to develop its role in terms of promoting and supporting children's participation in Europe and globally, both as a promoter of children's rights and a donor.

The EU can for instance support and promote children's participation in international fora, financially support and tap into local children's groups and other groups that work with children and to encourage its partners to ensure children's participation at local and national level. The EU can also be an important force in ensuring that participation of the most marginalised children is secured. Promoting a framework with mechanisms, standards and principles for meaningful, ethical and safe child participation should be at the centre of this type of action.