# Better Internet for Kids

# Children's rights in the digital environment: Moving from theory to practice

## Best-practice guideline

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# Contents

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# Introduction

Children are highly engaged users of information and telecommunications technologies, with one third of internet users being younger than 18 years old.[1] A growing body of evidence shows that children are active on the internet at increasingly younger ages.[2] The digitalisation of their 'lifeworlds' significantly influences not only how they can exercise their rights under the United Nations Convention on the Rights of the Child ("CRC"), but also how their rights may be supported or neglected.[3] The recent adoption of General Comment No. 25 by the United Nations Committee on the Rights of the Child ("CRC Committee") confirms that children's rights are equally applicable in the digital environment and that the CRC is a flexible human rights instrument which can be reinterpreted in new contexts.[4]

Children's right to be heard requires that their own insights and experiences are channelled into the decision making that impacts their everyday lives in the digital age.[5] In other words, when laws, policies or more generally decisions are made about children's engagement with digital technologies, they should be actively consulted. The digital revolution offers many opportunities for child empowerment, participation and expression. They can share their views, engage with others, participate and search for information online. A recent consultation with children about their rights in the digital world shows that they themselves believe that digital technologies offer them crucial opportunities to have their voices heard in matters affecting them.[6]

Against this backdrop, the aim of this paper is to take stock of existing efforts in child participation and digital policymaking, to extract and formulate best-practice guidelines for engaging children in the conceptualisation and operationalisation of their digital rights. To set the scene, the paper will first provide an overview of a selection of recent EU and international policy developments in this area. Second, the paper analyses a selection of existing models or benchmarks for child and/or adolescent participation. The aim is to extract a number of guiding principles for ensuring meaningful participation of children. Next, the paper scrutinises recent experiences with child engagement in interpreting and making decisions about their rights online. The aim is to extract best practices for applying the guiding principles in practice. Finally, the paper formulates best-practice guidelines for moving from theory to practice when it comes to the realisation of children's rights in the digital world.

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[1] Sonia Livingstone, John Carr and Jasmina Byrne, 'One in Three: Internet Governance and Children's Rights' (Centre for International Governance Innovation and the Royal Institute of International Affairs 2015) 22 https://www.cigionline.org/publications/one-three-internet-governance-and-childrens-rights.

[2] UNICEF, *The State of the World's Children 2017: Children in a Digital World* (UNICEF 2017).

[3] Amanda Third and others, *Children's Rights in the Digital Age [Documento Elettronico]: A Download from Children around the World* (Young and Well Cooperative Research Centre 2014).

[4] UN Committee on the Rights of the Child, 'General Comment No. 25 (2021) on Children's Rights in Relation to t

[5] Article 12 CRC.

[6] 5 Rights Foundation, Our Rights in a Digital World' (2021) 17 https://5rightsfoundation.com/uploads/Our%20Rights%20in%20a%20Digital%20World.pdf.

# 1. Recent EU and international policy developments regarding children's rights in the digital world

In this section, a selection of recent policy instruments related to children's digital rights are discussed, to get a better understanding of existing guidance in this area. The section covers policy developments at the international (i.e. United Nations and Council of Europe) and European Union level, and touches on requirements for child participation in decision- or policymaking.

## 1.1 United Nations

In 1989, the United Nations Convention on the Rights of the Child was adopted. More than 30 years later, with 193 States parties acceding to and ratifying the CRC, it has become an internationally accepted moral and legal framework for action on children's rights. However, in 1989 children did not have computers to play games on, their toys were not connected to the internet, and they had no mobile phones or tablets to record TikTok videos. Hence, the original legal conceptualisation of these rights was not adapted to todays' digital reality. Fortunately, the CRC is a solid instrument with provisions that can be reinterpreted in order to ensure the rights enshrined in the Convention are protected in the digital world.[7]

The CRC Committee decided at the beginning of 2018 to create a General Comment which would set out the relevance of the Convention to the digital world. After its formal adoption on 4 February, General Comment 25 on Children's Rights in Relation to the Digital Environment was launched on 24 March 2021.[8] It sets out why and how States and other duty bearers (including businesses) should act to realise children's rights in a digital world. The CRC Committee clearly acknowledges that debates on new technologies are polarising in stating that the digital environment "*affords new opportunities for the realisation of children's rights, but also poses risks of their violation and abuse*".[9] In terms of opportunities, the Committee mentions *inter alia* that the digital world is an avenue for children to experience culture and engage in play. It can also enhance children's access to high-quality inclusive education or to health services and information, and scope to express their ideas, opinions and political views. Conversely, the Committee notes risks relating to violent and sexual content, cyberaggression, exploitation and abuse, etc. In addition, a lot of attention is devoted to commercial risks related to gambling, datafication, profiling and advertising, and the important role companies have in realising children's rights online. In short, the CRC Committee advocates for a balanced approach to regulation and policymaking when it comes to children's rights in the digital world. In situations where public or private actors need to balance child protection and participation, the best interests of the child should be a primary consideration (Art. 3 CRC) and the evolving capacities of children a guiding factor (Art. 5 CRC).[10]

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[7] Lievens and others (n 4); UN Committee on the Rights of the Child, 'Report of the 2014 Day of General Discussion "Digital Media and Children's Rights"' (2014) http://www.ohchr.org/Documents/HRBodies/CRC/Discussions/2014/DGD_report.pdf.
[8] UN Committee on the Rights of the Child, 'General Comment No. 25 (2021) on Children's Rights in Relation to the Digital Environment' https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/GC/25&Lang=en.
[9] ibid 3.
[10] ibid 20.

In relation to child participation, the CRC Committee addresses the potential of the digital environment for children to exercise their right to participation (Article 12 CRC). More specifically, the Committee highlights the many opportunities that the digital environment offers children for their voices to be heard in matters related to them. For instance, digital technologies can be used for the organisation of virtual workshops or online surveys with children.[11] In relation to this, States are required to promote awareness and access for all children, so that they can become effective advocates for their rights. Such digital consultations should, however, not lead to the encroachment of children's right to privacy; nor to children without access to digital technologies being excluded from the consultation.[12] In addition, child participation should be voluntary and children should not be punished for their views.

Secondly, the Committee confirms that children should also participate in decision-making processes that might impact their rights in the digital environment. The explanatory notes to the General Comment remark that children often have strong views and creative ideas about how to maximise the benefits and minimise the harms of the digital world and can make a positive contribution to a rights-respecting digital environment.[13] Accordingly,

> "when developing legislation, policies, programmes, services and training on children's rights in relation to the digital environment, **States parties should involve all children, listen to their needs and give due weight to their views**. They should **ensure that digital service providers actively engage with children**, applying appropriate safeguards, and give their views due consideration when developing products and services." (Emphasis added)

In other words, States are not only required to consult children and consider their views in their digital policymaking, but they also have to ensure that internet companies do the same when developing services or products for children. For instance, children should be consulted on how opportunities of the digital environment can be enhanced or how it can help them to develop the skills and opportunities to participate in cultural and civic life.[14] In order for participation to be meaningful, it may be necessary to inform children about digital technologies or their rights.[15]

Finally, the Committee also explicitly stresses the importance of research in this area and advocates for regular monitoring of the impact of the digital environment for children's lives and their rights under the CRC. This also includes regular evaluations of State interventions in this field. Furthermore, the data and research (including research with and by children) should be used for evidence-based law and policymaking.

## 1.2 Council of Europe

In July 2018, the Council of Europe ("CoE") released a Recommendation on Guidelines to respect, protect and fulfil the rights of the child in the digital environment.[16] The document is aimed to assist

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[11] 5 Rights Foundation, 'Explanatory Notes General Comment No. 25 (2021) on Children's Rights in Relation to the Digital Environment' 9 https://5rightsfoundation.com/uploads/ExplanatoryNotes_UNCRCGC25.pdf .

[12] ibid.

[13] ibid 7.

[14] ibid 8.

[15] ibid 9.

[16] Council of Europe, Committee of Ministers, 'Recommendation CM/Rec(2018)7 of the Committee of Ministers to Member States on Guidelines to Respect, Protect and Fulfil the Rights of the Child in the Digital Environment' <https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016808b79f7>.

the Member States of the CoE in adopting a comprehensive, strategic rights-based approach to building the digital world. In that sense, they form a solid set of ground rules when looking after children's best interests online.[17] Although the guidelines are non-binding, they are based on existing binding CoE Conventions, as well as United Nations standards and recommendations on children's rights. The Guidelines underline that policy in this area requires a mix of public and private legislative and self-regulatory measures, and a shared responsibility for all relevant public and private stakeholders. Member States are recommended to ensure that businesses meet their responsibilities to respect children's rights in the digital environment,[18] by requiring them to undertake due diligence and children's rights impact assessments.[19] The Guidelines stipulate, among other responsibilities concerning children, that "*States must respect, protect and fulfil the right of the child to privacy and data protection. States should ensure that relevant stakeholders, in particular those processing personal data, but also the child's peers, parents or carers, and educators, are made aware of and respect the child's right to privacy and data protection.*"[20]

The CoE also clearly acknowledges both the significant positive and negative impact that the digital environment might have on children's lives.[21] In this regard, when assessing the child's best interests, States are recommended to make every effort possible to balance children's protection rights with other rights, including the right to freedom of expression and information, and participation rights.[22] In relation to child participation, a number of specific recommendations are made. First, States and other relevant stakeholders should inform children about their rights in a child-friendly way and enhance the opportunities offered by digital technologies for participation, to complement face-to-face participation. In addition, States and other stakeholders should actively engage children to participate in a meaningful way in devising, implementing and evaluation legislation, policies, practices, and resources affecting their rights in the digital environment.

## 1.3 European Union

In March 2021, two highly anticipated policy documents were published, containing the EU's plans for safeguarding and promoting children's rights in the digital world. First, the EU strategy on the rights of the child provides a clear framework for action by the EU and the Member States. It sets out six thematic areas and key actions planned by the European Commission, to help children fulfil their rights and place them at the heart of EU policymaking.[23] This also entails a commitment to ensuring that children and young people continue to be empowered and protected in the digital environment. More specifically, the strategy emphasises that the COVID-19 pandemic has worsened the challenges children face when they go online, including exploitation, cyberbullying and an increase in child sexual abuse material (CSAM) circulating online. Furthermore, distance learning has impacted very young children and those with special needs or living in difficult circumstances disproportionately. For these and other reasons, it was felt that a new

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[17] ibid 5.
[18] ibid 2.5.
[19] ibid 94–97.
[20] ibid 3.4.
[21] Council of Europe, Committee of Ministers (n 17). For instance, the Guidelines underline the significant opportunities the digital environment offers significant opportunities for children's rights to play, to peaceful assembly and association, education.
[22] ibid 2.1.
[23] European Commission, 'EU Strategy on the Rights of the Child' https://ec.europa.eu/info/sites/default/files/child_rights_strategy_version_with_visuals3.pdf.

comprehensive strategy was needed, which would reflect the new realities and enduring challenges. The Strategy is anchored in the CRC, and links to the Council of Europe standards on the rights of the child.

The Strategy was developed together with children[24] (cf. section 2.3.5) and aims to strengthen child participation in decision-making processes at the EU, national, regional and local levels.[25] The Strategy proposes to continue conducting child-specific consultations for future initiatives with an impact on children, as well as developing accessible, digitally inclusive and child-friendly versions of key EU instruments. To this end, one of the key actions by the European Commission will be to establish a new EU Children's Participation Platform, together with the European Parliament and child rights organisations.

Second, the European Commission has proposed to set up a Digital Compass, containing a vision, targets and avenues for a successful digital transformation of Europe by 2030.[26] By translating the EU's digital ambitions into concrete targets, it allows the monitoring and tracking of the EU's trajectory. As part of this, the EU will develop a comprehensive set of digital principles by the end of 2021, to inform users and guide policymakers and digital operators. These include *inter alia* universal access to internet services, to sufficient digital skills, to public services, to fair and non-discriminatory online services. Also, the EC stresses that it is crucial that digital technologies and services respect and enable children to realise their rights. Therefore, one of these digital principles should be 'protecting and empowering children in the online space'.[27]

## 1.4 Interim conclusion: Child participation in digital decision and policymaking is high on the policy agenda

Recent policy initiatives show that children's digital rights are gaining more and more traction on the international and EU policy stage. There is general agreement that children's rights that apply offline equally apply in the digital world. The pandemic in particular has exposed both opportunities and risks of digitalisation for the realisation of children's rights. In relation to this, the initiatives all recognise the importance of consulting children to grasp how digital technologies impact upon their rights, what priorities they have concerning their internet use, and what policies or measures they themselves would like to see. Both public and private actors such as internet companies are required to consult children when developing policies, services or products for or impacting children. Additionally, it is recognised that digital technologies are also an important means to facilitate meaningful child participation in policymaking.

Regardless of the recognition of the importance of child participation in decision making, this does not necessarily mean that their voices are being heard and acted upon in practice. A recent example is the General Data Protection Regulation (GDPR), with the highly debated age threshold for parental consent that was included in Article 8 without an impact assessment or consulting

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[24] The views and suggestions of over 10,000 children have been sought and taken on board in the preparation of the strategy. For more information see ChildFund Alliance and others, 'Our Europe, Our Rights, Our Future. Children and Young People's Contribution to the New EU Strategy on the Rights of the Child and the Child Guarantee' (2021) https://www.unicef.org/eu/media/1271/file/Summary%20Report%20-%20%22Our%20Europe,%20Our%20Rights,%20Our%20Future%22%20.pdf.

[25] European Commission, 'Communication "EU Strategy on the Rights of the Child", COM(2021) 142 Final' 3 https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:52021DC0118.

[26] For more information, see https://ec.europa.eu/commission/presscorner/detail/en/IP_21_983.

[27] European Commission, 'Communication "EU Strategy on the Rights of the Child", COM(2021) 142 Final' https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:52021DC0118.

children.[28] Several studies indicate that there is still considerable resistance to the realisation of this right and that children are not always heard in practice.[29] For instance, the Better Internet for Kids Policy Map (cfr. section 2.3.1) indicates that in 40 per cent of the EU Member States, children are not or only indirectly consulted in the digital policymaking process. In the words of HART "*children are undoubtedly the most photographed and the least listened to members of society*".[30] Thus, there is still considerable scope for further improvement. The following section will focus in on what is needed for child and youth participation to be meaningful.

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[28] John Carr, 'GDPR: Poor process, bad outcomes' (Better Internet for Kids, 2016) https://www.betterinternetforkids.eu/practice/articles/article?id=687465.

[29] Annemari de Silva and others, 'Study on Child Participation in EU Political and Democratic Life' 329; European Commission, 'Evaluation of Legislation, Policy and Practice on Child Participation in the European Union' (2015) https://op.europa.eu/en/publication-detail/-/publication/3f3c50b2-6a24-465e-b8d1-74dcac7f8c42.

[30] Roger A Hart, *Children's Participation: From Tokenism to Citizenship* (UNICEF, International Child Development Centre 1992).

# 2. How to ensure meaningful child and youth participation in theory and practice

This section explores the meaning of 'meaningful' child and youth participation in this area of work, making sure children have the opportunity to express their views, feelings and wishes, and have their views considered and taken seriously. First, in order to get a better understanding of 'child participation' in the CRC, the child's right to participation as enshrined in Article 12 CRC is addressed. The status of Article 12 CRC as a general principle, its interrelation with other rights and principles, and the requirements for participation under the CRC are all discussed. Second, a selection of existing benchmarks or models for meaningful participation is mapped and analysed. Finally, a number of recent initiatives where children were actively consulted regarding their rights in a digital context is assessed. The section focuses on the topics discussed, the activities chosen for children, the wording of the questions, the differences in approach for different age groups, and the outcome of the consultation.

## 2.1 Children's right to be heard in Article 12 CRC

### 2.1.1 The right to be heard as both a fundamental right and a key principle of the CRC

Children's right to participation or the right to be heard, which is enshrined in Article 12 CRC, requires that their voices are heard in all matters affecting them. It is not only a right in itself, but also one of the four guiding principles of the children's rights framework. Its status as a general principle entails that it should also be considered in the interpretation and implementation of all other rights.[31] Children should be able to actively participate in the promotion, protection and monitoring of their rights.[32] The CRC Committee explains that this means that children should have a voice in the decision making, policymaking and the preparation and evaluation of laws and measures concerning them.[33] The notion of participation highlights the need for dialogue and information sharing between children, adults and other stakeholders, so that children can learn how their views can shape the outcome of such processes.[34] Article 12 imposes an obligation on States to introduce the legal framework and mechanisms that are necessary to facilitate and support the active engagement of children in all actions affecting them, and to give due weight to the views they hold.[35]

In the words of LUNDY, Article 12 is the most widely cited yet commonly misunderstood of all the provisions in the CRC (Lundy, 2007). It extends to all matters affecting the child and not only the rights enunciated in the CRC itself. The right is to be understood as a privilege not a duty, so children have the right to opt out of the decision-making process. Furthermore, children do not have the definitive say in the decision-making process, but adults retain responsibility for the

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[31] UN Committee on the Rights of the Child, 'General Comment No. 12 (2009) The Right of the Child to Be Heard', para 2.
[32] This principle applies to all measures adopted by Governments to implement the Convention. Sandy Ruxton, 'Children's Rights in the European Union: What about Us?: Next Steps. Brussels: The European Children's Network' (2005) 129 <https://www.crin.org/en/docs/Ruxton%20Report_WhatAboutUs.pdf> accessed 8 November 2017.
[33] UN Committee on the Rights of the Child, 'General Comment No. 12 (2009) The Right of the Child to Be Heard' (n 32).
[34] To achieve such an exchange of information, states are encouraged to create platforms with all stakeholders, especially children, at the national, regional and international level. UN Committee on the Rights of the Child, 'Report of the 2014 Day of General Discussion "Digital Media and Children's Rights"' (n 8).
[35] https://www.unicef.org/media/59006/file.

outcome, while being informed and influenced by their views.[36] Once a certain decision has been made, the decision-maker should then inform the child of the outcome of the process and explain how their views were taken into account.[37]

Aside from the legal right under Article 12 CRC, there are many other compelling reasons to involve children in decision making. Allowing children a voice in the public decision-making process contributes to their personal development, raising their civic engagement and active citizenship. Through their participation, children develop skills that are useful for debate, communication, negotiation, prioritisation, leadership and they practice their decision making.[38] According to HART, participation "*is the means by which a democracy is built and it is a standard against which democracies should be measured*".[39] In that sense, allowing children to voice their opinions could strengthen representative democracy. It also leads to better decision making, increased accountability and it may serve to promote children's protection.[40]

## 2.1.2 Children's right to be heard in the digital age

It is a misconception that the interpretation of the rights and principles of the CRC is entirely clear, universally agreed and definite.[41] As an international human rights system, the CRC is to a certain extent both flexible and dynamic. Human rights are conceptual ideas that aim to guarantee a humane treatment by the state for every human being. The strength of human rights lies in its adaptability and openness to reconceptualisation. According to HEINZE, such flexibility should only be understood in the sense of organic evolution, usually in an expansive direction or in pragmatic aspects, and as such not in the core of the rights.[42] The flexibility may exist at the level of interpretation and implementation of rights, as new instruments can be created and old standards can be reinterpreted and receive a more contemporary meaning in new contexts. VANDENHOLE et al. point, in this regard, to Article 45 (c) CRC that recognises the need that the CRC rights may need to be reinterpreted in light of new developments and emerging issues.[43] The digitisation of children's lives raises new and important questions about how certain rights and dimensions of the CRC may be effectively acknowledged online.[44] Legislators and policymakers have struggled to adequately respond to the implications of digital environments for children's lives,[45] and how to harness the opportunities of digital media to support the realisation of the full range of children's

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[36] Gerison Lansdown, 'The Realisation of Children's Participation Rights - Critical Reflection' in Barry Percy-Smith and Nigel Thomas (eds), *A handbook of children and young people's participation: perspectives from theory and practice* (Routledge 2010).

[37] UN Committee on the Rights of the Child, 'General Comment No. 12 (2009) The Right of the Child to Be Heard' (n 32).

[38] Danielle Kennan and others, 'Toward the Development of a Participation Strategy for Children and Young People, National Guidance & Local Implementation' (Tusla - Child and Family Agency 2015) <https://www.tusla.ie/uploads/content/toward_the_development_of_a_participation_strategy_0.pdf>.

[39] Hart (n 31).

[40] Gerison Lansdown, 'Every Child's Right to Be Heard: A Resource Guide on the UN Committee on the Rights of the Child General Comment No.12' https://www.unicef.org/french/adolescence/files/Every_Childs_Right_to_be_Heard.pdf.

[41] Wouter Vandenhole, Gamze Erdem Türkelli and Sara Lembrechts, *Children's Rights: A Commentary on the Convention on the Rights of the Child and Its Protocols* (Edward Elgar Publishing 2019).

[42] Eric Heinze, 'The Myth of Flexible Universality: Human Rights and the Limits of Comparative Naturalism' (Social Science Research Network 2019) SSRN Scholarly Paper ID 3388470, https://papers.ssrn.com/abstract=3388470.

[43] Article 45 (c) CRC states that the Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child. Vandenhole, Erdem Türkelli and Lembrechts (n 42).

[44] Sonia Livingstone, 'Reframing Media Effects in Terms of Children's Rights in the Digital Age' (2016) 10 Journal of Children and Media 4.

[45] Sonia Livingstone, Gerrit Landsdown and Amanda Third, 'The Case for a UNCRC General Comment on Children's Rights and Digital Media. A Report Prepared for Children's Commissioner for England.' (2018) https://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Case-for-general-comment-on-digital-media.pdf.

rights in the digital age.[46] It is here that child participation constitutes a key component of the reform process.[47]

As mentioned, Article 12 CRC as a general principle also provides that States parties should strive to ensure that the interpretation and implementation of all other rights incorporated in the Convention are guided by it.[48] Indeed, children's right to be heard first of all requires that children are consulted in the conceptualisation of their rights in new contexts. According to HANSON ET AL., "*for children's rights to be entrenched, children should be party to the shaping and implementation of these rights*".[49] The knowledge and opinions they hold about their digital lives and experiences may significantly differ from those that adults ascribe to them.[50] As such, children can and should play an important role when children's rights standards are formulated or interpreted. For example, what do children of various ages understand under the notion of 'play' in a digital context in relation to their right to play (Article 31 CRC)? Second, children's voices should also be heard and considered about how their rights should be operationalised or put into practice in the digital age. Children should be able to share their views about how their rights should be safeguarded in practice, what measures they find paternalistic, what kind of priorities they hold, and what kind of expectations they have regarding the roles of the various actors involved (i.e. State; private actors; parents; schools; themselves). As mentioned above, Article 12 CRC requires that children are not only consulted when developing legislation or policies (e.g. initiatives fostering safe use of digital media), but also when setting up services and other measures relating to digital media and ICT, and hence by the industry.[51] Indeed, internet companies also need to consult children when developing services or products for them.[52]

## 2.2 Existing models/benchmarks for meaningful participation

Over the years, a rich variety of models and benchmarks for meaningful child participation have been developed.[53] Rather than offering a comprehensive overview of this body of research, this section dissects only a small but significant selection. It identifies a number of common principles that contribute to effective and meaningful participation, which feed into the best-practice guidelines.

### 2.2.1 The Lundy Model of Child Participation

The most cited model for conceptualising the right to participation as laid down in Article 12 CRC is the Lundy Model of Child Participation, developed by Professor Laura Lundy of Queen's University of Belfast. According to Lundy's Model, the successful implementation of Article 12 CRC requires that the implications of four interrelated elements are taken into consideration. More specifically,

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[46] Sonia Livingstone and Amanda Third, 'Children and Young People's Rights in the Digital Age: An Emerging Agenda' (2017) 19 New Media & Society 657.

[47] Amanda Third and others, 'Young and Online: Children's Perspectives on Life in the Digital Age (The State of the World's Children 2017 Companion Report)' (2017) https://researchdirect.westernsydney.edu.au/islandora/object/uws%3A44562/.

[48] UN Committee on the Rights of the Child, 'General Comment No. 12 (2009) The Right of the Child to Be Heard' (n 32).

[49] Karl Hanson and Olga Nieuwenhuys, *Reconceptualizing Children's Rights in International Development: Living Rights, Social Justice, Translations* (Cambridge Univ Press 2013) https://archive-ouverte.unige.ch/unige:91151.

[50] Livingstone, Lansdown and Third (n 46).

[51] UN Committee on the Rights of the Child, 'Report of the 2014 Day of General Discussion "Digital Media and Children's Rights"' (n 8) 22.

[52] UN Committee on the Rights of the Child, 'General Comment No. 25 (2021) on Children's Rights in Relation to the Digital Environment' (n 5) 25.

[53] Gerison Landsdown, 'Conceptual Framework for Measuring Outcomes of Adolescent Participation' (UNICEF 2018) https://www.unicef.org/media/59006/file.

LUNDY views these elements as four chronological steps in the realisation of the right to participation.

First, there is the element of **space**, which requires that children are given safe, inclusive opportunities to form and express their views. This means not only that safe child-friendly and age-appropriate physical environments are created, but also a safe emotional space. Children should feel free and not afraid from negative repercussions of sharing their views.[54] Factors that contribute to safe spaces are the positive friendly attitude of the facilitator of workshops or consultations, having good facilitation skills and the ability to build a connection or trusted relationship with the participants.[55] Creating a safe space could also include tailoring a meeting to a child's preferences and ensuring there is good preparation for the child in advance.[56]

Second, there is the element of **voice**, which requires that children must be facilitated to express their views. This entails that children are provided with the information they need to be able to form a view, that they are informed that participation is voluntary, and that they have been given a number of options to choose how they might want to express themselves.

The third element is **audience**, requiring that children's views are communicated to someone who has the responsibility to listen. In other words, it means that the views and recommendations expressed by children reach the right audience which is entrusted with the task to act upon the children's opinions and ideas.

Finally, the fourth element of Article 12 CRC is **influence**, which requires that children's views are in fact acted upon as appropriate.[57] This entails that there should be procedures in place that ensure that their views are taken seriously by those with the power to effect change. Children should also be provided with feedback explaining the outcome of the participation, how their views were considered, and the reasons for decisions taken.

The table below outlines questions that can guide the operationalisation of participation and the different elements of Article 12 CRC which are also relevant when setting up consultations or research with children:

| **Space** | <ul><li>How will you ensure that children and young people are involved as early as possible?</li><li>How will their involvement be sustained?</li><li>How will those who have been, or may be, directly affected by the topic be involved?</li><li>What steps will be taken to ensure the process is inclusive and accessible?</li><li>How will they be supported to feel safe and comfortable expressing themselves?</li><li>What support will be provided to those who become anxious, upset or uncomfortable?</li></ul> |
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54 Laura Lundy, '"Voice" Is Not Enough: Conceptualising Article 12 of the United Nations Convention on the Rights of the Child' (2007) 33 British Educational Research Journal 927.
55 Danielle Kennan, Bernadine Brady and Cormac Forkan, 'Space, Voice, Audience and Influence: The Lundy Model of Participation (2007) in Child Welfare Practice' (2019) 31 Practice 205.
56 ibid.
57 Lundy (n 55).

| Voice | • Have you made a clear list of the topics on which you want to hear the views of children and young people?<br>• How will you ensure that the key focus of the process stays on the topics you identified?<br>• How will they know that participation is voluntary and that they can withdraw at any time?<br>• How will you support them in giving their own views, while including age-appropriate and accessible information?<br>• How will you ensure that they are given a range of ways to express themselves that best suits their needs and choices?<br>• How will the process allow them to identify topics they want to discuss? |
|---|---|
| Audience | • How will children and young people know to whom, how and when their views will be communicated?<br>• How will you show your commitment to being informed and influenced by their views?<br>• How will you identify and involve relevant decision makers (those responsible for influencing change)?<br>• How and when will a report/record and a child- or youth-friendly summary of their views be compiled?<br>• How will you ensure that they are given an opportunity to confirm that their views are accurately recorded?<br>• What plans are in place to support them to play a role in communicating their own views? |
| Influence | • How will children and young people be informed about the scope they have (including the limitations) to influence decision making?<br>• How will they be given age-appropriate and accessible feedback at key points during the development of a service or policy?<br>• What are your plans to make sure that children and young people's views impact on decisions?<br>• How will they be given age-appropriate and accessible feedback explaining how their views were used and the reasons for the decisions taken, in a timely manner?<br>• How will you ensure that they are given opportunities to evaluate the process throughout? |

*Table 1: Planning checklist for participation based on the Lundy Model, source: https://hubnanog.ie/wp-content/uploads/2021/04/5611-Hub_na_nOg-planning_checklist.pdf.*

## 2.2.2 CRC Committee General Comment No. 12 (2009) on the Right of the Child to be Heard

A second benchmark for participation can be found in the CRC Committee's General Comment No. 12, which offers further guidance on what a rights-based approach to child participation would entail.[58] First of all, Article 12 CRC requires that children's views need to be given due weight in accordance with their age and level of maturity. In other words, if the child matures, his or her views shall have increasing weight, for instance in the assessment of a child's best interests.[59] Eekelaar argues that the underlying goal of the principle is "*to bring a child to the threshold of adulthood with the maximum opportunities to form and pursue life-goals which reflect as closely as*

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[58] UN Committee on the Rights of the Child, 'General Comment No. 12 (2009) The Right of the Child to Be Heard' (n 32).
[59] UN Committee on the Rights of the Child, 'General Comment No. 14 (2013) on the Right of the Child to Have His or Her Best Interests Taken as a Primary Consideration (Art. 3, Para .1)' (2013).

*possible an autonomous choice*".[60] This does not entail a full delegation of decision making to the child, but rather allowing children to make decisions in controlled conditions, in order to enhance their capacities for mature well-founded choices.[61] Second, children will participate more effectively with proper adult support.[62] This links to their right to receive guidance and direction from adults in the exercise of their rights under Article 5 CRC. Participation should be voluntary, and it should be explained to children that they only have to participate if they wish to do so. The context or set-up for participation should be as child-friendly[63] as possible, with as little formality as possible, and the space offered to children to contribute should be a safe one.[64] Furthermore, participation can mean all forms of expression, "*either orally, in writing or print, in the form of art, or through any other media of the child's choice*".[65]

The CRC Committee also underlines that there is no age limit to Article 12 and, as such, that also very young children should be enabled to participate. Research shows, for instance, that children are able to develop views from a very young age, even when they are not able to express them verbally yet.[66] Thus, when operationalising the right to participation, there should also be room for considering non-verbal-verbal forms of communication, such as play, body language, facial expressions, and drawing and painting.[67]

For child participation to be effective, ethical, systematic and sustainable, the CRC Committee outlines **nine basic quality requirements** which need to be reflected in all activities and processes in which children are heard, including consultations or research projects working directing with children.[68] The table below lists these basic requirements and interprets them in the context of consultations or research:

| | |
|---|---|
| **Transparent and informative** | Those in charge of the consultation/research project have to ensure that the child is informed about their right, receives information about the options for sharing views, and receives feedback about the outcome. In relation to this, it is not necessary that the child has comprehensive knowledge of all aspects of the matter affecting him or her, but that they have sufficient understanding in order to appropriately form their own views on the matter. |
| **Voluntary** | Children should be able to express their views freely, meaning that they should be free from undue influence or pressure. Before they engage in participation, they should be informed that they can cease involvement at any stage of the consultation process. |
| **Respectful** | Children's views should be treated with respect and they should be given opportunities to initiate their own ideas and activities. All |

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[60] John Eekelaar, 'The Interests of the Child and the Child's Wishes: The Role of Dynamic Self-Determinism' (1994) 8 International Journal of Law, Policy and the Family 42, 53.
[61] V. Morrow (2004) 15 Kings College Law Journal. as cited by Michael Freeman, *Article 3: The Best Interests of the Child* (2007) 7.
[62] Michael Freeman, *A Magna Carta for Children? Rethinking Children's Rights* (1st edn, Cambridge University Press 2019) 390.
[63] Freeman (n 63).
[64] Article 19 CRC.
[65] Articles 12 CRC and 13 CRC (children's right to freedom of expression).
[66] Gerison Lansdown, *The Evolving Capacities of the Child* (Florence 2005).
[67] UN Committee on the Rights of the Child, 'General Comment No. 12 (2009) The Right of the Child to Be Heard' (n 32).
[68] ibid.

| | participants in the consultation should also respect each other and other people's ideas. |
|---|---|
| **Relevant** | Children should be asked to participate in relation to issues that are of real relevance to their lives and enable them to draw on their knowledge, skills and abilities. In consultations, it means that there should be room for them to highlight and address the issues that they themselves identify as relevant and important. |
| **Child-friendly** | The working methods, the means of expression children can choose from, and the format of the consultations should be adapted to the participating children's capacities, which means that different levels of support or forms of engagement might be necessary for different age groups. There should be adequate time and resources available to ensure that children are adequately prepared and have the confidence and opportunity to contribute to their views. |
| **Inclusive** | Participation must be inclusive and all children should be treated equally. With regard to specific groups of children that may face challenges to participation, specific measures or modes of communication should be foreseen in order to facilitate their participation. |
| **Supported by training** | In order to ensure meaningful and effective child participation, adult facilitators of consultations or participatory research need preparation, skills and support. |
| **Safe and sensitive to risk** | Children should not be exposed to situations that make them vulnerable. Adult facilitators of consultations or participatory research have a responsibility towards child participants to minimise risks to violence, exploitation or any other negative consequence of their participation. |
| **Accountable** | A commitment to follow-up and evaluation is essential. Children must be informed about how their views have been considered and used, and should be given the opportunity to participate in follow-up processes or activities. |

## 2.2.3 UNICEF Conceptual Framework for Measuring Outcomes of Adolescent Participation

Aside from models focusing on children of all ages, UNICEF has also developed a specific instrument for adolescents (i.e. the age group of children between 10-19 years). The reason for this is that adolescence is a period during which children typically become more independent and move beyond the boundaries of the family, broaden their own social networks, and engage with new cultural influences.[69] During this time, they also tend to engage more actively in exercising their rights and have greater influence on decisions in matters that affect them. In line with the evolving capacities of the child principle, the impact of Article 12 CRC takes on additional significance as well, demanding greater support to foster participation.[70] As mentioned, General Comment No. 12 provides that participation requires different ways of participation for different

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[69] Lansdown, 'Conceptual Framework for Measuring Outcomes of Adolescent Participation' (n 54).
[70] ibid, UN Committee on the Rights of the Child, 'General Comment No. 12 (2009) The Right of the Child to Be Heard' (n 32).

contexts, and more specifically different environments, levels of support and forms of information.[71] The instrument recognises the need for an enabling environment for participation (cf. 'space' under the Lundy Model). This entails that the right to be heard is underpinned by legislative and policy documents, so that the right is effectively guaranteed. Opportunities for participation should be embedded within the policy-making process and institutionalised, rather than organising one-off consultations. Raising awareness among adolescents about their rights and providing human rights education in schools also plays an important role here. Adults who are in charge of facilitating participation in practice should also receive the necessary training, in order to encourage adolescents to overcome fears of sharing their views and engage them in an inclusive manner.[72]

The conceptual framework for measuring outcomes of adolescent participation contains different modes of participation, with differing degrees of empowerment and influence, but which are equally legitimate and appropriate in different contexts. If these modes of participation comply with the features of the Lundy Model (i.e. space, voice, audience, influence) and the nine basic quality requirements set out by the CRC Committee then they can be considered in line with children's rights. A first mode of participation is **consultative participation**, which is adult initiated, led and managed, and does not allow for sharing or transferring decision-making responsibility. Nevertheless, this mode recognises that adolescents have specific knowledge, experience and perspectives which should be used to inform adult decision making.[73] Consultations are an appropriate means of adolescent participation when developing legislation, policy or services. Examples include online surveys and outreach programmes. This mode of participation can only be meaningful if the views contributed by adolescents are taken seriously and if appropriate feedback is provided on how these views have been taken into account. A second mode of participation for adolescents, is **collaborative participation**. This mode affords a greater degree of partnership between adolescents and adults and enables active engagement. It also allows for shared decision making with adults, and adolescents can influence both the process and the outcomes of the consultation process. Consultations can be made collaborative for adolescents by (1) enabling them to identify the relevant questions and what is in scope; (2) contributing to the methodology; (3) supporting them to take on the role of researchers; (4) involving them in discussions on the outcomes, impact and implications for the future; (5) involving them in the dissemination of the results.[74] Finally, there is **adolescent-led participation** where adolescents are given the space and opportunities to initiate their own agenda. This mode of participation offers greater empowerment and influence for adolescents than the previous modes. Adults are facilitators, offering resources, guidance, contacts, resources, etc. The digital environment offers great opportunities for this mode of participation with, for instance, social media allowing adolescents to expand their networks, interact with others more easily and with a lesser need for support by adults.[75]

The framework then identifies four clusters of potential outcomes for adolescent participation, which are characterised by empowerment and influence. These clusters form the basis for indicators against which the outcomes of adolescent participation should be measured. The table below lists guiding questions measuring the outcome of adolescent participation, which together

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[71] Lansdown, 'Conceptual Framework for Measuring Outcomes of Adolescent Participation' (n 54).
[72] Lansdown, 'Conceptual Framework for Measuring Outcomes of Adolescent Participation' (n 54).
[73] ibid.
[74] ibid.
[75] ibid.

form a benchmark for meaningful adolescent participation (i.e. contributes to the empowerment of adolescents and allows them to influence matters that concern them):

| Sense of self-worth, self-esteem, efficacy | • Do adolescents feel that their views are worth listening to?<br>• Do adolescents feel accepted and valued within the consultation/research process?<br>• Do adolescents feel that they can make a difference in the world?<br>• Do adolescents know their rights?<br>• Are adolescents given an important role in the consultation/research process? |
|---|---|
| Experience of being listened to and taken seriously | • Do adolescents feel that they are being taken seriously during the consultation/research process?<br>• Do adolescents feel encouraged to express their views?<br>• Do adolescents feel that they are treated with respect? |
| Making decisions | • Can adolescents decide freely to take part in the consultation/research process?<br>• Are adolescents free to take on a responsible role within the process? |
| Civic/public engagement | • Do adolescents feel that the consultation/research has an impact on the relevant policy makers? |

*Table 2: Adapted from UNICEF's conceptual framework for measuring outcomes of adolescent participation, source: https://www.unicef.org/media/59006/file.*

## 2.2.4 Listen-Act-Change – Council of Europe Handbook on children's participation

Finally, the Council of Europe launched a Handbook for professionals working with children on children's participation.[76] The Handbook is a more practical tool to support professionals in implementing Article 12 CRC. First of all, in line with the models mentioned above, the Handbook underlines that meaningful participation should not be a one-off event but rather a **rolling process** that encourages adults and children to work together at every level. This is necessary in order to put ideas of space, voice, audience and influence (cfr. Lundy Model) in action. More specifically, such a process should involve repeated cycles of (1) planning and preparing, (2) connecting with children; (3) identifying issues and priorities; (4) investigating children's views; (5) taking action; (6) follow up actions; (7) reflection, evaluation and starting the process anew.[77]

In the preparation stage there will have been some planning for how children's views and ideas can be best presented and used as evidence to help bring about change. Children should also be provided with information about the feedback they will receive, including a date, a format for the feedback and any follow-up actions that children can take. As a best practice, the Handbook

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[76] Anne Crowley, Cath Larkins and Luis Manuel Pinto, 'Listen – Act – Change, Council of Europe Handbook on Children's Participation' (Council of Europe 2020) https://rm.coe.int/publication-handbook-on-children-s-participation-eng/1680a14539.
[77] Cath Larkins, Johanna Kiili and Kati Palsanen, 'A Lattice of Participation: Reflecting on Examples of Children's and Young People's Collective Engagement in Influencing Social Welfare Policies and Practices' (2014) 17 European Journal of Social Work 718.

mentions that the participation process allows children and adults to work together on the chosen issues.[78]

When deciding how and when to connect with children, it is important to think about the ways through which children will be invited to participate. In order to be inclusive, a variety of approaches should be relied upon (e.g. in person, through contacts and networks, through services, existing forums and councils, online such as through social media).[79] Additionally, it is crucial to maintain children's interest as well as enable them to express their views. The Handbook recommends being creative and selecting group activities that are fun to help with this (e.g. icebreakers, games and informal activities), a well as planning in plenty of breaks.

In the third stage, the identification of issues and priorities can take place in the different modes of participation. Adults may set and prioritise issues they want children to discuss (consultative); suggest issues but leave children with the space to put forward their own priorities (collaborative); or facilitate children to identify their own issues and priorities. In relation to the latter two approaches, the Handbook mentions 'community mapping' as a good practice. This activity allows children to produce a map of their community, a service or even a building, on which they have to highlight the places or objects where they would like to see change.[80] Such an activity allows children to prioritise those issues that they would like to investigate further.

In the fourth stage of the process, children's views are investigated. During this stage, it is crucial to reflect on the methods and mechanisms through which children can communicate their ideas. The Handbook recommends starting from a few open questions to guide discussions or come up with a creative activity through which children can express their ideas.[81] This stage should be enjoyable and there should be some time set aside to do something fun. As such, it is recommended that the facilitators show a sense of humour, that they are relaxed and creative, and participate themselves. Special attention should be given to children who are vulnerable or seldom heard (including very young children). In relation to this, children are best placed to offer guidance on how they want to be heard and what will work.

During the follow up and taking action stages, children should be invited and supported to participate where possible. They should be provided with feedback as soon as possible, in order to keep them motivated and as a guarantee that their views are taken seriously and will be acted upon. The Handbook recommends that the following information is shared with children: a summary of their views and recommendations; the action that has been planned and taken; any response from decision makers and their agreed next steps; plans for more follow-up action with decision makers; how children can be involved in further follow up action.[82]

During the final stage, children should be able to evaluate the consultation process and the activities should also be reviewed in light of the benchmarks for meaningful participation. Facilitators should reflect on the achievements, challenges, and potential points for improvement.[83]

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[78] Crowley, Larkins and Pinto (n 77).

[79] ibid 44.

[80] For more information and examples of Community Mapping, see ibid 47.

[81] ibid 48.

[82] ibid 52.

[83] ibid 53.

The table below lists guiding questions to evaluate whether the nine basic principles of meaningful child participation are fulfilled:[84]

| Transparent and informed | <ul><li>Does the children's participation have a clear purpose?</li><li>Do children understand how much impact they are able to have on decision making?</li><li>Are the roles and responsibilities of those involved clear and well-understood?</li><li>Do children agree with the goals and targets associated with their participation?</li></ul> |
|---|---|
| Voluntary | <ul><li>Are children given time to consider their involvement in the consultation and are they able to provide informed consent?</li><li>Are children able to withdraw at any time they wish and are they aware of this possibility?</li><li>Are children's other commitments respected and accommodated (e.g. work and school)?</li></ul> |
| Respectful | <ul><li>Are children able to freely express their views and are they treated with respect?</li><li>How does the consultation build self-esteem and confidence, enabling children to feel that they have valid experience and views to contribute?</li></ul> |
| Relevant | <ul><li>Are the activities that children are involved in of real relevance to their experiences, knowledge and abilities?</li><li>Are children involved in setting the criteria for selection and representation for participation?</li><li>Are children involved in ways, at levels and at a pace appropriate to their capacities and interests?</li></ul> |
| Child-friendly | <ul><li>Are time and resources made available for quality participation and are children properly supported to prepare for it?</li><li>Are methods of involvement developed in partnership or in consultation with children?</li><li>Do the adults involved have the capacity to support and ensure child-friendly approaches and ways of working?</li><li>Are meeting places and activity locations child-friendly?</li><li>Are children given accessible information in child-friendly formats?</li></ul> |
| Inclusive | <ul><li>What measures are taken to ensure that children are not discriminated against because of age, race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status?</li><li>What efforts are undertaken to include children from all backgrounds, (e.g. reaching out to children in their local community)?</li><li>Is participation flexible enough to respond to the needs, expectations and situations of different groups of children?</li><li>How are the age range, gender, abilities and cultures of children taken into account?</li></ul> |

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[84] Adapted from the Council of Europe Handbook – ibid 63 onwards.

| Training | • Are facilitators provided with appropriate training, tools and other opportunities in participatory practice? Do they understand the importance and need for commitment to it?<br>• Are facilitators able to express any views or anxieties about involving children, with the expectation that these will be addressed in a constructive way? |
|---|---|
| Safe | • Are children's protection rights considered in the way participation is planned and organised? Are participants aware of their right to be safe from abuse?<br>• What safeguards are in place to minimise risks and prevent abuse?<br>• How will consent be obtained for the use of all information provided by children? How will confidential information be safeguarded?<br>• Is there a formal complaints procedure set up to allow children involved in participatory activities to make complaints in confidence? |
| Accountable | • Are children involved in the consultation at the earliest possible stage?<br>• How are children supported to participate in follow-up and evaluation processes?<br>• How are children supported to share their experiences of participation with peer groups, their local communities and other organisations?<br>• Are children given rapid and clear feedback on their involvement, impact, outcomes and next steps? Does the feedback reach all children involved?<br>• Are children enabled to evaluate the participatory processes and offer their views on how they could be improved? |

*Table 3: Council of Europe Guide on Children's Participation, source:*
*https://www.coe.int/en/web/children/-/-listen-act-change-launch-of-a-new-council-of-europe-guide-on-children-s-participation.*

## 2.2.5 Interim conclusion: Principles for child participation

The examined models and benchmarks for meaningful child participation are very much interlinked and complementary. They are all rights-based models, meaning that they are substantiated by children's rights standards, in particular their right to be heard but also other relevant rights and principles including the rights to be protected from harm or discrimination, the rights to freedom of expression, information, the right to privacy, etc. A rights-based approach to child participation requires the following: (1) consideration of the four elements of the Lundy Model (i.e. space, voice, audience, influence) in a chronological order during the consultation or research design stage; and (2) implementation of the nine basic quality requirements for participation as elaborated by the CRC Committee. According to these benchmarks, various modes of child participation (i.e. consultative, collaborative and child-led) with differing degrees of empowerment and influence can result in meaningful participation, depending on the context of the consultation or research and the resources available.

## 2.3 Recent experiences in an internet policy development context (practical)

In the last few years there have been various consultations with children and young people about their internet use and how new technologies impact upon their rights. This section analyses some of these recent initiatives, their key findings and in particular the methodology followed. It provides examples of discussion topics and consultation formats, and lessons learned to inform the best-practice guidelines.

### 2.3.1 State of child participation in digital policy making in the EU

Before delving into these examples, it is important to underline again that despite the increased attention for child participation in (digital) policymaking at the international and EU level, there is still a lot of work to be done to mainstream this in practice. This is illustrated, for instance, by the third Better Internet for Kids Policy Map (2020), showing that in only 57 per cent of the countries surveyed (all EU Member States, plus Iceland, Norway and the United Kingdom) children and young people are consulted directly and regularly about the Better Internet for Kids themes (i.e. stimulating high-quality online content, creating a safer environment, stepping up digital literacy, combatting child sexual abuse material).[85] These countries have systematic processes for child participation in place, including in the form of hearings, consultations and specific surveys designed to elicit children's and young people's views.
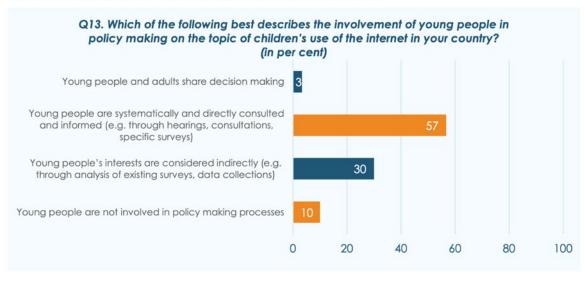


*Figure 1: Source – BIK Policy Map 2020, https://www.betterinternetforkids.eu/bikmap.*

In 40 per cent of surveyed countries, children's and young people's views are only taken into account in digital policy making indirectly or not at all (e.g. by analysing existing surveys or evidence). Furthermore, Iceland is the only country where young people and adults share some decision making in this area. In other words, regardless of the general recognition of the right to be heard and child participation in policy and decision making, in practice we still see that this right is

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[85] Brian O'Neill, S Dreyer and T Dinh, 'The Third Better Internet for Kids Policy Map: Implementing the European Strategy for a Better Internet for Children in European Member States' (2020) https://www.betterinternetforkids.eu/bikmap.

far from being fully realised. In what follows, recent experiences with consulting children about their rights in the digital world are analysed, in order to extract some lessons learned.

## 2.3.2 UNICEF – The State of the World's Children 2017

CONTEXT. A first report which relied on both consultative and collaborative participation of children is UNICEF's 2017 State of the World's Children report. Since 1980, UNICEF has published this annual report, examining research, policy and practice on key issues affecting children's lives across the globe. The 2017 report focused specifically on the impact of digital technologies on children's lives.[86]

METHODOLOGY. The research conducted in preparation of the report took a mixed-method approach, relying on different modes of child participation.[87] First, consultative participation was arranged through a survey containing four questions which was sent to reporters worldwide. There were about 63,000 responses from children and youngsters aged between 13 and 24 years. The survey's four questions focused on (1) what children disliked and (2) liked the most about the internet, (3) how they learned to use the internet and (4) what would make the internet better for them. Each time, respondents had to select one or more options out of six.[88]

Second, workshops were organised for adolescents to enable them to talk about their access and use of digital technologies in their own language and from their own experiences. They were asked to reflect on how they use digital technologies via a series of youth-centred, participatory activities including surveys, short-answer questions, creative exercises[89] (e.g. drawing), scenario-based exercises and small group discussions. The data were collected through paper-based surveys, drawings, written texts and photographs, and most of the data was qualitative.[90] The methodology[91] for these workshops was designed to facilitate four-hour face-to-face workshops with adolescents focusing on five to seven themes.[92] The average workshop size was 13 participants. The aims of the workshops were two-fold (1) to identify commonalities and points of divergence between insights and experiences of children in different settings, (2) to experiment with creating spaces for children to develop their own language for talking about their digital experiences and engaging in conversations with duty bearers. Prior to organising the workshops, facilitators were briefed about workshop recruitment, content and administration. More specifically, online video conferences were held with facilitators to brief them and provide them with opportunities to ask questions.

OUTCOME. The consultation produced very rich and in-depth insights into the views of children aged 10-19, children and young people's priorities, hopes and aspirations for digital technologies,

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[86] UNICEF (n 3).
[87] Third and others (n 48).
[88] For example: What do you dislike most about the internet? (a) I see violent stories, photos, videos; (b) I see sexual content I don't want to see; (c) There is bullying to me and my friend; (d) People share embarrassing things about me; (e)Scams (f)There is nothing I dislike.
[89] For instance, participants had to map how their family members use digital technology. Other questions they had to reflect on were: What do they learn in information technology classes at school; What kind of role do adolescents envisage technology playing in their future? And how well are they being prepared to reap the benefits of the digital age?
[90] The data was digitised and uploaded to country-specific, secure digital repositories.
[91] The research received ethics approval from Western Sydney University's Human Research Ethics Committee.
[92] The themes were: Digital technology in their homes; Barriers to their digital technology use; Digital technology and learning; Digital technology and their futures; Using digital technology to create positive change; Concerns about digital technology (optional); and Digital technology and health (optional).

and what they perceive as risks and potential harms in the digital world.[93] Participants identified *inter alia* connection, communication and sharing as key benefits of engaging with digital technologies and expressed how it can enhance their education, health and happiness. Concerns that were shared ranged from fears of interacting with strangers online and accessing inappropriate content, to being exposed to viruses or malware, parental intrusion and the reliability of their access.

LESSONS LEARNED. From this report, a number of interesting insights can feed into the best-practice guidelines:

1.  This consultation nicely demonstrates the importance of children's right to be heard, in the specific context of the digital environment. The researchers reported that it is clear that adolescents are thinking in very nuanced and sophisticated ways about both positive and negative elements of the use of technology, not only in terms of their own experiences but also more broadly speaking for the world at large. As such, they offer important insights for research, policy and practice in this area.

2.  The researchers recommend translation reliability checks across selected samples of data. Furthermore, the distributed data gathering process they opted for, which was to be carried out under strict time constraints, did lead to challenges concerning the interpretation of the data in a contextually nuanced way. To overcome such challenges, the researchers recommend collaborations with experts at the national level, as well as children and young people to co-analyse and interpret the data.

3.  A survey in preparation of a consultation or research could be an interesting format to not only collect quantitative and qualitative data on children's views, but also to inform them about the process and prompt them to start thinking about the topic of the consultation.

4.  Considering that a lot of the debates surrounding online risks are dominated by adult-centred definitions and vocabularies, consultations should make space for children to reflect on their concerns or worries rather than the "risks" they face online.

## 2.3.3 It's our world: Children's views on how to protect their rights in the digital environment

CONTEXT. A second report that sheds light on child participation in an internet policy context is the Council of Europe 'report on child consultations'.[94] It offers insights into the consultations that have contributed to the drafting process of the 2018 Guidelines to promote, protect and fulfil children's rights in the digital environment (cf. section 1.2). The report is an example of how the Council of Europe both provides guidance to Member States on how to implement child participation systemically and directly involves children in the standard-setting and decision-making processes. [95]

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[93] Third and others (n 48).

[94] Council of Europe, Children's Rights Division, 'It's Our World: Children's Views on How to Protect Their Rights in the Digital Environment, Report on Child Consultations' (2017) https://rm.coe.int/it-s-our-world-children-s-views-on-how-to-protect-their-rights-in-the-/1680765dff.

[95] ibid 5.

METHODOLOGY. The consultations followed a rights-based approach, taking as its benchmark for meaningful participation the UN General Comment No. 12 (cf. section 2.2.2).[96] Consultations with children were organised in different Member States of the Council of Europe, and were carried out in two groups: one based on age and one addressing children in vulnerable situations. The consultation took place in a non-formal educational setting, which was positively evaluated by participants. The children were consulted in small groups, with an adult facilitator who was in charge of creating a safe space, keeping the consultation focused on the topic of interest and providing support. These adult facilitators had vast experience in working with children and good knowledge of both children's rights and child participation. They were asked to fill out a reporting form with details about the outcomes of the sessions. All children expressed their interest in receiving follow up information about how their views were considered and how they could contribute to the implementation of the Guidelines. The workshops started with a general discussion/brainstorming, asking children how they would explain certain terms such as 'children', 'their rights', and 'the digital environment'. Then they were divided into smaller groups and were asked to create a message to the 'policy makers in Strasbourg', and they were free to choose both the content and the form of the message. Children made drawings, a poster, collages with pictures from magazines to express their wishes, wrote letters, developed the idea of an app, recorded videos and voice messages, etc. In one of the consultations, the group decided to set up a closed Facebook group to discuss these issues in greater depth. All the participants expressed their excitement about their messages being sent directly to the Council of Europe.

OUTCOME.[97] Interestingly, regardless of the diverse backgrounds of the participants of the consultations, there were a lot of similarities in terms of views expressed and recommendations made. One of the crucial messages was that the borders between reality and the online world are already blurred in children's minds. Children highlighted several risks including cyber-bullying, online grooming and hate speech, but they often did not know what to do and where to turn if they needed help. Furthermore, the most highly shared concern was the lack of digital literacy in the state curriculum. An important element that seems to be missing in the main outcomes of the consultations is what children perceive as opportunities.

LESSONS LEARNED. From this report, a number of interesting insights can feed into the best-practice guidelines:

1. Clarifying the objectives and making a clear link between the consultation and a potential audience or outcome has a positive impact on how children perceive their participation, which ultimately may increase their empowerment. This can be achieved by associating the activities or tasks that participants have to engage in during the consultation with a specific audience (cf. section 2.2.1) and allowing their expressions to be shared directly with this audience. It makes participants feel that what they think matters and that they can actually make a difference.

2. Special attention is required to ensure that the consultation process is inclusive and, in particular, encourages children of vulnerable groups to participate. The consultation format, topics and activities should be reviewed in light of the needs of vulnerable

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[96] As referenced by Council of Europe, 'Recommendation CM/Rec(2012)3 of the Committee of Ministers to Member States on the Participation of Children and Young People under the Age of 18.' <https://rm.coe.int/168046c478> accessed 7 May 2021.
[97] Council of Europe, Children's Rights Division (n 95) 16.

groups.

3. In any consultation about children's rights in the digital environment, adult facilitators of focus groups or other consultation activities should not only be informed about how to ensure meaningful child participation, but also about the children's rights framework more generally. This will help maintaining the focus of the participants and will also benefit the reporting and interpretation of children's views.

4. When developing questionnaires or activities for consultations on children's rights in the digital age, it is crucial to think of ways in which children can share their views about the opportunities for the realisation of their rights in order to avoid one-dimensional discussions of risks, harm and protection.

## 2.3.4 Our Rights in a Digital World

CONTEXT. A third report was written in preparation of General Comment No. 25 (cf. section 1.1), for which children from all over the world were consulted.[98] International consultations with 709 children living in varying circumstances in several regions were organised to allow children to express their views on how digital technology impacts their rights, and what action they want to see taken to protect them.

METHODOLOGY. The consultations employed the so-called 'distributed data generation methodology', developed by the Young and Resilient Research Centre at Western Sydney University[99], which is "*a primarily qualitative, creative and participatory, workshop-based method for consulting with children*".[100] More specifically, three-to five-hour face-to-face workshops with children in their local settings were organised. Children completed a range of individual and group-based activities, including short-answer responses, creative writing, drawings, cut-and-paste, scenario-based activities and group discussions. They were designed to be fun and engaging for both children and facilitators (e.g. children were invited to complete various missions and operations). The methodology produced rich, qualitative data on children's perceptions and experiences of their rights in relation to digital media. Importantly the workshops enabled children to offer their insights in a deliberative process that allowed them to ask questions, discuss and explore their online lives in order to capture their experience and views.[101] The consultations were conducted in 27 countries, with in-country facilitators, who received training and instructions about recruitment, ethical principles, the workshop activities and so on (e.g. through a 90-minute training webinar). Considering that the dataset was cross-cultural, the research team relied on co-analysis with the in-country workshop facilitators to contextualise country-specific data. More specifically, partner organisations were given a clean version of their country's dataset, were asked to conduct their own independent analysis on the dataset and note down any specific insights they felt were relevant. These findings would then be checked against and integrated in the larger dataset by the core research team. In preparation of the main consultations, the research team had already

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[98] 5 Rights Foundation (n 7).

[99] In the full report, it is mentioned that for an elaboration of the methodology, readers can turn to A. Third, G. Lala, L. Moody, & G. Theakstone, 'Children's Views on Digital Health in the Global South: Perspectives from Cross-National, Creative and Participatory Workshops', in Lupton D., & Leahy D., eds. Creative approaches to health education (London; New York: Routledge, forthcoming).

[100] Third A. and Moody L., (2021) Our rights in the digital world: A report on the children's consultations to inform UNCRC General Comment 25 (London and Sydney: 5Rights Foundation and Western Sydney University).

[101] 5 Rights Foundation (n 7). ibid.

carried out two child consultations on children's views about their rights in relation to digital technology. These pre-consultations served to identify key themes about which children had not yet been consulted, and the results were used to develop the different modules and activities for the broader consultations.

OUTCOME. The key themes that children were most keen to speak about during the consultations were translated into eight requirements for a safe and child-friendly internet (standard-setting). It offers interesting insights into what children consider to be both opportunities and risks for the realisation of their rights, the different roles they envision for different actors involved (e.g. policymakers, parents, companies). The research highlighted the profound differences in experiences of children around the world, but also some universal similarities.

LESSONS LEARNED. From this report, a number of interesting insights can feed into the best-practice guidelines:

1. Children hold strong opinions on and are able to express their views about how their rights are impacted by new technologies. They have clear views about requirements for the digital world that they want to engage in. They see access to the digital environment as vital to achieving their rights.
2. When conducting cross-cultural consultations, it is important to pay adequate attention to cultural diversity and country-specific nuances. This can be achieved by partnering with local organisations for the recruitment of workshop facilitators; providing local partners with training and workshop materials; and relying on co-analysis as a means to contextualise country-specific data and to ensure the required nuance in the final analysis.
3. Consultations can also be fun and entertaining for both children and facilitators, which could make the process more child-friendly and enjoyable. Thus, when designing new consultations with children, researchers should try to be creative in coming up with activities and assignments (e.g. inviting children to do concrete missions and operations while sharing their views).

## 2.3.5 Our Europe, Our Rights, Our Future – Children and young people's contribution to the new EU Strategy on the Rights of the Child and the Child Guarantee

CONTEXT. A fourth consultation with children about their rights took place in preparation of the upcoming comprehensive EU Strategy on the Rights of the Child and the European Child Guarantee (cf. section 1.3). The scope of the consultation was more general and children's rights in the digital context only formed a small part of the questioning.

METHODOLOGY. The research relied on both a survey (10,000 child participants in the EU) and 50 focus group discussions with children both face-to-face and online.[102] The method for the research was rights-based, and the benchmark for participation were the nine basic requirements of meaningful, safe and ethical child participation (cf. 2.2.2). The mode of participation was collaborative, as children were involved in different stages of the consultation: (1) in the planning and implementation of the consultations, (2) writing the report, (3) presenting the findings to the European Commission and (4) planning and implementing the launch of the report. The

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[102] ChildFund Alliance and others (n 25) 89.

questionnaires for the survey and the workshops were developed by child rights experts, reviewed by a group of children and young people who provided feedback. An ethical review was conducted to ensure it was safe and respected participants privacy. The questionnaire was disseminated through social media, which has as its limitation that it does not include children with no access to the internet. Facilitators of the workshops were provided with an information package containing guidelines on facilitation, safeguarding and data processing. In addition, specific consultations with children in vulnerable and marginalised situations were organised.

OUTCOME. The consultations paint a positive picture of basic child rights awareness with well over 95 per cent of respondents from in and outside the EU stating that they have heard about children's rights.[103] In relation to child participation, the report indicates that "*children from all regions want a greater say in the decisions affecting their lives. Regardless of background, the vast majority of respondents (for example, 70 per cent in the EU) would like to participate more if they were given the opportunity to.*"[104] In addition, children feel most heard by their parents, and in contrast believed that professionals (e.g. teachers, social workers, health professionals) often preferred to talk to their parents instead of them. As mentioned, the consultation only covered issues related to the digital environment in a very short manner, focusing on safety, access to the internet, and children's concerns about privacy.

LESSONS LEARNED. From this report, a number of interesting insights can feed into the best-practice guidelines:

1.  For consultations to be inclusive, effort must be made to explore how more vulnerable children can be reached and more access given to them to voice their opinions. For instance, if consultations are disseminated via social media, alternatives should be developed for those children who do not have access to the internet.

2.  Related to the previous point, this consultation is another example of how reaching and obtaining the views of younger children remains challenging.[105] Therefore, specific attention should be given to how this group of children can be engaged meaningfully in consultations about their rights in the digital environment.

## 2.3.6 Council of Europe Report on children with disabilities in the digital environment

CONTEXT. This report builds on the work of the Council of Europe regarding children's rights in the digital environment (cf. section 1.2). The overall objective of the project was to examine disabled children's views and experiences of their rights in an online environment. The research was focused on the three dimensions of the children's rights framework: participation (i.e. do disabled children have equal access to ICT, what are specific barriers), protection (i.e. do disabled children encounter different risks), and provision (i.e. what support do disabled children need to effectively enjoy their rights online).[106]

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[103] ibid 35.
[104] ibid 42.
[105] ibid 91.
[106] Bronagh Byrne and others, 'The Digital Environment and the Right to Education: The Views of Disabled Children and Young People' <http://www.docs.hss.ed.ac.uk/education/creid/NewsEvents/88_iii_Seminar_Autonomy-rights-sen-children_PPT_Byrne.pdf>.

METHODOLOGY.[107] In the first stage of the consultation process, a review of existing literature was conducted. Next, children were invited to offer advice on the research process, as part of Children's Research Advisory Group ("CRAG"), including on how to best engage with other children on the issues, assist with the analysis and interpretation of the findings, provide insight on the main issues of the research and identify potential solutions which might address some of the issues. The children of the CRAGs were not research subjects, but they were invited to participate because of their specific expertise (i.e. contemporary experience as a child in a similar peer group as the research participants).[108] They were then asked to reflect on the experiences of children in general, rather than their own experiences. Capacity building and participatory exercises were organised in order to assist them in understanding experiences and perspectives beyond their own. Such activities give children a deeper understanding of the issues at stake and increases confidence to engage with the research.[109] It also allows children to discuss the issues in their own words rather than in the adults' assumed explanation. The approach is then to "*present the child participants with a range of views developed with the CRAGs on issues about which they might otherwise not yet have formed a view. These different perspectives are presented as views which other children might have in a language which other children might use: authentic views in an authentic voice.*"[110]

In the second stage of the consultation process, focus groups were organised for four groups of children with different disabilities (i.e. intellectual, hearing, visual and physical impairments). The focus group schedule shows that the discussions were structured around different themes (i.e. accessing the digital world, identity and privacy, provision, healthcare needs, safety, improvements to service). For each of the themes, the discussions were guided by main questions,[111] optional questions, and specific prompts for each of the groups which were informed by the views of the CRAGs. Data was reported on a shared template which set out the core themes according to the interview schedule, and the data was analysed thematically.

OUTCOME. The study showed that children with disabilities expressed similar views of their digital lives than children with no disabilities, and their frustrations mirror those of other children. However, there were also notable differences. On the one hand, for children with disabilities the digital environment can act as an enabler or 'equaliser' in terms of their rights, as it enables them to do things the previously were not able to do (e.g. video-calling for children with hearing impairments; voice programmes on laptops for children with visual impairments)[112] or conceal their disabilities for others.[113] On the other hand, across the study it was clear that, in general, children with disabilities are faced with disproportionate disadvantages in terms of access and enjoyment of the benefits of digital technology (i.e. technological barriers such as a lack of subtitles, the inability to magnify text,

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[107] The Council of Europe commissioned the Centre for Children's Rights (CCR) at Queen's University Belfast (Professor Laura Lundy, Dr Bronagh Byrne and Dr Michelle Templeton) and Gerison Lansdown, an expert in international children's rights, to conduct the study. Laura Lundy, Michelle Templeton and Gerison Lansdown, 'Two Clicks Forward One Click Back, Report on Children with Disabilities in the Digital Environment' (Council of Europe 2019) https://rm.coe.int/two-clicks-forward-and-one-click-back-report-on-children-with-disabili/168098bd0f.

[108] Laura Lundy and Lesley McEvoy, 'Children's Rights and Research Processes: Assisting Children to (in)Formed Views' (2012) 19 Childhood 129.

[109] ibid.

[110] For instance, the CRAG can develop a range of possible responses to the questions of the focus groups, which can then be presented to the child participants, who are enabled to reflect upon the issues in a language children would use, and are enabled to offer a more informed view. ibid.

[111] For instance: "If you were Minister for Children and had an unlimited budget to improve the rights of children with disabilities (i.e. like you) in their digital lives, what two things would you do?".

[112] Lundy, Templeton and Lansdown (n 106) 11.

[113] ibid 14.

additional levels of security; financial barriers; and linguistic barriers).[114] Aside from positive and negative elements of the digital environment, the report underlines that "*children with disabilities are not a homogenous group and it was clear that their use of digital media and experiences vary significantly across and within different types of disabilities.*"[115]

LESSONS LEARNED. From this report, a number of interesting insights can feed into the best-practice guidelines:

1. Involving children as co-researchers in the consultation process offers a means to inform and empower both the child researchers and participants, and as such facilitates meaningful child participation.[116] It allows children to discuss the issues more readily in their own words and helps them to develop their views freely, without the facilitators being too steering.

2. Considering that children with disabilities are not a homogenous group, it is crucial that consultations carefully consider the diversity across and within different types of disabilities. This diversity should be reflected in the children's research advisory group as well as the research design, by developing specific questions and prompts, specific formats and activities, and support.

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[114] ibid 11–14.
[115] ibid 10.
[116] Lundy and McEvoy (n 107).

# 3. Conclusion:
# Best-practice guidelines for child participation in digital policy making

| | Principle | Guidelines/requirements | Questions to consider when developing consultations (based on Lundy Model)[117] | Lessons learned from consultations about children's rights in the digital environment |
|---|---|---|---|---|
| BPG1 | Transparent and Informative | Children should be provided with all relevant **information** and offered adequate **support** for self-advocacy appropriate to their age and circumstances. This includes information about:<br><br>- Scope of their participation, limitations.<br>- Expected and actual outcomes.<br>- How their views will be/were considered, by whom.<br>- How their data will be processed, for what purposes.<br>- How they will receive feedback.<br>- What are the roles and responsibilities of those involved?<br><br>Ensure sufficient time is available to prepare and support children to engage. | How will you support them in giving their own views, while including age-appropriate and accessible information? (V)<br><br>How will children and young people know to whom, how and when their views will be communicated? (A)<br><br>How will you ensure that they are given an opportunity to confirm that their views are accurately recorded? (A)<br><br>How will children and young people be informed about the scope they have (including the limitations) to | Involve children as **key advisors** in the design of the consultation, format and language of information provided (Advisory Group).<br><br>**Preparatory activities** such as filling in a survey or quiz could be an interesting format to not only collect quantitative and/or qualitative data on children's views, but also to inform them about the process and prompt them to start thinking about the topic of the consultation. |

[117] Lundy (n 55). (S) = Space; (V) = Voice; (A) = Audience; (I) = Influence.

| | | Information should be made available in **child-friendly** formats, including through social media networks, and should be accessible to children of different ages and abilities. | influence decision making? (I) | |
|---|---|---|---|---|
| **BPG2** | Voluntary | Children should be **informed** about their right not to participate, sign a consent form, be able to withdraw consent at any time.<br><br>- Can children decide freely to take part in the consultation/research process?<br>- Are children free to take on a responsible role within the process?<br><br>Children should be able to **express** their views **freely**, meaning that they should be free from undue influence or pressure. | How will they know that participation is voluntary and that they can withdraw at any time? (V) | |
| **BPG3** | Child-centred, Age-appropriate, Child-friendly | The working methods, the means of expression children can choose from, the format of the consultations should be **adapted** to the participating **children's capacities**, which means that different levels of support or forms of engagement might be necessary for different age groups. (e.g. considering non-verbal forms of communication for younger children).<br><br>There should be adequate time and resources available to ensure that | How will you ensure that children and young people are involved as early as possible? How will their involvement be sustained? (S)<br><br>How will you ensure that they are given a range of ways to express themselves that best suits their needs and choices? (V) | Involve children as **key advisors** in the design of the consultation (Advisory Group):<br><br>- in determining the topics for the discussions, activities, means of expression.<br>- in analysing and evaluating the collected data.<br><br>**Avoid adult-centred** definitions and **vocabularie**s (e.g. reflecting on children's 'concerns and worries' rather than 'online risks'). |

| | | | | |
|---|---|---|---|---|
| | | children are adequately prepared and have the confidence and opportunity to contribute their views.<br><br>The consultations should **start from children's own experiences** and remain relevant to children's lives. Children should be given a range of child-friendly and age-appropriate options on how to express themselves. | How will they be given age-appropriate and accessible feedback at key points during the development of a service or policy? (I)<br><br>How will you ensure that they are given opportunities to evaluate the process throughout? (I) | Start the consultation with **open-ended** questions or a discussion in children's own words and build on from that, using the same language.<br><br>Organise consultations in a **non-formal** setting.<br><br>Consultations can also be fun and entertaining, so try to be **creative** when designing activities and assignments. |
| BPG4 | Respectful | Children's views should be treated with respect and they should be given opportunities to **initiate their own ideas and activities**.<br><br>All participants in the consultation should also respect each other and other people's ideas. | How will the process allow them to identify topics they want to discuss? (V) | The recent consultations confirm the need to respect children's views: it is clear that adolescents are thinking in very nuanced and sophisticated ways about both positive and negative elements of the use of technology, not only in terms of their own experiences but also more broadly speaking for the world at large. As such, they offer important insights for research, policy and practice in this area.<br><br>The consultation should include activities that **allow children to identify and prioritise** their own issues (e.g. through community mapping) or suggest issues but leave children with the space to put forward their own priorities. |
| BPG5 | Relevant | Children should be asked to participate in relation to issues that are of real relevance to their lives and enable them to draw on their knowledge, skills and abilities. There should be room for them to highlight and address the issues that they | How will those who have been, or may be, directly affected by the topic be involved? (S)<br><br>Have you made a clear list of the topics on which you | When developing questionnaires or activities for consultations on children's rights in the digital age, it is crucial to think of ways in which children can share their views about the **opportunities** for the realisation of their rights in order to avoid |

| | | themselves identify as relevant and important.<br><br>Children should be involved in ways, at levels and at a pace appropriate to their capacities and interests. | want to hear the views of children and young people? (V)<br><br>How will you ensure that the key focus of the process stays on the topics you identified? (V) | one-dimensional discussions of risks, harm and protection.<br><br>Activities that children are involved in should be of real relevance to their experiences, knowledge and abilities, for instance by starting the discussions by **reflecting on their own experiences** with using the internet. |
|---|---|---|---|---|
| BPG6 | Non-discriminatory/ Inclusive | Participation must be **inclusive**, and all children should be treated **equally**.<br><br>With regard to **specific groups** of children that may face challenges to participation, specific measures or modes of communication should be foreseen in order to facilitate their participation.<br><br>- There should be no age limit.<br>- Reach out to children from a range of different backgrounds and remove barriers. | What steps will be taken to ensure the process is inclusive and accessible? (S) | **Special efforts** should be made to ensure meaningful participation of:<br><br>- younger children.<br>- vulnerable groups.<br><br>Use a variety of methods to reach out to children and invite them to participate. The consultation format, topics and activities should be reviewed in light of the needs of vulnerable groups.<br><br>Considering that children with disabilities are not a homogenous group, it is crucial that consultations carefully **consider** the **diversit**y across and within different types of disabilities. This diversity should be reflected in the research design, by developing specific questions and prompts, specific formats and activities, and support.<br><br>When conducting research with children about their digital rights across different countries, involve partner representatives for recruitment, workshop facilitation and co-analysis of results to |

| | | | | ensure that **cultural diversity and country-specific nuances** can be taken into account. |
|---|---|---|---|---|
| **BPG7** | Training and support | Ensure sufficient **time** is available to prepare and support children to engage.<br><br>**Train facilitators** of the consultations (e.g. information package, online conferences where they can ask questions, provide tips on how to facilitate sessions).<br><br>In order to ensure meaningful and effective child participation, adult facilitators of consultations or participatory research need preparation, skills and support. | What plans are in place to support them to play a role in communicating their own views? (A) | In any consultation about children's rights in the digital world, adult facilitators of focus groups or other research activities should not only be informed about how to ensure meaningful child participation, but **also about the children's rights framework** more generally. This will help with maintaining the focus of the participants and will also benefit the reporting and interpretation of children's views. |
| **BPG8** | Safe and sensitive to risk | In all groups, facilitators should create a **safe and relaxed environment** in which children can choose to speak or not and which supports their well-being.<br><br>Children should not be exposed to situations that make them vulnerable. Adult facilitators of consultations or participatory research have a responsibility towards child participants to minimise risks to violence, exploitation or any other negative consequence of their participation. | How will they be supported to feel safe and comfortable expressing themselves? (S)<br><br>What support will be provided to those who become anxious, upset or uncomfortable? (S) | **Icebreakers, games and informal activities** at the start of the consultation are helpful for creating a relaxed environment.<br><br>When organising a consultation, discuss ethics with independent experts. Consider the impact of the workshop on participant well-being, any potential negative impact on participants, whether it might cause overt discomfort or distress, particular challenges for vulnerable participants.<br><br>Ensure safety and respect for participants' **privacy** and confidentiality of information. |

| BPG9 | Accountable | A **commitment to follow-up** and evaluation is essential. Children must be informed about how their views have been considered and used, and should be given the opportunity to participate in follow-up processes or activities. | How will you show your commitment to being informed and influenced by their views? (A)<br><br>How will you identify and involve relevant decision makers? (A)<br><br>How and when will a report/record and a child- or youth-friendly summary of their views be compiled? (A)<br><br>What are your plans to make sure that children and young people's views impact on decisions? (I)<br><br>How will they be given age-appropriate and accessible feedback explaining how their views were used and the reasons for the decisions taken, in a timely manner? (I) | Clarifying the objectives and making a **clear link** between the consultation and a potential audience or outcome has a positive impact on how children perceive their participation, which ultimately may increase their empowerment. This can be achieved by associating the activities or tasks that participants have to engage in during the consultation with a specific audience and allowing their expressions to be shared directly with this audience. It makes participants feel that what they think matters and that they can actually make a difference. |

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