

## National CRC Monitoring Mechanism

# Concept for Monitoring of Child and Youth Rights in Hesse, Germany

91 Session of the UN Committee on the Rights of the Child

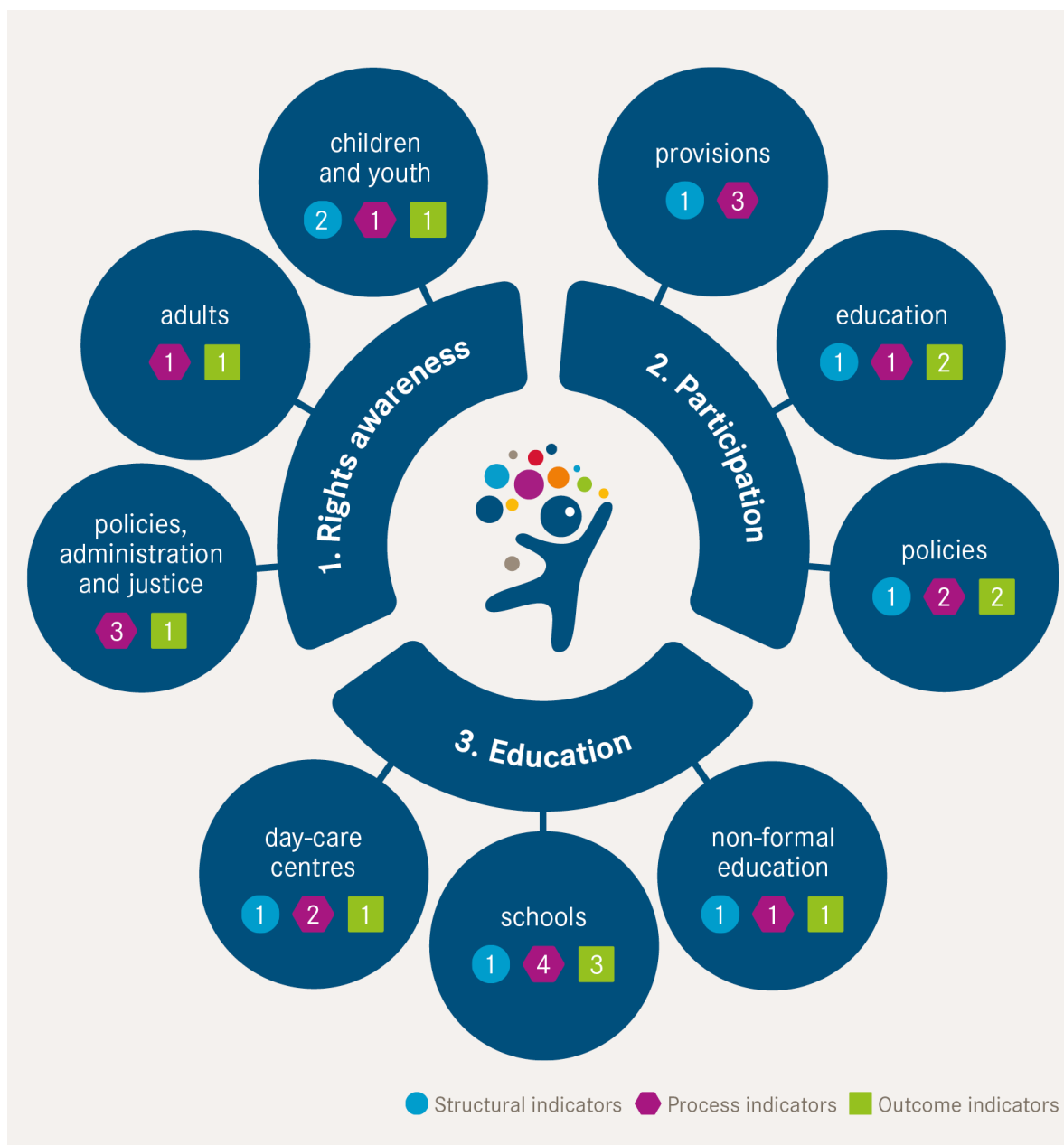
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## Summary

Rights awareness, participation and education on the basis of equal opportunity: each of these is both a starting point and an objective of the monitoring of child and youth rights in Hesse, Germany, as envisaged in the concept presented here. The monitoring will chart progress and setbacks in respect of these three aspects – which are interdependent and mutually reinforcing – in line with the standards of the United Nations Convention on the Rights of the Child (UNCRC). The purpose of the monitoring is the recurring review and assessment of the inventory and status of structures and activities in Hesse of relevance for the realisation of child and youth rights. The overarching aim is to further strengthen the alignment of the actions of policymakers, administrators, institutions and facilities with child and youth rights. As at the federal level, monitoring structures at the level of the Länder (federal states) should serve a dual function: increasing knowledge and understanding of child and youth rights, and monitoring state actions. This entails the regular collection of information from various state bodies as well as from civil-society and research institutions and organisations. An ongoing exchange with children and youth is also essential.

To address these needs, an advisory board made up of stakeholders in the area of child and youth rights was set up already during the conceptualisation phase. The board identified the starting points for the monitoring and contributed substantially to the development of indicators. The German Institute for Human Rights developed a number of different indicators for use in monitoring the situation of child and youth rights and the status of their implementation in Hesse with a view to the three aspects identified (rights awareness, participation, educational equity). These indicators, all linked to the UNCRC, are geared towards the lived realities of children and youth. At regular intervals, the monitoring structure will compile and examine these indicators and document this in reports. The indicators consist of structural indicators (Commitments), which reveal whether the necessary structures, in the form of legal instruments or bodies, are in place; process indicators (Efforts), which assess developments in respect of policies and measures that are aimed at realising rights (action plans and budgets, for example); and outcome indicators (Results), which reflect the actual achievements and shortfalls associated with individual measures.



### Starting point 1: Making child and youth rights widely known (rights awareness)

In order for children and youth to (better) exercise their rights, they have to know what those rights are. This awareness must extend to adults too, though, particularly those involved in policymaking, public administration and the justice system whose work relates to children and youth. The report mentions the number of persons having care and custody of children or youth and public administration professionals who undergo specific child and youth rights trainings as one indicator for how well the state is fulfilling its commitment to make child and youth rights widely known under Article 42 of the UNCRC. The incorporation of child and youth rights into Hesse's constitution and its curricula is another such indicator. In addition, the report emphasises the importance of monitoring and measuring changes in the level of awareness of UNCRC rights in public administration bodies at the local and federal state level in Hesse over the longer term.

**Starting point 2: Increasing child and youth participation**

One of the four core principles of the UNCRC, the right to be heard (Article 12) makes it clear that the views and perspectives of children and youth should be heard and considered in all matters affecting them. To assess whether Hesse facilitates a “culture of participation” of this kind, the monitoring would encompass a continuing analysis of how well participation norms are anchored in public policies. Also envisaged is the monitoring of developments in legislation and legal practice as well as of the provision of activities and knowledge relating to the right to be heard and considered. This would extend, for instance, to checking whether trainings in this area were available to all relevant professional groups. To measure concrete implementation of the right to education, the concept envisages a focus first on the sphere of education, more specifically, day-care centres and schools, which children and youth in Germany normally attend.

The UNCRC standards and the principles of human rights education call for education institutions to ensure that students experience participation in all processes, rather than only learning about their right to be heard (Article 12). In a monitoring context, whether participation really takes place can be measured in terms of various questions relating to different levels: Is serious consideration given to the expression of views of children and youth in certain situations occurring on a routine basis at day-care? Do schools have structures like class councils (Klassenräte) and complaint mechanisms? Do children and youth have opportunities to make their views heard in Hessian education policymaking processes? Are existing participation formats adequately funded? These are some of the indicators proposed for monitoring and assessing efforts to strengthen a culture of child and youth participation.

**Starting point 3: Promoting education on the basis of equal opportunity for all children and youth**

The third aspect subject to the monitoring as conceptualised here is education on the basis of equal opportunity for all children and youth. Education on the basis of equal opportunity, here, refers to the principle of non-discrimination in education enshrined in the UNCRC (Article 28). In this respect, the state bears a key responsibility, because it, in the view of the Committee on the Rights of the Child, is responsible for collecting key data that can be used to measure this. These metrics are also mentioned in the report. They include the percentage of children/youth in some form of day care, the average number of children per education professional in those settings, the qualification of teaching staff and the free supply of needs-oriented educational aids (particularly in times of crisis like the Covid-19 pandemic and for students in vulnerable situations).

As conceptualised here, the monitoring would cover both early-childhood education and school education. Indicators in these areas mentioned in the report are the existence of a legal entitlement to day care in a centre, the obligation of compulsory education for all children and the extent of compliance therewith. Other important indicators for monitoring education on the basis of equal opportunity are the education budget and spending patterns, the numbers of early school leavers, and, finally, the availability of initial, continuing and advanced training offerings for educational professionals that are based on child and youth rights. Since education on the basis of equal opportunity is also an issue in non-formal education, the monitoring will encompass an assessment of Hesse’s efforts to monitor the education and participation of children and youth in non-formal offerings and the actual use thereof.

Based on the three “starting points” and the range of indicators for use in monitoring and analysing progress, the report formulates seven recommendations for a first phase of child and youth monitoring mechanism. These range from institutional linkages to the formation of a monitoring advisory board, on to strengthening child and youth rights by establishing a long-term basis for the monitoring.

## Imprint

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