



Building a Europe
for and with children

Construire une Europe
pour et avec les enfants

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 30 July 2021

Consultation of children in the work of the Council of Europe CJ/ENF-ISE Committee of Experts

- Concept note -

OVERVIEW

- Activity:** Consultation of children for the preparation of (a) non-binding legal instrument(s) prepared by the Council of Europe CJ/ENF-ISE Committee of Experts
- Objective:** Taking into account children's views for the preparation of (a) non-binding standard(s) on the best interest of the child in parental separation and/or care proceedings
- Organisation:** Children's Rights Division of the Council of Europe, in collaboration with national governments of member states and their respective partners.
- Project launch:** 30 July 2021
- End of project:** 31 December 2022
- Website:** www.coe.int/children / www.coe.int/enf-ise
- Contact:** children@coe.int

BACKGROUND, AIMS AND RESOURCES

1. The Council of Europe Children's Rights Division has a long-standing tradition of involving children in its work in all the relevant areas of the 'strategic triangle' of international co-operation, including standard-setting activities on the rights of the child, monitoring member states' commitments in implementing these standards and developing co-operation and capacity-building activities. In the context of the current Council of Europe Strategy for the Rights of the Child (2016-2021), its upcoming draft Strategy, and in line with its priority area 2 on "the participation of all children", the Organisation has involved children on several occasions and various topics, such as child-friendly justice, combatting sexual violence or child-friendly health. It has also benefitted from the input of children at major events and reached out to them in the production of child-friendly material, or for all children acting in the digital environment. Thanks to this increased involvement of children in its work the Council of Europe has also been able to refine its very own approach to child participation at the European level.¹
2. In the process of developing instruments and/or practical tools on the best interests of the child in parental separation situations and care proceedings, the Committee of Experts on the rights and the best interests of the child in parental separation and in care proceedings (CJ/ENF-ISE) has decided that children's views should be taken into account, to ensure that the standards and/or tools resulting from its work are guided by the expertise of children that have either been affected by the separation of their parents or have been placed into care.
3. This paper sets out a concept for the CJ/ENF-ISE to take into account children's views in its work, according to its terms of reference and tasks of the CJ/ENF-ISE, and outlines the workplan ahead to be carried out in collaboration with the consultant(s) to be mandated following a call undertaken in July/August 2021. It may be recalled that, in 2020, the Council of Europe has developed a new tool to support the implementation of child participation activities run by professionals working for and with children: the Handbook on Children's Participation "Listen – Act – Change"² which may serve as a useful resource in this context.

WORKPLAN FOR TAKING INTO ACCOUNT CHILDREN'S VIEWS IN THE WORK OF THE CJ/ENF-ISE

4. The CJ/ENF-ISE will take children's views into account both directly, through child consultations, and indirectly, through the analysis of existing reports reflecting the views of children in the two thematic areas.
 - 4.1 The **child consultation process** will involve the following steps and elements:
 - a. Child consultations will be undertaken based on a draft text (available in October 2021) and will examine both parental separation and care proceedings.³
 - b. The participatory process will be led by the Council of Europe Children's Rights Division for the CJ/ENF-ISE.
 - c. A (group of) consultant(s) will be selected through a call for tender (between July and September 2021) and will be commissioned, through a one-off contract (covering the years 2021 and 2022), to support the Secretariat in this process.

¹ See overview of the [Council of Europe child participation approach](#).

² [Handbook](#) on children's participation for professionals working for and with children

³ CJ/ENF-ISE Delegations expressed their preference for undertaking consultations jointly on both topics.

- d. With regard to the resources available, it is suggested to organise consultations of children in up to five member states of the Council of Europe, in close collaboration with the national governments and their respective partners. To identify participating countries, the Council of Europe will launch a call for expressions of interest amongst national delegations of the CJ/ENF-ISE and the CDENF willing to support the consultation process at national level. Partner delegations should work with a national partner (NGO, ombudsperson, youth council, etc.) who could facilitate and support the consultations.
- e. National delegations showing interest in participating in the process will be selected on the basis of their demonstrated capacity to consult with children in a professional and balanced manner (i.e. with the support of specialised organisations and facilitators and by involving children of various backgrounds, including in vulnerable situations who may be at risk of facing discrimination) as well as in consideration of a certain geographical balance.
- f. National delegations will be choosing their partner organisations or experts to support them in reaching out to children, identifying children willing to take part in the consultations and actually running the child consultations. National delegations will receive a small grant from the Council of Europe to this purpose (up to 1 000€ per delegation) but will also be expected to raise additional resources from their side.
- g. While the consultant(s) to be mandated will be mandated to conceptualise, prepare, coordinate, provide professional support and ensure follow-up of specific activities and report back, the national delegations will be in charge of concretely organising and implementing the consultations with children in their respective countries and transmitting the outcomes back to the Council of Europe and to the children involved.
- h. In supporting the entire consultation process, the consultant(s) will notably:
 - conceptualise a process that is as inclusive as possible,
 - provide orientation in the constitution of balanced child consultation groups (ensuring gender balance and representation of children from various backgrounds (e.g. children who are seldom heard, such as ethnic minorities, children with disabilities or children in other vulnerable situations),
 - propose a methodology adapted to the context, composition and age group of children,
 - provide advice and guidance with regard to child safeguarding measures to be taken during the process and specific child consultations.
- i. The consultation of children will be based on semi-structured questions relating to the draft instruments/tools, which are formulated in a child-friendly language and are wide enough for children to add their own perspective and priorities (for example by ranking issues of concern, by defining more precisely the problems they are facing and by requesting changes from their governments and other stakeholders on the topics to be consulted). The consultation as such may be introduced by exploring the issues of parental separation and care proceedings more generally and in the most child-sensitive manner (in case of the presence of children who have gone through relevant and possibly traumatising experiences). The results of the overall process will be analysed by the (group of) consultant(s), in close collaboration with the national facilitators, and will feed into the finalisation of the draft instruments/tools.
- j. At the end of the process, national delegations, supported by their partners and the (group of) consultants, will provide written feedback to the children involved (to explain, in an age-appropriate manner, how their views and opinions were taken into consideration, have influenced the final instruments/tools developed and may – in the long run - improve the consideration of the best interest of the child and children's well-being in a context of parental separation and care proceedings).

5.2. In parallel to the actual child consultation process, the (group of) consultant(s) will also be mandated to undertake a **mapping of previous child consultations** undertaken in Council of Europe member States on the issues of parental separation and care proceedings:

- a. The objective of this part of the work will notably be to extract relevant findings that could feed into the drafting process of the upcoming instruments/tools.
- b. If considered relevant, the (group of) consultant(s) will also be able to address a question to CJ/ENF-ISE delegations or CDCJ/CDENF members to take stock of other child consultations undertaken on these issues in the relevant member states at national, regional or local level. The CJ/ENF-ISE delegations would be asked to provide the CJ/ENF-ISE with the reports resulting from those consultations. The question to be circulated amongst delegations could, for example, be:

“Have there been any recent consultations undertaken involving children who had experienced parental separation situations or care proceedings in your country on any of the aspects covered by the work of the CJ/ENF-ISE?”

If yes, please provide information on the main findings of children’s views as well as any relevant reports resulting from the consultations.”

Activities/task	Dates ⁴	Responsibility
<i>Preparatory phase (CoE Secretariat)</i>		
<ul style="list-style-type: none"> - Launch of the call for tender for consultancy services to undertake child consultations on a draft text through national delegations and to analyse findings from other child consultations recently undertaken on parental separation and care proceedings - Selecting the consultant based on tenders received 	July - September 2021 By 30 September 2021	CJ/ENF-ISE Secretariat
<ul style="list-style-type: none"> - Call for expressions of interest amongst national delegations represented in the CJ/ENF-ISE and CDENF to identify member states who are willing to support the child consultations - Selection of participating national delegations in close consultation with the CDENF/CDCJ Bureaus (through written consultation) 	30 September 2021 By 30 November 2021	CJ/ENF-ISE / CDENF Secretariat CDENF/CDCJ Bureaus
<i>Preparatory phase (with consultants)</i>		
Development of the consultation methodology and questions to be submitted to children	30 November 2021	Consultant(s) CJ/ENF-ISE Secretariat
5 th CJ/ENF-ISE meeting: discussion of a first draft text on the instruments and/or tools to be developed; update on the current child consultation process undertaken in 2021/2022	13-14 December 2021	CJ/ENF-ISE Secretariat Consultant(s) National delegations
<i>Implementation phase</i>		
Mapping exercise of child consultations undertaken in member states recently on parental separation and care proceedings and analysis of the findings	1 October - 31 December 2021	Consultant(s)

⁴ This workplan is subject to the extension of the mandate of the CJ/ENF-ISE in 2022.

Undertaking of child consultations in 5 participating member states on the draft texts and analysis of the findings; reporting back to the Secretariat by the end of June;	January – June 2022	Consultant(s) National delegations and their partners
<i>Reporting phase</i>		
<ul style="list-style-type: none"> - Incorporating children's views into the CJ/ENF-ISE draft instruments/tools, preparation of a final report on the child consultations and presentation of the results to the relevant intergovernmental committees. - Written and oral feedback to children and national delegations about the suggestions from children that were included in the instruments/tools 	By December 2022	Consultant(s) CJ/ENF-ISE Secretariat CDENF and CDCJ Bureaus

Working languages

The child consultations will be carried out in the children's native languages (with the help of national delegations and their respective partners), but the consultant(s) involved in the process will communicate with the CJ/ENF-ISE Secretariat and national delegations mainly in English (main working language of this activity, C2 level will be required). Government representatives involved or their partner organisations reporting back to the Council of Europe may communicate their written results in English or French. The feedback to children by the Council of Europe will also be provided in English or French and shall be translated accordingly by national governments and their partners as needed.