



Report on Activity 3 of the LISTEN-project: Comparative analysis

To gain an understanding of the current situation in the North Sea region regarding the participation of children and young people in societal development, the partners of the LISTEN project have conducted a comparative analysis. This analysis compares the three countries (France, Denmark, and Sweden) participating in the project.

Each partner has assessed the current situation in their respective country using the 'Child Participation Assessment Tool,' developed by the Council of Europe. The aim of this tool is to assist states in achieving the goals outlined in the Recommendation on the participation of children and young people under the age of eighteen.

More information about the tool: [Child Participation Assessment Tool - Children's Rights \(coe.int\)](https://coe.int)

The information presented in this report has been rewritten based on the material contributed by all partners. All parties have had the opportunity to ensure that the content is consistent with the answers originally provided in the survey. The information in this report will be used as a basis for the project's final product: The Operational Manual of the North Sea on participation of children and young people.

Name of organizations and countries of operation:

- The County Administrative Board of Skåne, Sweden
- Association for the Development of Citizen and European Initiatives, France
- Faaborg-Midtfyn Municipality, Denmark

Question 1: Is legal protection for children and young people's right to participate in decision-making reflected in the national Constitution and legislation?

France

France ratified the International Convention on the Rights of the Child (ICRC) in 1990, which mandates the state to ensure children's freedom to express their views. The European Charter on the Participation of Young People in Local and Regional Life, adopted in 2003, encourages youth participation in local life. However, the French constitution does not explicitly mention children's right to participate. The Constitutional Council's 2019 decision states that the French Constitution requires the protection of the child's best interests. Some laws have been adopted, mainly concerning judicial, child protection, and parental authority legislations. The Civil Code articles 371-1 and 388-1 emphasize children's participation and their right to be heard. A child protection law enacted in 2022 ensures the child's rights are considered in legal proceedings.

Denmark

Denmark ratified the International Convention on the Rights of the Child (ICRC) in 1991, ensuring children's freedom to express their views. All Danish authorities and laws must comply with the Convention, and the government is held accountable for any violations. The Convention has positively influenced children's rights in Denmark, with significant progress in legislation, case law, institutions, and general attention to children's rights. Two principles of the Convention have been incorporated into the Danish Service Act: the child's best interests must be central, and the child has the right to be heard in all matters relating to the child. In 2015, Denmark acceded to a protocol allowing complaints to the UN Children's Committee if Danish authorities violate the Convention's provisions.

Sweden

On the 1st of January 2020 the United Nations Convention on the Rights of the Child Act was officially incorporated in the Swedish legislation (2018:1197). Incorporation of the Convention of the Rights of the Child gives it the status of Swedish law, entailing a clearer obligation on courts and legal practitioners to consider the rights that follow from the Convention of the Rights of the Child in deliberations and assessments that are part of decision-making processes in cases and matters concerning children.

Sweden signed the convention in 1990 but it has not had official legal status until it was incorporated as a law in 2020.

Summary

All three countries, France, Denmark, and Sweden have ratified the International Convention on the Rights of the Child (ICRC), which mandates the state to ensure children's freedom to express their views. All three countries have national laws and regulations that emphasize children and young people's right to participate in decision-making.

Question 2: Is explicit inclusion of children and young people's right to participate in decision-making expressed in a cross-sectorial national strategy to implement children's rights?

France

In France, inclusion of children and young people's right to participate is included in the national strategy for child prevention and protection. The strategy was put into practice with the Taquet Law of February 7, 2022. As part of the national strategy, two initiatives were instantly adopted to improve children's participation: Setting up a youth council for children's social welfare in Gironde (department), and implementation of work packages for higher involvement and participation of children in structures such as NGOs and non-profit organizations. Also, as part of the national strategy, 30 French departments adopted four principles in 2020, including to "Empower children and guarantee their rights" which obligates them to systematically involve children and young people in their work.

Denmark

As of now Denmark does not have a cross-sectorial national strategy specific to the topic of implementing children's rights. Instead, Denmark has several strategies and initiatives linked to subject areas which also addresses the question of implementing broad social inclusion and the rights of the child.

The following examples are particularly relevant when it comes to the question of social inclusion of young people:

- Strategy on social inclusion in healthcare, presented in 2018.
- Strategy on parallel societies, presented in 2018.
- Initiatives on strengthened rights and possibilities for LGBTI persons, presented in 2020.

Sweden

In 2010, Sweden's parliament adopted a national strategy for children's rights, aligning with the Convention on the Rights of the Child. The strategy emphasizes children's physical and mental integrity, their right to express opinions, and the need for parents, decision-makers, and

professionals to understand and apply children's rights. Despite the UN Committee's 2023 recommendation to update the strategy, there are currently no plans for revision. However, an EU-wide strategy is being developed, aiming to protect, promote, and fulfill children's rights across Europe and globally, focusing on six thematic areas including political participation, socio-economic inclusion, healthcare, education, violence prevention, child protection, justice system considerations, digital sphere, and global dimensions.

Summary

All three countries, France, Sweden, and Denmark, have strategies or initiatives in place to promote the rights and social inclusion of children and young people. Sweden and France both have strategies that have been specifically developed for implementing the Convention on the Rights of the Child, whilst Denmark has instead considered the perspectives of the Convention when developing national strategies in general.

Question 3: Is an independent children's rights institution in place and protected by law?

France

France has an independent children's rights institution known as "Défenseur des droits" (Defender of Rights). Its establishment is enshrined in the Constitution (article 71-1 of the French Constitution). The Defender of Rights is responsible for protecting and promoting human rights, including children's rights, and ensuring that public authorities respect these rights. The institution ensures that the child's interests are considered essential and prime above all others. It has a mission of mediator between individuals and institutions. The institution lacks formal power to impose penalties. The Defender of Rights is an independent administrative authority established in 2011. It does not receive any instructions from any ministry or any public or private institutions. Before the Defender of Rights was established, the Children's Ombudsman was the institution in place since 2000.

Denmark

In Denmark, The National Council for Children, which is a state-funded independent institution, was established in 1994. The role of the institution is to advise the Government and Parliament on children's issues. One of the main tasks of the institution is to highlight areas where children's rights are inadequately protected in legislation and administrative practice. The council is also working to ensure involvement of children and young people in all decisions affecting children's lives, as stipulated in Article 12 of The Convention on the Rights of the Child.

Sweden

In Sweden the government agency "the Ombudsman for Children" was established in 1993 to promote children's rights based on the UN Convention on the Rights of the Child. The agency monitors the implementation of the Convention in Sweden, identifies errors in its application, and proposes legislative and policy changes. It submits an annual report to the government with recommendations for improvements. The agency advocates for children, raises public awareness of children's rights, and facilitates children's participation in its work. While it lacks regulatory powers, it can request information and convene discussions. It cannot interfere in individual cases but must report any signs of abuse or neglect.

Summary

All three countries have independent institutions dedicated to protecting and promoting children's rights. All these institutions are responsible for ensuring that public authorities respect children's rights and that children's interests are considered essential. None of the institutions do however have formal power to impose penalties.

Question 4: Does mechanisms exist to enable children to exercise their right to participate safely in judicial and administrative proceedings?

France

In France, children's rights to participate in judicial and administrative proceedings are protected by law, in line with international standards such as the UN Convention on the Rights of the Child. Children can express their views in a manner appropriate to their age and maturity and may be represented by legal guardians or representatives. Specialized procedures ensure a child-friendly environment during these proceedings. However, the Defender of Rights' 2020 report noted that this right is not very effective, especially in child protection. Children often feel their opinions are not taken seriously enough, particularly during divorce and penal proceedings, and they feel misunderstood during educational assistance proceedings. The report also highlighted the vulnerability of unaccompanied minors.

Denmark

In Danish society, there's a growing recognition of children and young people as active individuals with rights, rather than passive entities. This shift has sparked increased interest in their interactions with societal institutions and systems. The 2021 political agreement 'Children First' has introduced several new rights for children and young people. However, the challenge lies in effectively implementing these rights and understanding the perspectives of children and young people to ensure their active participation.

Sweden

Swedish legislation allows children to participate and be heard in judicial and administrative proceedings. However, due to its novelty, its compliance hasn't been fully tested. The UN Committee of the Rights of the Child noted in 2023 that children's views aren't systematically considered in decisions affecting them, and most municipalities lack structures for child participation. The Committee recommended Sweden to ensure children can express their opinions and be heard in all decisions affecting them, without needing consent from a parent or guardian.

Summary

All three countries do have legal mechanisms in place to protect children's rights to participate in judicial and administrative proceeding in alignment with international standards such as the UN Convention on the Rights of the Child. Children in all three countries are according to law allowed to express their views in a manner appropriate to their age and maturity in most administrative proceedings. Concerning the situation in Sweden and France, The UN committee of the Rights of the Child and other independent institutions has expressed that some mechanisms are still missing which hinders the rights of children in these counties to participate safely in judicial and administrative proceedings. Also, in Denmark there are still challenges to implement working mechanisms in all sectors of society.

Question 5: Are child friendly complaints procedures in place?

France

In France children and young people can contact the Defender of Rights if they feel their rights are violated. Interview guides, such as the NICHD protocol, have been developed to help investigators conduct child interviews, but their use is not widespread. The Ministry of Justice recommends the use of dedicated hearing rooms for child victims, but these are not widely accessible. Since 1998, multidisciplinary pediatric reception units (UAPED) have been developed to provide a safe setting for child victims and carry out necessary medical examinations. The Defender of Rights has recommended deploying these units throughout France. In criminal matters, hearing conditions for minor victims are adapted to protect them, but not all professionals pay adequate attention to minor victims.

Denmark

In 2011, the Children's Reform was implemented with the aim of ensuring the well-being and development of vulnerable children and young people. The background for this reform lies in cases where parents acted against the child's best interest or where conflicting interests arise regarding interventions. The Children's Reform emphasizes the importance of having supportive individuals involved in the child's case processing advocating the rights of the child to be heard. Notably, children under 12 now have the right to voice complaints about placement choices, treatment, education, and more. Additionally, they are entitled to free legal assistance when their cases are heard, by the children and young people's committee.

Sweden

Child friendly complaints are not implemented in every possible instance in Sweden. The UN Committee of the Rights of the Child expressed concern in 2023 that the Ombudsman for Children in Sweden lacks the mandate to receive children's complaints and that complaint procedures are complex. The Committee recommended Sweden to simplify these procedures. However, the implementation of child-friendly complaint procedures varies at regional and local levels, despite legislative requirements.

Summary

In all three countries, there is a focus on ensuring that children's voices are heard in matters that affect them. The mechanisms in place to protect these rights of children and young people do however vary between the countries. In France and Denmark there are overarching formal procedures in place while Sweden lacks a formal overall procedure to which children can turn. There are however procedures in place for individual administrative procedures, but work remains. Both concerning implementation of new procedures and to spread knowledge regarding the ones in place.

Question 6: Is children's right to participate in decision-making embedded in pre-service training programs for professionals working with and for children?

France

In its observations to France dated 22 June 2009, the Committee on the Rights of the Child recommended that the right to participate "should be widely known by parents, teachers, school headmasters, the public administration, the judiciary, children themselves and society in general, with a view to increasing opportunities for children's participation, including in the media". In its observations of 23 February 2016, it once again recommended programs and activities aimed at promoting awareness-raising and activities to promote participation of all children in family,

community, and school life". Currently, it seems that no information or awareness campaign have been launched or is planned.

Denmark

In the area of social services DKK 30 million has been allocated annually to further education of municipal social workers. Focus is particularly on ensuring that the views of the child are considered in decision-making. Focus on obligations in relation to children is included in the curriculum of the compulsory bachelor in policing as well as in advanced training programs. Regarding judges the subject of human rights is incorporated in training courses and seminars when relevant. A specific seminar offered on custody cases also includes the issue of children's rights. The issue of human rights is addressed in a number of mandatory subjects in the Bachelor of Education program including in the subject 'general education' which deals with the concepts and practical application of human rights, children's rights, citizenship and democracy.

Sweden

As of today, the explicit embedding of children's right to participate in decision-making within pre-service training programs for professionals working with and for children in Sweden is not universally standardized. While the legal framework recognizes the importance of the rights and their application in the training of professionals working with and for children, the practical implementation varies depending on training program.

The UN Committee of the Rights of the Child have recommended in 2023 that Sweden should strengthen the teaching of children's rights and the principles of the Convention within the mandatory school curricula in all educational settings and in the training of teachers and other education professional. They also recommend that Sweden ensures that teachers receive the necessary support for teaching children's rights in schools.

Summary

In all three countries the children's right to participate in decision-making is embedded in pre-service training programs for professionals working with and for children. But it varies in degree and there is room for improvement.

Question 7: Are children and young people provided with information about their right to participate?

France

In schools and in other places young people go to, initiatives have been put in place to make them aware of their rights and encourage them to play an active part in society. Several mechanisms exist but these mechanisms are often dysfunctional.

Furthermore, during France's fifth periodic review by the United Nations Committee on the Rights of the Child, the Committee expressed its concern that the views of children and young people were not sufficiently considered in all areas of life, particularly when the most vulnerable or marginalized children were concerned. In 2019, the Defender of Rights recently made the same observation in his report on the subject. In a survey on access to rights in 2017, 50% of respondents were able to cite one of the rights of the child, but only 2% of respondents cited the child's right to participate.

Denmark

To strengthen knowledge of the Convention several campaign and information activities targeting school children were initiated in 2013 and are still ongoing. These include strengthening children's knowledge of the rights of children to be protected from abuse and guidance on where to find help. The civil society organizations focusing on children's rights in Denmark have created a forum for discussion and coordination regarding children's rights and the implementation of the Convention. Inter-ministerial meetings with the group are held on a regular basis with the purpose of enhancing cooperation between civil society and public authorities.

Sweden

The UN Convention on the Rights of the Child is integrated as part of the Swedish education system. The convention emphasizes children's rights, including their right to participate actively in decisions that affect them. In Sweden, schools incorporate the principles of the convention into their teaching methods and content. Students learn about their rights, responsibilities, and the importance of participation.

By integrating the convention into the curriculum, Sweden aims that all children and young people should be informed about their rights and empowered to engage in meaningful ways within their schools and communities. However, as UN noted in their recommendations from 2023 this can be further strengthened: "Sweden should strengthen the teaching of children's rights and the principles of the Convention within the mandatory school curricula in all educational settings."

Summary

In all three countries, France, Denmark, and Sweden children and young people are provided with information about their right to participate. However, this does not always work optimally and needs to be strengthened.

Question 8: Are children represented in forums, including through their own organizations, at school, local, regional, and national governance levels?

France

In France one or more delegates are elected in schools by the students each year. These delegates represent their class in front of the teachers and defend their interests. The teachers and delegates meet three times a year for a class council.

The city of Roubaix has set up a consultative youth council, which gives a voice to young people wishing to participate in local life. This council is a forum for debate and reflection, enabling young people to make their own proposals. The Youth Advisory Council (CCJ) enables young people who wish to participate in working groups that brings together other participatory bodies. There is also the possibility of an advisory committee that can be called upon by municipal councilors to gather the opinion of the CCJ's youth councilors on certain future projects that concern them. The CCJ can therefore take part in various technical committees or be consulted by the Municipal Council.

This kind of initiative is still rare in France: only 6% of municipalities have a children's and/or young people's municipal council) and 73% of children and young people feel that they are not sufficiently or poorly involved in the political decisions that affect them. The level of representation/participation of children at local, regional, and national level depends on the will and priorities of elected representatives. There is a lack of standardized procedures in the representation of children.

Denmark

In Denmark one or more delegates are elected in school by the students each year. These delegates represent their class in front of the teachers and defend their interests. The teachers and delegates meet three times a year for a class council. At the local level the Municipality of Faaborg-Midtfyn has set up a youth council, which gives a voice to young people wishing to participate in local life. Its aim is to enable young people to find their full place in society, and thereby contribute to the involvement of young people in local life. The Youth Council functions as an advisory body to the municipal politicians when policy relating to young people and education must be discussed. It is a chance to influence something in the municipality that concern young people at the same time as the young people get an insight to the democratic society and the structure of the system.

Sweden

In Sweden there are many established forums where children are represented and given the opportunity to influence the questions prepared by the forums. On the local level it is common for municipalities in Sweden to have youth councils where young people are invited to discuss ongoing work packages run by the municipality to ensure that the children's perspective is safeguarded. However, it is not mandatory for municipalities to implement these forums and the content of them greatly varies.

It is also mandatory that children in Sweden are represented in forums at their schools. The Swedish Education Act states that each school should have one or more forums for consultation with children, students, and guardians (where students are under 18 years old).

At the regional level representation of children in established forums are more uncommon. The regional authorities in Sweden does however actively work with including the rights of the child in their area of responsibilities which is healthcare, regional development, and public transport.

At the national level there is a forum established by the Government in 2016 called the Barnrättsdelegationen (Children's Rights Delegation). The delegation consists of representatives from civil society organizations working on children's rights, as well as the Children's Ombudsman and the General Children's Foundation. Some of these actors have child representation.

Summary

In all three countries, children are represented in various forums linked to schools. In addition to forums linked to schools, there are various local, regional, and national forums for children's participation, but these are generally not formalized or mandatory.

Question 9: Are child-targeted feedback mechanisms on local services in place?

France

This year (2024) UNICEF France is organizing the 6th national consultation of 6–18-year-olds. It focuses on poverty and social exclusion. The questionnaire gives children's views on a range of issues: do they feel that policymakers listen to them? Do they have any political commitments? If they have already been asked their opinion on various urban policy issues, their perception of their neighborhood/city/village (leisure activities, green spaces, safety, climate change), and about their day-to-day lives and their relationship with school.

Denmark

In Denmark children can give feedback on the teaching staff at class council meetings three times a year through their class delegates. The delegates are responsible for reporting potential problems as



well as positive points. This feedback can be general or more specific. Apart from these class councils there is no systematic mechanism at national level for obtaining feedback on local services. There are a number of local and ad hoc initiatives.

Sweden

In Sweden the UN Convention on the Rights of the Child is integrated as part of the legislature. Article 12 of the convention emphasizes children's rights, including their right to participate actively in decisions that affect them. Furthermore, the child shall 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. Therefore, all local services that affects children are obliged to have child-targeted feedback mechanisms in place. However, the exact compliance is not known. It is most likely that there are deficiencies in how local services have implemented child-targeted feedback services.

Summary

All three countries, France, Denmark, and Sweden have some form of child-targeted mechanisms on local services. However, the mechanisms can vary.