Building a Europe
for and with children

Construire une Europe
pour et avec les enfants

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

CDENF(2022)06FINAL
31 March 2022

Steering Committee for the Rights of the Child (CDENF)

Opinion by the Steering Committee for the Rights of the Child (CDENF) on PACE Recommendation 2218(2022) on "The right to be heard: child participation, a foundation for democratic societies"

children@coe.int
www.coe.int/cdenf

Opinion by the Steering Committee for the Rights of the Child (CDENF)

on Recommendation 2218(2022) of the Parliamentary Assembly of the Council of Europe (PACE) on "The right to be heard: child participation, a foundation for democratic societies"

1. Following the adoption on 24 January 2022 of Recommendation 2218(2022) on "the right to be heard: child participation, a foundation for democratic societies" by the Parliamentary Assembly of the Council of Europe ("PACE"), the Committee of Ministers adopted the decision, at its 1424th meeting on 9-10 February 2022, "*to communicate it […] to the Steering Committee for the Rights of the Child (CDENF), for information and possible comments by 25 March 2022"*.

2. The Bureau of the CDENF examined the Recommendation during its meeting on 21 March 2022, and approved the following comments concerning those aspects which are of particular relevance to the CDENF's Terms of Reference and shared them with the CDENF for tacit approval, following the procedure set out in Article 13 b) of Appendix 1 to Resolution CM/Res(2021)3.

3. The CDENF agrees with the PACE on the importance of child participation as an essential pre-condition for building democratic societies. Indeed, the Committee recalls that the Council of Europe has historically demonstrated leadership in giving a voice to and involving children and giving due respect to their views in its standard-setting, monitoring and cooperation projects. Under the framework of the previous Strategy for the Rights of the Child (2016-2021), the Council of Europe not only promoted the right of the child to participate amongst Council of Europe bodies and national governments, but practised it, including by leading a child consultation process towards the new Strategy and by involving children in its relevant intergovernmental work and numerous co-operation activities. A large number of child-friendly tools and publications has been produced as a result of consultation processes, and the Council of Europe Child Participation Assessment Tool (CPAT) has been promoted to allow national stakeholders to assess their child participation mechanisms and practice. The Children's Rights Division, supporting these activities through the CDENF, the Lanzarote Committee (Committee of the Parties of the Convention for the Protection of Children against Sexual Exploitation and Sexual Abuse) and co-operation projects, has already co-operated with the Parliamentary Assembly in this area through various meetings and exchanges.

4. The CDENF takes note of the specific invitation by the PACE (in paragraph 5.1. of the Recommendation) to "support the effective implementation of the Council of Europe Strategy on the Rights of the Child (2022-2027), as an essential framework for the development, protection, and promotion of the rights of the child". On 23 February 2022, the Committee of Ministers adopted the new Strategy on the Rights of the Child (2022-2027), which will guide the work of the Council of Europe over the next six years. Under the implementing and innovating objectives noted in its fifth strategic objective, the draft Strategy is expected to continue focusing on "giving a voice to every child". Children participating in the consultation process towards the new Strategy emphasised the importance of finding places where they can express their own views in the framework of decision-making processes, and to have their voices heard even if they have to wait to see the results of the participatory process following sometimes lengthy negotiation processes at the European level. The Launching Conference for the Strategy, to take place in Rome on 7-8 April 2022, will include a dedicated thematic session on "empowering children and overcoming obstacles to their right to participate" that will address legal clinics as a means of enhancing children's participation in judicial proceedings and the particular situation of children acting as defenders of human rights.

5. The PACE also recommends (in paragraph 5.2. of the Recommendation) that the Committee of Ministers "continue to promote synergies on the rights of the child and child participation with the institutions of the United Nations and the European Union, including the European Commission, the European Parliament, and the Committee of the Regions, associating the Assembly where appropriate, and assess together what joint action on child participation could be useful". Through the past years, partnerships have been pursued and consolidated between the CDENF and numerous international and European stakeholders, including UN bodies and offices, different directorates of the European Commission and other agencies of the EU. Last year, the second multilateral regional project CP4EUROPE, co-financed by the European Union, was launched. It aims at enhancing children's participation in decision-making processes through very concrete measures and tools, starting with five pilot countries, and also creating tools and methodologies that will be useful for further member states of the Council of Europe. Through the bodies it is managing, its co-operation activities and various events, the Children's Rights Division therefore gives life to a dynamic and very regular collaboration with other international and European organisations.

6. Finally, the PACE recommends to "set up an inter-sectorial panel bringing together representatives of relevant committees and monitoring bodies, including from the Assembly, to review, assess, and co-ordinate Council of Europe action on child participation (including child safeguarding), and make recommendations for further development, with a view to mainstreaming meaningful and effective child participation across the Organisation". Under the specific task (iii) of its Terms of Reference, the CDENF is instructed to ensure that the rights of the child are mainstreamed into all relevant Council of Europe committees and bodies; so is already acting along the lines recommended by the Parliamentary Assembly, including by having initiated the work process towards a Council of Europe child safeguarding policy that is currently being prepared in collaboration with the competent internal legal services. Moreover, since 2010, the Inter-secretariat Task Force on Children's Rights brings together representatives of all operational sectors of the Council of Europe, the Parliamentary Assembly, the Congress of Local and Regional Authorities, the Registry of the European Court of Human Rights, and the Office of the Commissioner for Human Rights to mainstream the rights of the child by sharing information, obtaining insight from experts, agreeing on action, joining forces and addressing specific issues, including child participation. At one of its upcoming meetings, the Task Force could dedicate a focused exchange on current practices of child participation and means of further promoting it throughout Council of Europe bodies; on this occasion, the opportunity of a future inter-sectorial panel on child participation at the Council of Europe could be considered.

Annex

Recommendation 2218(2022) Provisional version[1]

The right to be heard: child participation, a foundation for democratic societies

Parliamentary Assembly

1. The Parliamentary Assembly refers to its Resolution 2414 (2022) "The right to be heard: child participation, a foundation for democratic societies", as well as to its Resolution 2415 (2022) "Inaction on climate change – a violation of children's rights".

2. The Assembly is convinced that considering children's views on any decisions affecting their lives is an essential pre-condition for building democratic societies. The Council of Europe should further strengthen its support to member States in promoting systematic, effective, and inclusive child participation.

3. The Assembly notes that a solid foundation for promoting child participation is provided by Council of Europe instruments, such as the Congress of Local and Regional Authorities' Recommendation 128 (2003) on the Revised European Charter on the Participation of Young People in Local and Regional Life; the Assembly Recommendation 1864 (2009) "Promoting the participation by children in decisions affecting them"; the Committee of Ministers Recommendation CM/Rec(2012)2 on "Participation of children and young people under the age of 18" and Recommendation CM/Rec(2010)7 on the "Council of Europe Charter on education for democratic citizenship and human rights education".

4. The Assembly highlights that the UN 2030 Agenda for Sustainable Development acknowledges children's right to participation as an essential part of achieving the Sustainable Development Goals. The Council of Europe should make full use of the current impetus and intensify its work on child participation.

5. The Assembly recommends that the Committee of Ministers:

5.1 support the effective implementation of the Council of Europe Strategy on the Rights of the Child (2022-2027), as an essential framework for the development, protection, and promotion of the rights of the child;

5.2 continue to promote synergies on the rights of the child and child participation with the institutions of the United Nations and the European Union, including the European Commission, the European Parliament, and the Committee of the Regions, associating the Assembly where appropriate, and assess together what joint action on child participation could be useful;

5.3 give high priority to child participation in the framework of the review of the implementation of the Council of Europe Charter on education for democratic citizenship and human rights education;

5.4 set up an inter-sectorial panel bringing together representatives of relevant committees and monitoring bodies, including from the Assembly, to review, assess, and co-ordinate Council of Europe action on child participation (including child safeguarding), and make recommendations for further development, with a view to mainstreaming meaningful and effective child participation across the Organisation.

[1] Assembly debate on 24 January 2022 (2nd sitting) (see Doc. 15435, report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Baroness Doreen E. Massey). Text adopted by the Assembly on 24 January 2022 (2nd sitting).