2

Understanding Policy Development and Implementation for Children and Young People

Preface

....

This Foundation Report is the second in a Special Report Series addressing the rights and well-being of children and youth in Ireland and Northern Ireland. The Report corresponds with three key UNESCO aims: to strengthen awareness of human rights; to act as a catalyst for regional and national action in human rights; and to foster co-operation with a range of stakeholders and networks working with, or on behalf of, children and youth.

....

The term 'children and youth', as used in this Report, includes all people under the age of 18. The term for the most part excludes youth, a population group central to the Children and Youth Programme (CYP) and defined by the United Nations as persons between the ages of 15 and 24.[1] However, the focus on children and young people in the Report reflects the age range corresponding to the definition of a child in the United Nations Convention on the Rights of the Child (UNCRC) and the age range covered by the two national children's strategies in Ireland and Northern Ireland.

The Children and Youth Programme will take a developmental approach to implementing a rights-based approach, working according to the other principles of the Programme: to have an all-island focus; to retain academic independence; and to ensure the voice of children and youth is present. The Special Report Series of the Children and Youth Programme will be the primary output of this approach. The objectives of the series are:

1. to focus on a topical issue considered to affect the well-being of children and youth;
2. to examine the impact of selected policy and practice interventions on human rights and well-being;
3. to gain an understanding of the processes of implementation;
4. to share learning that will enable duty holders to better meet their commitments to children's rights and improved well-being;
5. to share learning that will enable rights holders to claim their rights.

The Children and Youth Programme will work with key stakeholders to ensure that this knowledge enhances efforts in Ireland and Northern Ireland to realise children's rights and promote children's well-being.

The authors are responsible for the choice and presentation of views contained in this report and for opinions expressed therein, which are not necessarily those of UNESCO and do not commit the Organisation.

....

1 www.unesco.org/new/en/social-and-human sciences/themes/ human-rights/about-human-rights.

Contents

Authors: Una O'Connor, Louise Kinlen, Goretti Horgan, John McCord, Celia Keenaghan

Series Editors: Una O'Connor and Celia Keenaghan

Reviewers: Marina Monteith, University of Ulster, John Pinkerton, Queens University Belfast, Sara Burke, Journalist and Policy Analyst

1 Introduction

The focus of this second Foundation Report from the Children and Youth Programme (CYP) is based on a series of consultations undertaken with key stakeholders from the policy, statutory and non-statutory sectors in Ireland and Northern Ireland, where the twin processes of policy development and implementation were identified as recurrent concerns (CYP Foundation Report 1, 2011). Arguably, if child-centred policy is developed and implemented well the rights and well-being of children and young people should be protected. However, as governmental responses to the economic decline demonstrate almost daily, the extent to which these rights are protected has become increasingly precarious, often impacting on the well-being of the most marginalised and vulnerable groups[1].

State obligations under the United Nations Convention on the Rights of the Child[2] (UNCRC) (hereafter referred to as the Convention) include adherence to the General Measures of Implementation[3] set down by the United Nations Committee on the Rights of the Child (hereafter referred to as the Committee). Representing one of eight thematic clusters used to facilitate the periodic reporting process on the Articles outlined in the Convention, the general measures are '... intended to promote the full enjoyment of all rights in the Convention by all children, through legislation, the establishment of co-ordinating and monitoring bodies - governmental and independent - comprehensive data collection, awareness-raising and training and the development and implementation of appropriate policies, services and programmes' (UN, 2003, p.3).

1 Because the UNCRC is not incorporated into legislation, government spending in areas affecting aspects of children's rights can be reduced without challenge. For example, the cuts in Ireland's Budget 2012 have been criticized for "doing little to adequately protect children and families, particularly those who are most at risk of poverty" (Barnardos, 2011). In Northern Ireland, concerns have been expressed on the longer term funding of the Social Protection Fund outlined in the Draft Budget 2011-2015. "Designed to protect those in need, this has raised questions about the commitment of the Executive to protect those most in need in society" (Children's Law Centre, 2011).
2 www2.ohchr.org/english/law/crc.htm
3 www.unhchr.ch/tbs/doc.nsf/(symbol)/CRC.GC.2003.5.En

The measures require state parties:

- to undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the Convention (Article 4);
- to make the Convention known to adults and children (Article 42);
- to make reports under the Convention widely available (Article 44.6).

The cross-cutting nature of the general measures reflects their functional utility as elementary tools for 'good' policy. Understandably then, they form a core aspect of the periodic reports: the information is used by the Committee to make concluding observations which, in turn, has had considerable influence on how the Convention has been interpreted in policy and practice (Thomas, 2011; Kilkelly, 2006).

Taken with the first publication in the CYP series[4], the purpose of this Report is to provide academic analysis of a rights-based approach to policy in relation to children and young people in Ireland and Northern Ireland. The objectives of the Report are:

- to explore the function of policy development and implementation;
- to map out the policy environment for children and young people in Ireland and Northern Ireland;
- to analyse policy provisions for children and young people in Ireland and Northern Ireland against the General Measures of Implementation, drawing primarily on state and shadow reports in both jurisdictions.

The Report comprises four further sections. Section 2 examines the formulation of policy for children and young people, including the integration of a rights-based approach and participation measures; Section 3 describes the position of children within the policy landscape in both jurisdictions; Section 4 examines policy development and implementation using the General Measures of Implementation; and Section 5 identifies a number of conclusions about the development and implementation of rights-based policy.

---

4 'A Rights-Based Approach to Monitoring Children and Young People's Well-Being'. Available at: childrenandyouthprogramme.info/pdfs/pdfs_cyp_publications/2011_10_24_Full_Report.pdf

2

The Policy Process

2.1 What is Policy and What is its Function?

Policy is a complex and multi-layered process (Hill, 2009; Howlett, Ramesh and Perl, 2009; Bobrow, 2006; Haddad, 1995) with numerous models[5] that broadly include a series of sequential phases that can be summarised as: agenda setting; policy formulation; decision making; policy implementation; and policy evaluation (Werner and Wegrich, 2007; Hupe and Hill, 2006).

In Northern Ireland, the Office of the Minister and Deputy First Minister (OFMDFM, 2009, p.1) defined policy generically as '... the process by which governments translate their political vision into programmes and actions to deliver 'outcomes' - desired change in the real world'. In Ireland, bespoke policy guidance for children has been developed '... to assist policy-makers, managers and front-line practitioners to engage in reflective practice and effective delivery ... within the national policy framework' (OMC/DHC, 2007, p.2).

The methods of achieving policy goals exist at local, national and global levels (Axford, 2011; Howlett, 2011; Munro et al., 2011). The process from policy development to implementation can be described as a dynamic continuum. Governmental choice is dictated by a range of factors: explicitly, the political economy, national legislation and international treaties influence some decisions, however, the 'hidden discourse' of structures, power relationships and behind-the-scenes negotiation cannot be under-estimated. Equally, interaction between government and other stakeholders is sometimes characterised by conflicting positions and power relations in terms of funding and decision making, where politically pragmatic decisions do not always align with the sometimes more idealist protective stance of the voluntary and community sectors.

The political economy is a significant backdrop against which policy for children and young people is made. In Northern Ireland the advancement of children's rights has taken place in an environment of protracted political volatility where suspension of the governmental administration from October 2002 until May 2007 meant that the region did not advance at the same rate as other devolved administrations[6] and few specifically Northern Ireland policies or strategies – as opposed to

5 For example, Lasswell, 1971; Brewer, 1974; Simmons et al., 1974.

those read-across from Britain – have been agreed since then (Gray and Birrell, forthcoming; Gray and Horgan, forthcoming). Equally, the financial cost of the 'Troubles' cannot be overlooked and the effects of segregation on policy decisions along with associated duplication of public service provision undoubtedly impacted on resource allocation to key policy areas (Deloitte, 2007). Nonetheless, the transference of powers from central United Kingdom government to the devolved administration has offered both an opportunity and a challenge to 'transform' rather than 'adapt' policy and legislation to the particular circumstances of Northern Ireland (OFMDFM, 2005).

In Ireland, there has been a dramatic change in the political economy over the last three years, where economic recession and subsequent European bailout has led to large-scale cutbacks in government spending. Historically, Ireland has not had a high level of social protection (Harvey, 2011) and the welfare of children tended to be viewed as the responsibility of the family and religious and private organisations. More recently, whilst there has been emphasis on the production of strategic plans and the development of particular social policies and agreements through the process of Social Partnership, critics of policy-making have pointed to governmental inability to 'address problems of policy implementation or to sufficiently align accountability structures with responsibility for tasks' (MacCarthaigh and Boyle, 2011, p.217). Although universalist provision grew during the economic boom, for example, through increases in child benefit and in the number of state agencies with a remit for children and young people, co-ordinated delivery at governmental level has been disjointed[7]. The last three budgets have seen dramatic decreases in expenditure with a myriad of cutbacks that affect children, such as educational supports, pupil-student ratios on the expenditure side, coupled with significant reductions in personal income and transfers (Harvey, 2011).

Policy should be as rational, ethical, democratic, evidence-based and effective as politico-economic factors will allow. This is important since

6 During this time a series of legislative changes relevant to children and young people were implemented, including: The Commissioner for Children and Young People Order, 2003; The Protection of Children and Vulnerable Adults Order, 2003; The Children (Leaving Care) Regulations, 2005; The Special Educational Needs and Disability Order, 2005; The Education Order, 2006).

7 An example of policy domain that has not been joined up is the failure to integrate early childhood care and education. See Hayes N. (2010) Childcare? Early childhood education and care? Towards an integrated early years policy for young children in Ireland. Early Years, 30, 67-78.

translating policies into practice generates outcomes, in other words, what actually happens following implementation. Almost every area of children's policy requires reflexive response to implementation and outcome and inter-departmental co-operation to ensure best practice. This includes non-decisions as much as decisions (Hill, 1997). For example, the absence of a new transfer procedure for all children in Northern Ireland[8] is an example of a non-decision that has a real impact on policy and a considerable impact on children. Elements of policy impasse are evident in Ireland also, with the failure of successive Irish governments to hold the referendum to amend the Constitution in favour of children's rights, although the current Government has committed to hold a referendum in early 2012.

Policy making in relation to children themselves, as opposed to family policy, is a relatively new phenomenon and emerged only after the Convention was ratified by the United Kingdom and Ireland in 1991 and 1992 respectively. Child-centred[9] policy advocates child well-being rather than well-becoming and argues for social investment in them as people in their own right, not only as future citizens (Bradshaw, 2007; Ben-Arieh, 2006; Lister, 2003). In each jurisdiction, an extensive policy base has been progressed in recent years to review and modernise services which affect the lives of children including, youth justice, play and leisure, mental health, poverty and family support services. However, concerns about a 'policy implementation gap' highlight the need for a shared understanding of how to monitor policy development and implementation within a rights-based context (CYP, 2011; Byrne and Lundy, 2011). Appendix 1 draws on four examples of policy development and implementation in Ireland and Northern Ireland to explore this further.

2.2 A Rights-Based Approach in Policy

The United Nations (UN) Statement of Common Understanding (2003)[10] aims to promote awareness among governments and other relevant institutions of their obligations to fulfil, respect and protect human rights.

---

8 The transfer system was an examination used to determine which post-primary school children would attend. Following the abolition of the transfer test in 2008, politicians have been unable to agree an alternative system and so many grammar schools have set their own tests and continue to use academic selection.

9 See: A Rights-Based Approach to Monitoring Children and Young People's Well-Being (CYP, 2011, p.8).

10 Available at: http://hrbaportal.org/the-human-rights-based-approach-to-development-cooperation-towards-a-common-understanding-among-un-agencies.

Although calls for the centrality of the Convention within policy have been strongly voiced by a range of stakeholders (Haydon, 2008; Kilkelly and Lundy, 2006; Freeman, 2004; Hodgkin and Newell, 2002), how it is realised in practice still remains problematic (McMahon and Keenan, 2008; Piper, 2008; Children's Rights Alliance, 2006; Freeman, 2000). Yet the circumstances of children's lives are not an unknown entity; that a significant proportion of children and young people continue to exist at the margins of society and have their rights denied across a range of domains suggests an urgent need to re-think the way in which policy is developed and implemented (NEF, 2009). The challenge of ensuring the right of all children and young people to be involved in this process is illustrated in Example 1.

> **Proponents of children's rights argue that a revised approach to policy making would align government decisions to human rights obligations.**

Proponents of children's rights argue that a revised approach to policy making would align government decisions to human rights obligations, provide an evidence base to monitor well-being and address a core United Nations Committee recommendation: '... ensuring that the best interests of the child are a primary consideration in all actions concerning children, and that all the provisions of the Convention are respected in legislation and policy development' (UN, 2003, p.11). In doing so, it would help dispel the perception that too many strategies governing the lives of children and young people are a medley of disjointed legal principles and governmental directives and which may have been developed, implemented or revised in the absence of children themselves (Pinkerton, 2004). By placing different aspects of childhood and adolescence in a framework of rights, it becomes possible to pursue coherent outcomes that realistically connect the inter-disciplinary nature of childhood (Eurochild, 2009; Fortin, 2009; Kilkelly, 2007). Developments in this regard can be seen in Example 2.

Incorporating the Convention into domestic law provides a clear mechanism to ensure that new policies and legislation are 'child rights proofed', making government and other public authorities more fully accountable (NICCY, 2008; Haydon, 2008; Kilkelly, 2007; Children's Rights Alliance, 2006). That this requires a continuous process of child impact assessment (predicting the impact of any proposed law, policy or budgetary allocation which affects children and the enjoyment of their rights) and child impact evaluation (evaluating the actual impact of

implementation) is built into government at all levels and as early as possible in the development process (NICCY, 2008).   Aspects of this are illustrated in Examples 3 and 4.

2.3 Policy and Participation

Article 12 of the Convention states that children and young people should have the right to express their views freely on all matters affecting them and that those views are given due weight in accordance with their age and maturity. This underlines '... the role of the child as an active participant in the promotion, protection and monitoring of his or her rights applies equally to all measures adopted by States to implement the Convention' (UN, 2003, p.4).

While children's participation has increasingly become a feature of policy discourse in recent years, Hill and Tisdall's (1997 p.256) contention that '...the rhetoric of children's participation is easier and cheaper than its effective implementation' continues to present a real challenge. Research supports the development of models of participation (Sinclair, 2004; Landsdown, 2001; Shier, 2001) and cited exemplars, including Treseder's *Degrees of Involvement*[11] model and Hart's *Ladder of Participation*[12] are considered to offer contrasting approaches to initiate or enhance meaningful engagement with children and young people (Save the Children, 2010a). Meaningful participation requires government to acknowledge the capacity of children and young people to influence policy development and to ensure consultation is not tokenistic and is representative of the group affected (Byrne and Lundy, 2011; Save the Children, 2010a; Leonard, 2005). UNICEF guidance (Lansdown, 2009) suggests that respecting children's right to participate needs to happen at two levels: the extent to which the policy environment is conducive to respect for children's right to participate (whether policy changes have been made) and the actual experience of participation (the scope, quality and change associated with participation in policy development and implementation).

11 P Treseder, Empowering children & young people: promoting involvement in decision-making, Save the Children, 1997.
12 Hart, R. (1992). Children's Participation from Tokenism to Citizenship, Florence: UNICEF Innocenti Research Centre.

There has been commitment to participation in both jurisdictions. In Northern Ireland, the intention to '... embed a culture of engaging with children and young people and involving them in decision-making' (OFMDFM, 2006, p.27) has been developed most visibly at government level through the establishment of a Children's Commissioner and a Participation Network. Other organisations, for example, Public Achievement, the Children's Law Centre, the National Children's Bureau and Include Youth have actively worked to promote the participation of children and young people. This commitment has undoubtedly been a positive development. However, the recent withdrawal of a circular[13] in relation to the Youth Forum which ensured young people had a route to participation in advising Government on young people's issues has been a retrograde step.

In Ireland, participation is a core principle in a range of policy and legislation[14]'. Dail na nOg[15] and Comhairle na nOg[16], student councils in schools and the appointment of the Ombudsman for Children were among the first elements of the National Children's Strategy to be implemented. While generally welcomed, concerns about the invisibility of many children in decision making processes have underlined the risk of tokenism where structures were not backed up with guidance, advice and technical support (Kilkelly, 2007; Ni Laoire et al., 2008). There is evidence of continued efforts that address these concerns, including the development of a children and young people's participation support team and inclusion programme within the Department of Children and Youth Affairs (DCYA), indicating that participation is high on the agenda. The Ombudsman for Children's Office (OCO) has also been active in promoting a participatory approach to its work as have other organisations such as the national youth organisation Foróige and EPIC (Empowering Young People in Care). The anticipated referendum to include express recognition of children as rights holders in the Irish Constitution presents a significant opportunity to strengthen the basis for children and young people's participation in policy development and implementation.

---

13 Circular 1979/10 'Greater Involvement of Young People in the Youth Service'.
14 For example: National Children's Strategy, 2000; Youth Work Act, 2001; Towards 2016, the Ten-Year Framework Social Partnership Agreement, 2006-2015; National Strategy for Service User Involvement in the Irish Health Service, 2008.
15 National Youth Parliament of Ireland at www.dailnanog.ie/2006/site/home.php.
16 Local Youth Councils at www.comhairlenanog.ie/viewy.asp.

Key Messages

- Policy can be described as a process by which governments translate their political vision into programmes, while implementation is about translating policy into practice to achieve desired outcomes.

- A rights-based approach to policy making would enhance and embed children's rights in governmental planning and address a core United Nations Committee recommendation. A rights-based framework can produce coherent policy that realistically connects the multi-faceted nature of childhood.

- So far, the centrality of the Convention in policy remains tenuous, problematic and incomplete.

- Effective participation of children and young people can improve government decision-making and enhance children and young people's capacity to influence policy development and change. The extent to which this happens is variable.

3 The Policy Landscape

3.1 The Status of Children and Young People Within Government

A significant result of the ratification of the Convention in Ireland and the United Kingdom (Northern Ireland) has been the establishment of child-focused bodies within government and in wider sectors. Collectively, they herald a shift in perception on the position of children in society and a political agenda that is aware of its legal obligations to children's rights. The status of children and young people within government has been a somewhat moveable feast, with policy agendas giving various degrees of prominence to children and young people's issues[17]. In Ireland and Northern Ireland, responsibility for children within government is managed in two contrasting ways - via a centralised over-viewing unit (Northern Ireland) and via a lead department (Ireland).

In Ireland, the Office of the Minister for Children and Youth Affairs (OMYCA) was established in 2005 with a responsibility to bring together the key policy areas for children's services, and a National Children's Strategy Implementation Group was founded in 2006. Following the creation of a new Government, the Department for Children and Youth Affairs (DCYA) was established in March 2011 and the first senior Minister for Children with a full cabinet position was appointed. The Minister oversees the development of integrated policy and service provision across a range of areas, including education, health and youth justice and overall planning and co-ordination of services for children. The DCYA is involved in amalgamating specific units relating to children from the Departments of Health and Children, Justice, Equality and Law Reform, Education and Science and Social Protection[18]. It is currently preparing a Statement of Strategy 2011-2014.

In Northern Ireland, the Children and Young People's Unit (CYPU), located in the Office of the Minister and Deputy First Minister (OFMDFM), assumed responsibility for children's issues during 2002-03, and a ministerial sub-committee was established in 2005. Each Government department, along with the Northern Ireland Office (NIO) and the court service, has a Children's Champion and an all-party Working Group on Children has been convened. Northern Ireland does

17 For example, the draft Programme for Government in Northern Ireland 2011-2015 makes limited reference to children and young people compared to more extensive reference in the Programme for Government in Ireland 2011.
18 Available at: http://www.dcya.gov.ie/

not have a Minister for children. Instead, the work of the CYPU and the sub-committee is overseen by two Junior Ministers who have a portfolio to co-ordinate cross-cutting policy issues with Government departments. The remit of the Unit does not include a responsibility to co-ordinate the implementation of the Convention, it does not have a mandate to require co-operation from other government departments (Haydon, 2008; Save the Children, 2011) and there is no plan to introduce a statutory duty[19] to do so (OFMDFM, 2010). In 2010, the visibility of the CYPU was diminished when it was subsumed into the wider policy portfolio of the equality directorate of OFMDFM.

3.2 The Children's Strategies

Encompassing civil, political, economic, social and cultural rights, the Convention provides an extensive framework against which to develop, monitor and evaluate policy and decision-making structures to meet the diverse needs of children and young people. In its recommended actions for the effective integration and implementation of the Convention, the Committee urged that '.. if Government as a whole and at all levels is to promote and respect the rights of the child, it needs to work on the basis of a unifying, comprehensive and rights-based national strategy' (UN, 2003, p.8).

In Ireland, the pivotal document relating to children and young people is the National Children's Strategy, Our Children Their Lives (Department of Health and Children, 2000). The strategy, developed from cross-government, NGO and academic input, was described as '... a major initiative to progress the implementation of the Convention in Ireland' and intended to improve children's lives through a ten-year plan of action (Department of Health and Children, 2000, p.6). Government aligned the strategy with the provisions of the Convention, describing it as a source of direction for those statutory and non-statutory agencies involved in the development of services for children (UN, 2005). The strategy covered the period 2000-2010 and a new strategy was due to be published during 2011. Whilst initial consultations have been carried out, political changes including the formation of a new Government and a corresponding new full Ministry for Children, has delayed the process and it is now anticipated that the next strategy will be published in 2012.

19 The statutory duty requires Departments to co-operate on the planning and commissioning of services for children and young people.

> Although both children's strategies have been endorsed by their respective Governments, the extent to which they represent a rights-based approach or fulfil implementation of the Convention has been queried.

In Northern Ireland, the Convention has informed and influenced a number of policy and strategy documents, most notably the Ten Year Children's Strategy for Children and Young People which identified '... living in a society which respects their rights' as a core outcome (OFMDFM, 2006, p.9). Government cited the strategy as the key mechanism by which it would '... chart progress on this commitment' (OFMDFM, 2006, p.23) and re-affirmed it as '... a vision statement that includes all children, and is explicitly informed and guided by the UNCRC' (UN, 2007, p.19). The ten-year strategy is at the half-way point of implementation.

Although both children's strategies have been endorsed by their respective Governments, the extent to which they represent a rights-based approach or fulfil implementation of the Convention has been queried (UN, 2006a, 2008; Haydon, 2008; Children's Rights Alliance, 2006). For example, in their concluding observations to the United Kingdom (Northern Ireland), the Committee expressed concern that '... the Convention is not regularly used as a framework for the development of strategies through the State' (UN, 2008, p.4).

In Northern Ireland, whilst recognition of children's rights within the ten-year strategy has been welcomed, there has been general disappointment that the final version did not fulfil the initial commitment of the Northern Ireland Executive that it would be an implementation plan for the Convention (NICCY, 2008). Although a rights impact assessment model (NICCY, 2008) and child rights programming methodology (Save the Children, 2011, 2005; McMahon and Keenan, 2008) have been developed, government has been slow to adopt these to child proof legislative and policy formulation at strategic level.

In Ireland, similar reservations that the strategy was not rights based emerged from an assessment that it had a weak implementation plan, was not linked to specific budgetary allocations, and lacked accountability mechanisms to enforce key objectives (Children's Rights Alliance, 2011; 2006). Additional complexities in cross-departmental working and weak governance structures were perceived to impede progress of the Strategy, where some actions had been achieved whilst others were difficult to assess (Children's Rights Alliance, 2011; Peyton and Wilson, 2006). The establishment of the new Ministry for Children and the development of a new strategy provide immediate opportunities to address these issues directly.

Key Messages

- Government in both jurisdictions has established contrasting child-focused bodies for children and young people.

- The UNCRC provides a framework from which to develop, monitor and evaluate policy and decision-making structures to meet the diverse needs of children and young people.

- The children's strategies in both jurisdictions have been influenced by the Convention, although the extent to which they represent a rights-based approach is queried.

- Limitations in governance structures, rights-proofing methodology and accountability mechanisms impede full compliance of the strategies with the Convention.

4

The United Nations Committee on the Rights of the Child

4.1 The Periodic Reports

The key to the success of the Convention is its effective implementation (Balton, 1990). States which have ratified the Convention take on obligations under international law for its implementation. In this context, implementation is defined as '... the process whereby State parties take action to ensure the realisation of all rights ... for all children in their jurisdiction' (UN, 2003, p.1), reflecting Article 4 of the Convention which requires that States will use '... all appropriate legislative, administrative and other measures' to fulfil implementation of children's rights'. Inclusive in this is the obligation to provide every five years a periodic report to the United Nations Committee on the Rights of the Child. The guidelines of the Committee require state party reports to provide information that demonstrates implementation of the Convention (UN, 2010).

As the overseeing body, the Committee issues a series of observations based on the evidence provided and recommends further measures to give full effect to the Convention. Since the Convention was ratified in both jurisdictions, Ireland has submitted two State reports (1997 and 2005), with the third due since 2009, and the United Kingdom (including Northern Ireland) has submitted three (1995, 2002 and 2007). In 2007, Northern Ireland produced its first individual report that would inform the larger United Kingdom submission. In some respects, the protocol for reporting to the Committee is not ideal. Presentation of reports on a five-yearly basis is constrained in terms of time and resources and limits the extent to which the Committee can effectively analyse and draw conclusions on the implementation of children's rights (Kilkelly, 2006). A further weakness lies in the extent to which state parties are accountable for poor or inadequate implementation (Fortin, 2009; Piper, 2008). This means that the efficacy of the Convention at policy and legislative levels is dependent on political as well as moral pressure on government, generated by negative publicity and 'shaming' as a consequence of non-compliance and default (Piper, 2008; Bainham, 2005). However, as an international monitoring exercise, the reporting process (including shadow reports) affirms the universal obligations of the Convention. The requirement to present to the Committee has undoubtedly contributed to the establishment in each jurisdiction of policy initiatives, including children's strategies, dedicated offices and posts of commissioner/ombudsman, providing a benchmark from which states can monitor, compare and review progress.

4.2 The General Measures of Implementation

In 2003, the Committee published a General Comment on the General Measures of Implementation of the Convention on the Rights of the Child[20]. The general measures are generally agreed as intrinsic benchmarks to the policy process and to fulfilling a rights-based agenda within states. Along with the guiding principles of the Convention (Articles 2, 3, 6 and 12)[21], they have significant relevance to policy for children and young people in Ireland and Northern Ireland. Drawing on the General Comment and with reference to the state reports and shadow reports from the two jurisdictions, it is possible to analyse how rights-based policy has been developed and implemented with regard to four key areas: co-ordination; data collection; resources; and dissemination.

4.3 Co-ordination

The purpose of co-ordination '... is to ensure respect for all of the Convention's principles and standards for all children within the State jurisdiction' (UN, 2003, p.9). As duty bearers, government has a responsibility to co-ordinate activity within its own departments, as well as with the third sector, academics, and civil society including children and young people themselves, if policy is to safeguard adequate delivery of the right services and ensure that resources are directed towards those in most need (Children's Rights Alliance, 2006).

4.3.1 Co-ordination Within Government

The General Measures identified that effective policy implementation required greater co-ordination within government. Whilst the best way of achieving this was not prescribed, there was an emphasis on the advantages of a '... specific department or unit close to the heart of

---

20 Available at: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G03/455/14/PDF/G0345514.pdf
21 Article 2 The obligation of States to respect and ensure the rights set forth in the Convention to each child within their jurisdiction without discrimination of any kind.
Article 3 The best interests of the child as a primary consideration in all actions concerning children.
Article 6 the child's inherent right to life and States parties' obligation to ensure to the maximum extent possible the survival and development of the child.
Article 12 the child's right to express his or her views freely in "all matters affecting the child", those views being given due weight.

government ... with the objective of co-ordinating implementation' and with '... responsibility for developing the comprehensive children's strategy and monitoring its implementation, as well as for co-ordinating reporting under the Convention' (UN, 2003, p.10). Although the fundamental value of dedicated children's units within government was recognised, the Committee (UN, 2003) did not sanction responsibility for all children's services in a single department, conceding that such a move could effectively marginalise children in government planning and prioritising.

All government departments have a direct or indirect effect on children's lives. Whilst some departments – such as education, health and welfare – have a substantial role, other related departments – such as finance, transport, housing, employment – have innate accountability to the Convention. In Ireland and Northern Ireland, commentators have been critical of co-ordination within core government offices arguing that the main departments, in spite of their obvious connections, are often working separately (Haydon, 2008: Children's Rights Alliance, 2006). In this environment, '...the fragmented co-ordination of services and the failure to develop positive policy initiatives means rights are ignored in areas such as education; healthcare; and family support. Particular problems are experienced with respect to disadvantage in areas where children have complex needs and require services which transcend across government departments and agencies' (Kilkelly, 2008, p.22).

Proponents of co-ordinated policy development argue that in addition to promoting and safeguarding children's rights, such co-operation would also '...bring the required level of transparency and accountability to the delivery of the Strategy which is currently absent. The statutory duty must transcend all levels and layers of government functioning' (CiNI, 2008, p.7). For example, in Northern Ireland, there appears to have been some slippage in several cross-cutting priorities[22] identified by the ministerial sub-committee, particularly in relation to child poverty, provision for vulnerable young people, and provision for children with special educational needs. However, NICCY (2008) has noted that good practice examples of inter-agency cross-sectoral working exist at the local level, facilitated through Children and Young People's Committees.

22 Available at: http://www.ofmdfmni.gov.uk/index/equality/children-young-people/children-and-young-people-ministerial-sub-committee.htm

In response to the Committee's observations (UN, 2006b) on the co-ordination of policy development for the implementation of the Convention, Government in Ireland cited the alignment of the National Children's Strategy with the wider social partnership agreement Towards 2016[23], as a means to strengthen priority actions for children and young people. The creation of the Ministry for Children signifies evidence of commitment in this area. Advocating a life cycle approach (where the child or older person would be at the centre of policies), Towards 2016 specifically identified the co-ordinating role of the OMYCA (now DCYA) as bringing '... a cohesive approach to the delivery of services based on the recognition that they are fundamentally interlinked and must be responded to on this basis in order to secure the best outcomes for children and young people' (Department of An Taoiseach, 2006, p.48). However, the proposed life cycle approach has not found resonance in other official policy discourse and the absence of any review of the partnership agreement since 2008 suggests that its status is unclear and that it is not a priority in the present economic and political climate.

4.3.2 Co-ordination Between Government and Other Sectors

The co-ordinated allocation of staff, resources and services across the wider statutory, voluntary and community sectors is essential to address the multi-dimensional nature of children and young people's lives (NICCY, 2008). The importance of the relationship between government and other sectors has been emphasised, not least since NGOs have played a significant role in the drafting of the Convention and have made critically informed contributions through the shadow reports that accompany State periodic reports (UN, 2003). The establishment of coalitions and partnerships[24] in both jurisdictions to promote, protect and monitor children's rights and well-being provides collegiate and critical comment on a range of issues, often acting as a natural arbitrator between government and the children and young people for whom policy is developed. However, these relationships can be complex. For example, Harvey (2011) highlighted the problematic nature of

---

23 Available at: www.taoiseach.gov.ie/eng/Publications/Publications_Archive/Publications_2006/ Towards2016PartnershipAgreement.pdf
24 For example, the Children's Rights Alliance www.childrensrights.ie which is a coalition of over 90 non-governmental organisations, working to secure the rights and needs of children in Ireland. The Children and Young People's Strategic Partnership www.hscb.hscni.net/CYPSP/index.html is a cross-sectoral group, consisting of the leadership of all key agencies who have responsibility for improving outcomes for children and young people in Northern Ireland.

relationships between the state and non-governmental organisations (NGOs) in the area of children and family services in Ireland and called on the new national children's strategy to address this.

Yet a fragmented relationship remains an ongoing concern in both jurisdictions (Haydon, 2008; Children's Rights Alliance, 2006). Engagement between government and the NGO sector in Northern Ireland has been variable. Although the ten-year strategy (OFMDFM, 2006, p.15) committed to '... ensure a co-ordinated approach across government departments and the wider public sector to the development of policies which impact on the lives of children and young people', this is not yet an established practice. For example, the initial Action Plan to implement the ten-year strategy, although promoted as a joint Departmental document, did not seek contributions from the NGO sector (NICCY, 2008); additionally, the Strategy Planning and Review Group convened to monitor implementation of the Convention has met intermittently and there is little detail on how this will operate (Save the Children, 2011). However, in its Priorities and Plans the Northern Ireland Executive stated that 'Partnership working is the key to progressing children's rights and we will continue to work with NGOs, the Commissioner for Children and Young People and children and young people themselves' (OFMDFM, 2010, p.6). In this respect, recent collaborative work between the Children and Young People's Strategic Partnership (CYPSP) and OFMDFM in the development of rights-based indicators is seen as an opportunity to begin to redress the cross-sectoral gap.

In Ireland, the National Children's Strategy identifies the importance of collaboration with the NGO sector in the development of services for children. The National Children and Young People's Strategy Unit (formerly the National Children's Office) has responsibility to progress policy issues requiring cross-departmental and/or inter-agency action prioritised by the Cabinet Committee on Children to ensure greater collaboration between the statutory and voluntary sectors, including consultation with the NGO sector. At a local level the Minister for Children has committed to the establishment of twenty Children's Services Committees by the end of 2012, including the ten already existing and others at the planning stage (Irish Government, 2011). They include the co-ordination of statutory and voluntary agencies in the delivery of local services for children (Department of Children and Youth Affairs, 2011). It is too early yet to gauge how this will manifest in practice.

4.4 Data Collection

The fundamental benefit of comprehensive and strategic data is its capacity to significantly inform policy. It means that the '... collection of sufficient and reliable data on children, disaggregated to enable identification of discrimination and/or disparities in the realisation of rights, is an essential part of implementation', placing an onus on government not just to '... establish effective systems for data collection, but to ensure that the data collected are evaluated and used to assess the progress in implementation' (UN, 2003, p.11-12). Improved systems of data collection have been progressed in both jurisdictions. For example, a range of data sources exist in Northern Ireland, including the Northern Ireland Research and Statistics Agency (NISRA)[25], Young People's Life and Times Survey (YPLTS)[26], Kids' Life and Times Survey (KLTS)[27], as well as Departmental[28] data sets. Each of these provides data on a range of matters affecting children and young people although not developed specifically as rights-based tools. In Ireland, the National Strategy for Research and Data on Children's Lives 2011-2016[29] outlines a detailed plan to improve understanding of the lives of children and young people. Drawing on input from over 20 organisations and making better use of existing data, including longitudinal detail from the Growing up in Ireland study[30], the Strategy aims to support evidence-informed policy and practice leading to a national strategic approach for better policies and improved services for children and young people (DCYA, 2011).

Policy theorists have argued that data cannot be considered neutral and that withholding it effectively serves to improve the profile or reduce criticism of the state (Minogue, 1983). It is arguable, therefore, that some data is not available for specific reasons, for example, the number of unaccompanied minors missing in Ireland (Joyce and Quinn, 2009) and the number of 16-17 year olds in Northern Ireland who are not in education, employment or training (NEET) (Horgan et al., 2010). Robust, inclusive data should enable key areas of children's lives to be disaggregated and scrutinised in substantial detail, for example, through baseline measurements, investment of resources, evaluation of policy provisions, and fulfilment of targets (Haydon, 2008; Children's Rights

25 Available at: http://www.nisra.gov.uk/
26 Available at: http://www.ark.ac.uk/ylt/
27 Available at: http://www.ark.ac.uk/klt/
28 For example: http://www.dhsspsni.gov.uk/index/stats_research/stats-cib/statistics_and_research-cib-pub/children_statistics.htm
29 Available at: http://www.dcya.gov.ie/documents/publications/NSRD_main-report.pdf
30 Available at: http://www.growingup.ie/index

Alliance, 2006). However, the process itself requires some understanding of the inherent technical difficulties that can beset data collection, for example, the extent to which information can be broken down and variations between research and routine data collection.

The gaps that exist in relation to disaggregated data collection across the whole period of childhood up to the age of 18 years and the implications of this both in terms of compliance with the Convention and the development of child rights indicators has been commonly noted in both jurisdictions (Haydon, 2008; UN, 2002, 2006a, 2007, 2008; Children's Rights Alliance, 2006). So far, both Governments have offered a mixed response, notwithstanding the Committee's observation that '...the absence of accurate and up-to-date social statistics is something which has become more and more evident in the policy-making context, particularly when the trend towards evidence-based policy-making is considered alongside the need for greater transparency and accountability' (UN, 2005, p.24).

In Northern Ireland, Government has committed to building on available data, using it to monitor and assess the effectiveness of the ten-year strategy (OFMDFM, 2006). Notwithstanding NGO's call for a standardised methodology across government departments to collect and analyse disaggregated data, progress has been slow (McMahon and Keenan, 2008; Haydon, 2008), although work initiated by the CYPSP to link the six outcomes in the ten-year strategy to a series of rights-based indicators has the potential to yield a more complete and co-ordinated information system. Wide-spread gaps remain, most notably in relation to children and young people with mental health issues; the causes and impact of youth suicide; disability; issues underpinning youth crime; experiences of young people in the criminal justice system and youth who are unemployed but not in education, employment or training (NEET) (Gray & Horgan, 2009; NICCY, 2008). Children's activists have expressed concern that these omissions not only limit information on specific vulnerable groups but crucially impede responsive policy planning and the allocation of resources (Haydon, 2008).

In Ireland, expectation that the Government will achieve greater understanding of children's lives to support evidence-based decision-making (Department of Health and Children, 2000) is reinforced by the observation that '...there is a significant link between data and information systems and appropriately targeted public policy, and investment that produces positive outcomes' (Children's Rights Alliance,

2006 p.10). Government (UN, 2006b) has drawn attention to progress in some areas, including the appointment of dedicated research staff to the National Children's Office (in 2003), the roll out of a national longitudinal study of children and the development of a national set of child well-being indicators (State of the Nations Report, 2007). Research has identified current gaps, notably in relation to poverty and social exclusion; immigration and asylum; sexual exploitation and trafficking; and ethnic minorities, as well as, in other discrete but significant areas including gay, lesbian, bisexual and transgender (GLBT) young people; separated children; and gender in education (Kilkelly, 2007). More recently, the Research and Data Strategy has emphasised the need to collate children's views and experiences using a range of quantitative and qualitative methodologies to improve monitoring and evaluation of children's services in Ireland at local, national and international level (DCYA, 2011).

4.5 Resources

Compliance with the Convention requires state parties to analyse public expenditure on children and young people to determine if they are meeting their obligations, since 'no State can tell whether it is fulfilling children's economic, social and cultural rights to the maximum extent of ... available resources, as it is required to do under Article 4, unless it can identify the proportion of national and other budgets allocated to the social sector and, within that, to children both directly and indirectly' (UN, 2003, p.12). This concept of 'progressive realisation' includes not only what is spent, but also how and where it is spent. It means that national, regional and local authorities are guided by the best interests of the child in their budgetary decisions, priority given to children in policy making is evaluated, and steps are taken to ensure children are protected against the adverse effects of economic policies including the reduction of budgetary allocations in the social arena (Hodgkin and Newell, 2002).

Heckman (2004, p.4) stressed that '... as a society, we cannot afford to postpone investing in children until they become adults'. Undoubtedly, the level of financial resource invested in children's services has a significant impact upon protecting their rights and well-being.   Family support as an approach values early investment in children's lives through preventative measures to child welfare, aimed at minimising the need for more serious interventions later on, and is underpinned by the dual principles of achieving rights and meeting needs (Dolan et al.,

2006). Despite overall recognition of the value of early intervention and the investment of resources in children, efforts at child rights budget analysis have been difficult in practice and often impeded by the unavailability of relevant disaggregated data (Nolan, 2011). The multi-dimensional needs of children cut across departmental boundaries and services, specifically those of vulnerable children; consequently, it is extremely difficult to map and align associated costs because of the extensive range of services that might have bearing on their well-being. The Committee has repeatedly criticised the United Kingdom for its inability to identify expenditure relating to children (Talbot, 2010). Specific barriers to efficient child rights budgeting have been recurrently identified as a lack of transparency, poor monitoring and insufficient co-ordination among those involved in budget allocation (Save the Children, 2010b; NICCY, 2008; UN, 2007, 2008). Conversely, similarly unequivocal measures to maximise budget resources to meet children's rights include: (early) investment in children; child impact assessments; rights-based budget monitoring and analysis; legislating a dedicated proportion of public expenditure; and broader interpretation of 'available resources' (UN, 2007). It follows, therefore, that alignment of service provision with national budgets ensures that identified commitments (and associated policies) are not marginalised outside key decision-making processes (UN, 2003). Similar to the challenges for data collection, established budgetary infrastructures impact on the disaggregation of spending. So far, the extent to which Government in both jurisdictions has been able to provide a breakdown of spending on children and young people is variable and lack of transparency in baseline funding allocations to children and young people has been an enduring limitation (Haydon, 2008; Children's Rights Alliance, 2006).

In its concluding observations on the United Kingdom in 2008, the Committee expressed concern that budget allocations were insufficient to eradicate poverty and tackle inequalities, indicating '... that the lack of budgetary analysis and child rights impact assessment makes it difficult to identify how much expenditure is allocated to children across the state party' (UN, 2008, p.5). Although the percentage of expenditure on children and young people in Northern Ireland can be estimated in some policy areas (such as education), it is not available in others (such as health) (Haydon, 2008). Children and young people are not strongly visible in the current draft budget which was produced ahead of the draft Programme for Government in '... a reversal of that ideally should be the

sequence of decision making, that is, agree desirable outcomes and then assign budget lines as necessary' (NICVA, 2011, p.29). The draft budget has been subject to criticism for its lack of reference to the Children and Young People's strategy, the Convention or the Concluding Observations of the Committee, challenging the assertion that children and young people would be placed at the heart of the governmental agenda (Children's Law Centre, 2011). Such transparency and accountability is further limited by the absence of information from Departments in relation to their Spending Plans and compliance with Equality Impact Assessments (ibid). Whilst initiatives such as the Social Investment Fund and Social Protection Funding offer some dividends, these are limited and do not fully redress concerns on the impact of proposed cuts (NICCY, 2011).

The substantial reduction in the block grant from Westminster is the largest since devolution in 2007 and inevitably means that many services will suffer from austerity measures[31]. Previous research has revealed that approximately 14% of the health and social service budget in Northern Ireland was spent on services for children and young people despite the fact that they account for more than a quarter of the general population (ERINI, 2007). Further research on comparative analysis of sectoral budgets across the United Kingdom revealed that spending per child was 30% below the United Kingdom average with Northern Ireland significantly less resourced in key areas, including education, early years and personal social services (Save the Children, 2009; Haydon, 2008; NICCY, 2007).

The revenue decrease of an economic downturn does not exempt local authorities from fulfilling their statutory duties to deliver and monitor policies for children and young people. A rights-based approach requires government to fulfil their legal obligations to children and young people rather than bestowing charitable services (Croke and Crowley, 2010). Collectively, the findings buttress the need for a children's budget in Northern Ireland in order to ensure that Government is meeting its obligations under the Convention. The option for a pooled children's budget has already been advocated (Byrne and Lundy, 2011) to offset existing territorial practice which saw individual departments reluctant to invest, particularly if the benefits or savings would be recouped elsewhere, but it has not yet been taken up by OFMDFM or the Department of Finance and Personnel (DFP).

31 For example, proposed savings of approximately £405m from the Aggregated Schools Budget is by far the largest proportion of total savings to be delivered within the Department of Education when literacy and numeracy levels are of great concern (Children's Law Centre, 2011).

In Ireland, disaggregated expenditure that relates solely to children is similarly difficult to obtain (UN, 2006) and the National Children's Strategy does not include time-lined costed actions to demonstrate how stated objectives will be achieved (Children's Rights Alliance, 2006). A corresponding lack of sustained investment and resources directed at areas of need in children's lives (Kilkelly, 2008) suggests that this has acted as a barrier to the implementation of their rights in areas such as education, health and housing and family supports (Kilkelly, 2007).

Models of cost-benefit analyses provide an effective counter-argument that budgetary re-alignment necessitates more money and usefully demonstrate productive use of existing resources. Children's rights advocates have sought to demonstrate how alternative options can redress many concerns in a more creative and cost-effective manner[32]. In the absence of a comprehensive breakdown of expenditure, there is the risk that policy initiatives (and corresponding resources) will become skewed, this becomes more important in a period of economic decline, with the risk that priority groups or areas may be overlooked or under-funded. Whilst protection of any budgetary allocation to children and young people is crucial, the ways in which it is administered requires more strategic planning than has hitherto occurred, particularly in relation to early investment and cost-effective alternatives. Both of these represent strong alternatives to existing practice, particularly in relation to enduring developmental and social benefits, as well as, higher economic return rate over time (Save the Children, 2010b; Heckman and Masterov, 2007; Heckman, 2004).

Child rights budget work has developed internationally as a powerful tool to monitor government's commitment to children (Save the Children, 2005). At a devolved level children's budgeting is receiving considerable attention in Wales. The Welsh Assembly Government has attempted to undertake a children's budgeting exercise and was the only United Kingdom region to include an analysis of the budgetary spend on children to the United Nations Committee. There are compelling arguments for a separate children's budget to underpin policy implementation, and studies on the allocation of spending to children and young people have provided useful benchmarks in terms of the amount invested in children and young

---

32 See for example http://www.childrensrights.ie/index.php?q=knowledgebase/family/alliance-pre-budget-forum-speech-department-social-protection-budget-2011

> "The importance of dissemination amongst those working with or on behalf of children and young people is integral to increased knowledge and understanding of the obligations of the Convention."

people (Croke and Crowley, 2010). For example, in Wales, a review of spending on children's services and initiatives indicated that approximately 28% of Assembly Government and Local Authorities' budgets were used to the benefit of children (Dolman, 2009).

However, although progressive, the process of children's budgeting has revealed some inherent difficulties (Welsh Assembly Government, 2007). A recent report on children's budgeting noted that budgets at a devolved level in Wales were not transparent, furthermore, vagaries between devolved and local government budgets made the identification of indirect expenditure on children and young people difficult and hindered communication between Devolved and Local Government departments about the intended outcomes of funding (National Assembly for Wales, 2009). Suggestions for improved practice included a five step approach to children's budgeting[33] that could deliver greater transparency and enable children and young people to be more effectively involved in governmental budgetary decision making.

4.6 Dissemination and Training

Fundamental to the process of policy development are the reporting mechanisms that demonstrate the extent to which policy disseminates its rights-based obligations. Governmental agreement to review how obligations to children and young people are fulfilled demands some scrutiny amongst all those committed to the rights and well-being of children and young people and the Committee commended States who had '... introduced annual publication of comprehensive reports on the state of children's rights throughout their jurisdiction. Publication and wide dissemination of and debate on such reports, including in parliament, can provide a focus for broad public engagement in implementation' (UN, 2003, p.12). Regular reports on the state of children's lives are published in Ireland[34]; to date, Northern Ireland and the United Kingdom have not produced a similar document although there have been recommendations to do so (Haydon, 2008; UN, 2002).

33 The five steps are: identification of a problem; identification of a desired outcome; identification of how much money was allocated by government to achieve that outcome; identification of whether the money was used; assessment of the impacts of such expenditure on the desired outcome of the expenditure (National Assembly for Wales Children and Young People Committee 'Children's Budgeting in Wales', Cardiff: National Assembly for Wales, October 2009).
34 Available at: http://www.dohc.ie/publications/pdf/state_nations_children.pdf

The importance of dissemination amongst those working with or on behalf of children and young people is integral to increased knowledge and understanding of the obligations of the Convention. Concluding observations on state reports for Ireland (UN, 2006) and the United Kingdom (Northern Ireland) (UN, 2002, 2008) noted instances of good practice, but continued to emphasise the innate obligation to disseminate knowledge of the Convention and Concluding Observations among professionals working with children in health, educational and social settings. Limited dissemination of these have impeded collaborative debate at parliamentary and wider levels, minimised the potential for broad cross-sectoral engagement and deferred a meaningful review of policy, legislation and services (UN, 2003).

In Northern Ireland, for example, whilst the Priorities and Plans document (OFMDFM, 2010) placed an emphasis on dissemination, training and awareness, the absence of a full debate on the concluding observations of the Committee has reduced the visibility of children's rights in the policy agenda and in wider society (Haydon, 2008). The Office of the Children's Commissioner continues to monitor the protection of children's rights and has undertaken an extensive review of children's rights in Northern Ireland (NICCY, 2008). Additional advocacy and awareness is undertaken by, amongst others, the Children's Law Centre, Save the Children and Barnardos.

In Ireland, although measures to disseminate and make known the Convention among relevant authorities and the public at large were noted (UN, 2006), awareness of it remains low (Children's Rights Alliance, 2006). There has been some progress and a constitutional platform which supports policy and practice for children has been advocated (Kilkelly, 2008). A report on barriers to the realisation of children's rights (OCO, 2007) identified awareness of children's rights by children and adults as crucial to their implementation and recommended a nationwide study of awareness of children's rights followed by a national campaign to raise awareness (Kilkelly 2007). Additionally, the Ombudsman for Children's Office has included the promotion of awareness of children's rights and the Convention as one of its key objectives in its strategic plan (OCO, 2007), whilst the Children's Rights Alliance continue to play an important role in advancing awareness of the Convention (Children's Rights Alliance, 2011).

> " Integral to the dissemination process is the training provided to all those working with, or on behalf of, children and young people. "

Integral to the dissemination process is the training provided to all those working with, or on behalf of, children and young people. In its General Comment, the Committee (UN, 2003, p. 12-13) highlighted States' obligation '... to develop training and capacity building for all those involved in the implementation process – government officials, parliamentarians and members of the judiciary – and for all those working with and for children ... including, for example, community and religious leaders, teachers, social workers and other professionals'.

As part of the development of the Children's Strategy in Northern Ireland, civil servants and NGO personnel involved undertook training on the UNCRC and Child Rights Programming and additional training has been developed and delivered by Save the Children, the Children's Law Centre and by NICCY's Participation Unit. The need for regular mainstreamed training has been recurrently identified and is based on the argument that lack of awareness of the Convention amongst professionals working with, or on behalf of, children and young people has the potential to undermine the implementation of policy (Haydon, 2008; Children's Rights Alliance, 2006). Mainstreaming is a cornerstone for enshrining the rights of the child in policy making and the development of high-quality tools and training packages around child rights issues can help staff better integrate children's rights into relevant policy, budgetary and programme actions and structures (Eurochild, 2009).

Professionals play a key role in the lives of children and young people. The transformative potential of informed and empowered professionals to progress children's services from the concept of welfare to that of rights entitlement can be effective only if they have opportunity to discuss their different and even contested interpretations of the principles of the Convention. Research suggests that mandatory training is essential if professionals are to be sufficiently informed in children's rights, (NICCY, 2008). It is enhanced if it is administered by professionals who appreciate the status of the child as a holder of human rights, who know and understand the Convention, and who encourage respect for its provisions (UN, 2003). In Ireland, research by Kilkelly (2007) found that there was a lack of awareness about children's lives including significant gaps in knowledge and information and that greater training is required for adults who work with, and for, children including teachers, health and social work professionals, lawyers and judges.

Key Messages

- Co-ordination within core government offices and between government and other sectors is an essential aspect of a rights-based approach to policy.

- Robust, inclusive and disaggregated data is essential to monitor key areas of children's lives; lack of data limits information on specific vulnerable groups and impedes responsive policy planning and the allocation of resources.

- The absence of a comprehensive breakdown of expenditure means that policy initiatives (and corresponding resources) risk becoming skewed, resulting in priority groups or areas being overlooked or under-funded.

- Dissemination amongst those working with, or on behalf of, children and young people is integral to increased knowledge and understanding of the obligations of the Convention.

5 Conclusions

The purpose of this Report has been to provide academic analysis of a rights-based approach to policy in relation to children and young people in Ireland and Northern Ireland. The effects of the economic decline should not be used as an excuse by government to retract existing policy commitments. Rather, it should be seen as an opportunity to constructively review how policy has met and can continue to meet the obligations of the Convention. Drawing on the evidence, the following key conclusions are identified.

Key Conclusions

1. The General Measures of Implementation are a clear benchmark for policy to realise and protect the rights and well-being of children and young people.

2. The core requirements of co-ordinated practice, comprehensive data, transparent resource allocation and wide-spread dissemination are the basic tools for 'good' policy.

3. Good policy intrinsically safeguards the general principles of the Convention and ensures that children and young people are the foremost consideration in any policy that affects them.

4. A collaborative partnership across all sectors and between government departments is essential if 'good' policy that protects the rights and well-being of children and young people is to evolve.

5. Regular mainstream training should be a statutory requirement for all professional groups working with children and young people.

5.1 The General Measures of Implementation are a Clear Bench Mark for Policy Development

The General Measures of Implementation have been agreed as intrinsic benchmarks to the policy process and to fulfilling a rights-based agenda. In doing so, they also consolidate the inter-connected relationship between rights and well-being and the common intent of each to improve the lives of children and young people. The general measures have had considerable influence on how the Convention has been interpreted in policy and practice and their purpose to promote the full enjoyment of all rights in the Convention by all children, reflects their functional utility as elementary tools for good policy. Collectively, the obligations of the Convention, state reports to the United Nations Committee on the Rights of the Child, and corresponding concluding observations by the Committee provide a practical framework from which government in Ireland and Northern Ireland can analyse existing standards for assessing policy development and from which new policy can be initiated.

5.2 The Core Requirements of Co-ordinated Practice, Comprehensive Data, Transparent Resource Allocation and Wide-Spread Dissemination are the Basic Tools for 'Good' Policy

The universal relevance of these core requirements is indicative of the ways in which they can be used to enhance the rights and well-being of children and young people:

- Standardised processes for the collection of disaggregated data can be replicated and mainstreamed within all government departments and public authorities to fulfil implementation of the Convention. This does not necessarily require additional resources, rather the optimised use of existing resources and curtailment of unnecessary expenditure.
- Collaboration with public agencies and research institutes can help to identify gaps in the data and compose a full picture of children and young people's lives.

- Robust financial systems based on the principles of accessibility, transparency and participation can offer some reassurance that government commitments are made with the best interests of children as the foremost consideration.

- The linking of both policy decisions, funding and outcomes will enable better identification of successful programmes and associated costs and ensure that resources are invested wisely and directed to those who need it most. The process of investment, if done timely and well, can yield both short and longer term dividends and improve the life chances of all children and young people.

- Training and dissemination amongst those working with, or on behalf of, children and young people requires appreciation of the inter-related developmental processes of their lives as well as knowledge of the obligations of the Convention.

5.3 Good Policy Intrinsically Safeguards the General Principles of the Convention and Ensures That Children and Young People are the Foremost Consideration in Any Policy That Affects Them

Policy making in relation to children and young people has undoubtedly been informed by the ratification of the Convention in both jurisdictions, and the commitments made position them as having inherent value as people in their own right. How the Convention is realised in practice still remains problematic, much policy continues to lack a rights basis, with limited awareness about the impact of decision-making on the lives of children and young people.   Yet the circumstances of children's lives are not an unknown entity and a significant proportion of children continue to exist at the margins of society and have their rights denied. Children and young people have a significant role as active participants in the promotion, protection and monitoring of their rights, as well as, in their capacity to influence decision-making and achieve change.

Alignment of a rights-based approach with the whole-child framework is a powerful lens through which government actions and decisions affecting children and young people can be examined. By placing different aspects of childhood and adolescence within this dual framework, it becomes possible to explore coherent policy options that realistically connect and protect the singular experience of being young.

5.4 Collaborative Partnerships Across All Sectors are Essential if 'Good' Policy That Protects the Rights and Well-Being of Children and Young People is to Evolve

Almost every area of children's policy requires collaboration to ensure the development and implementation of programmes and services that meet the needs of the children and young people for whom it is intended. Adopting a collaborative approach has the potential to meet the obligations of the Convention, and to enhance policy and provision in several ways.

- A collaborative approach within and across sectors can create a culture of shared expertise, where professional perspectives complement rather than compete with each other.

- To be effective, there is a need amongst politicians, policy-makers, researchers, advocates and practitioners to understand the different motivations of everyone involved and the environments in which they work.

- A collaborative approach facilitates constructive use of evidence in shaping policy change. Progress in the use of evidence of 'what works' has become an increasingly visible feature of policy design. Access to quality information and research that produces policy-relevant knowledge can inform and influence policy decisions and service delivery.

5.5 Training Should be a Statutory Requirement for All Professional Groups Working With Children and Young People

To date, there has been limited progress on systematic mainstream training on children's rights. The central role of many professionals in the lives of children and young people underlines the importance of an integrated training programme that becomes a process rather than a one-off product.

A statutory requirement for child-centred training creates capacity for a rights respecting culture where the guiding principles of the Convention should underpin policy decisions on issues affecting children and young people. The transformative potential of informed professionals to progress children and young people's services is to be encouraged, particularly when promoting their status as holders of rights rather than recipients of welfare.

5.6 Next Steps

This Report has analysed how policy in Ireland and Northern Ireland has realised and protected the rights and well-being of children and young people. The Children and Youth Programme (CYP), through the UNESCO Chairs, is committed to supporting a rights-based approach to policy development and implementation in both jurisdictions and will work collaboratively with key stakeholders to further this agenda. This will be achieved by applying the framework to monitor child well-being using a rights-based approach outlined in Report 1[35] and by collecting, synthesising and making available information based, in the first instance, on the general measures. The CYP will begin to explore this through its Special Report Series, focusing on policy relating to youth justice, education, mental health and civic participation.

---

35 A Rights-Based Approach to Monitoring Children and Young People's Well-Being (CYP, 2011, page 34). Step 4 of the framework includes a policy analysis component.

Appendix 1

The following examples examine policy development and implementation issues through a series of different lenses, ranging from the creation of structures to support co-ordinated policy to the challenges of developing and implementing an over-arching policy and the gaps that can emerge in relation to specific issues. They include:

- the Integration Policy for Migrant Children in Ireland (Example 1) demonstrates a gap in government policy, although the range of relevant policies and remits is recognised, there is no overall policy that pulls the focus together for migrant children;

- the Northern Ireland Child Poverty Strategy (Example 2) is an example of an over-arching government policy with good intentions to work across the children's sector to take forward a cross-cutting issue, but ultimately limited due to difficulties of joint working at departmental level and limited links to other policies;

- the Children and Young People's Strategic Partnership (CYPSP) Draft Plan (Example 3) in Northern Ireland and Goal 1 of the Irish National Children's Strategy (Example 4) in Ireland illustrate the creation of a rights-based structure and mechanisms designed to enable co-ordination and collaboration across a range of policy areas and ultimately aid implementation of a range of policies.

Example 1
Integration Policy for Migrant Children in Ireland

Overview and Purpose

Ireland does not currently have a comprehensive integration policy for newcomers and has scored badly on the international Migrant Integration Policy Index. Various policy and legislative responses to specific issues have been adopted, including three attempts to introduce an Immigration, Residence and Protection Bill (IRP Bill) and the creation and dissolution of a junior Ministry on Integration. So far, policy debates have tended to be reactive, focusing on citizenship of children born in Ireland, immigration controls and the rights of children who live in Ireland but are not citizens. Asylum seeking children (both accompanied and unaccompanied) are a particularly vulnerable group who, due to their immigration status, are unable to access the range of integration and other supports available to children and families with full residency or citizenship rights.

Current Strategies to Address Integration

Whilst there is no overarching policy on the integration of migrant children (or adults), there are a number of other strategies/structures that address it indirectly.

1. The Integration: A Two-way Process report acknowledged cultural identity as inherent to integration. It focused on services and programmes available to refugees, but excluded asylum seekers and made little reference to other migrants. It did not contain specific policies or recommendations on children, other than outlining the role of the education system.

2. The Intercultural Health Strategy 2007-2012 outlined an inter-cultural approach towards planning and delivery of health care and support services. It acknowledged the specific needs of a wide range of groups including children, asylum seekers, refugees and migrants.

3. The National Action Plan on Anti-Racism 2005-2008 promoted inter-culturalism, identified a range of supports at local and national levels and outlined specific provisions for children and schools. The Office of the Promotion of Migrant Integration currently has responsibility for these issues but, to date, no new anti-racism strategy has been adopted.

4. The Intercultural Education Strategy 2010-2015 is intended to enhance the development of an intercultural, integrated and inclusive learning environment. Some of the measures have been difficult to implement due to cutbacks in certain areas such as language support teachers in schools.

5. The National Children's Strategy 2000-2010 recognises the additional needs of some children and addresses issues of social exclusion, although it does not contain specific references to the integration and support of migrant children.

Efforts to Progress Integration Policy

1. The Office of the Promotion of Migrant Integration, housed in the Department of Justice, has overall responsibility for the promotion of integration.

2. The Office of the Ombudsman for Children has made an intervention concerning the situation of separated asylum seeking children who were placed in hostels.

3. The Social Inclusion Unit of the Health and Safety Executive (HSE) is responsible for the implementation of the Intercultural Health Strategy and provides regular updates on its implementation.

4. A wide range of voluntary agencies are active in the promotion of integration and advocacy on behalf of migrant children. Campaigns have been organized on issues such as separated children, deportation, trafficking, family reunification and the overall consideration of the best interests of the child principle in legal and policy decisions affecting children.

Aspects which could be improved

1. There is no comprehensive and far-reaching policy that sets out Ireland's long-term goals in relation to integration and inter-culturalism and that identifies the specific needs of children.

2. The conclusion of the National Plan on Anti-Racism and the closing of the National Consultative Committee on Racism and Interculturalism have meant there is less focus on combating racism and xenophobia; an area requiring close monitoring.

3. Certain categories of migrant children are particularly vulnerable, such as asylum seeking children, children of irregular migrants and those with temporary work permits. These children risk being viewed according to the immigration status of their parents rather than as children in their own right. This increases the risk of decisions being made contrary to the principle of the best interests of the child and the right for children to be heard should prevail in all decisions affecting them.

4. The current legal uncertainty created by the slippage of the Immigration, Residence and Protection Bill has delayed clarification on issues such as family reunification and asylum determination procedures.

5. The lack of a review of the direct provision system for asylum seekers means many asylum seeking children can spend up to seven years living in communal cramped accommodation, an environment which is unsuitable for children and carries risks of long-term detrimental effects.

International Good Practice from a Child Rights Perspective

1. Sweden, ranked first in the Migrant Integration Policy Index has a strong policy on equality and non-discrimination for all newcomers. It has a coherent integration policy and its schools are noted as being best equipped for diverse classrooms, with emphasis both on learning the host culture and language, whilst still retaining and learning the language and culture of the country of origin.

2. Children have a right to have a say in all matters that concern them (Article 12 UNCRC), and this can be particularly important in immigration matters. Incorporation of the UNCRC brought about changes to asylum procedures in Norway, where asylum seeker children aged seven or older participate in a 'conversation' in which their views are listened to and their understanding of the situation and wishes for the future are discerned, without being used to test the accuracy of the parents statements.

Example 2

Northern Ireland Child Poverty Strategy, 2011

Overview and Purpose

The Child Poverty Act 2010 placed a statutory obligation on the three devolved administrations of the United Kingdom to produce Child Poverty Strategies that will:

- work towards the eradication of child poverty by 2020;
- develop strategies that will contribute to this goal and report on their progress.

The Northern Ireland Executive had to develop a child poverty strategy and lay it before the Assembly by 25 March 2011. All departments were to contribute to the strategy and, in producing it, the administration was to:

- describe measures that departments propose to take to meet the child poverty targets;
- consult widely with children and young people, families and organisations which represent them;
- report annually - the first report to the Assembly is due in March 2012.

The draft Northern Ireland Child Poverty Strategy was published in December 2010 and the final version was produced in March 2011. By March 2014, OFMDFM must review and publish a revised strategy (to be repeated in 2017 and 2020). A revised strategy must describe:

- the measures taken by the Executive departments in accordance with the previous strategy;
- the effect that those measures had on progress towards meeting the targets of the Act; and
- other effects of those measures that "contribute to the aim of ensuring as far as possible that children here do not experience socio-economic disadvantage".

Good Practice in Policy Development

1. There is much to welcome in the Child Poverty Strategy for Northern Ireland, its underpinning principles, its priority areas, its commitment to the UNCRC and to maintaining child poverty targets, as well as to monitoring and the need for a delivery plan.

2. There are four poverty measures in the Child Poverty Act and three of these are included in the Northern Ireland Child Poverty Strategy.

(i) Child Relative Income Poverty is the proportion or number of children who live in households below the income poverty line in each year. The income poverty line in a particular year is set at 60% of the median level of household income in the UK. The commitment to achieve a child relative poverty rate of less than 10% by 2020-2021 mirrors that set out in the Act.

(ii) Child absolute income poverty is the proportion or number of children who live in income poor households based on the income poverty line for 1998-1999. This measure reflects the extent to which the poorest household incomes here are rising in real terms after adjusting for price rises. In the Lifetime Opportunities Monitoring Framework, a child absolute poverty target for Northern Ireland was expressed in terms of: "Two-thirds reduction in the number of children in absolute income poverty base-lined at 1998-1999 with a child absolute low income rate of 5% or less by 2020".

Child absolute income poverty rates have declined here compared to the 1998-1999 baseline year. However, the Strategy states that "on the basis of current established trends, and particularly those seen between 2006-2007 and 2008-2009, it would appear that the 2010-2011 Lifetime Opportunities target to achieve a two-thirds reduction in the number of children in absolute income poverty will be particularly challenging." This is particularly shocking since it suggests that it is expected that in 2020, 5% of children in Northern Ireland will be as poor as poor children over twenty years before.

(iii) Combined Low Income and Material Deprivation: a child is defined as poor on this measure if the household in which they live has an income below 70% of the contemporary United Kingdom median household income and has a material deprivation score of 25 or more reflected by enforced lack of adult and child goods and services. The target for this measure is "a rate of 5% or less by 2020-2021". However, the Strategy states that this target will be challenging.

The proposed outcomes model outlines a rationale for Departments to work collaboratively.

Aspects of the Strategy that could be improved

1. Reference to the United Nations Convention on the Rights of the Child is limited and does not feature until late in the Strategy. It does not take an explicit rights-based approach to reducing child poverty nor does it attempt to link the measures set out in the Strategy to the concluding observations specific to child poverty issued by the United Nations Committee in October 2008.

2. The Strategy's statement on data sampling is not in keeping with commitments under the UNCRC. With evidence that persistent child poverty in NI is more than twice that in the rest of the United Kingdom, there is a duty that sampling should be large enough to provide robust data on persistent poverty in Northern Ireland.

3. The Strategy does not include clear priorities and measurable objectives from which to evaluate progress. In the absence of this information, it is difficult to gauge what actions individual departments will take in order to meet the targets; how departments will work with each other in order to meet the targets; and the extent to which departments have contributed to the list of policies.

4. The Strategy is overwhelmingly about children as future workers rather than as children who have rights now. Rather than aspiring to improve the experience of childhood for those growing up in poverty, the Strategy recognises instead the barriers that poverty can create.

5. The Strategy acknowledges the particular challenges of the current economic climate but does not detail how this will be monitored. Analysis of the impact of welfare reform and cuts in public spending on child poverty levels in Northern Ireland would meet UNCRC obligations.

Example 3

Children and Young People's Strategic Partnership 'Draft Northern Ireland Children and Young People's Plan 2011–2014'

Overview and Purpose

The Children and Young People's Strategic Partnership (CYPSP) was formally established in January 2011 to take responsibility for integrated planning to improve the well-being and the realisation of rights of children and young people across Northern Ireland. This cross-sectoral, strategic partnership is populated by the leadership of key agencies in Northern Ireland including health, social services, education, policing and housing as well as representatives from the voluntary and community sectors.

Good Practice of Policy Development

1. The draft Plan aims to integrate existing policy associated with the well-being of children and young people, including the Northern Ireland Ten-Year Strategy for Children and Young People.

2. The draft Plan will be implemented at three strategic levels: at Northern Ireland wide level, at the level of Health and Social Care Trusts and at locality level. Member agencies will be accountable for lack of progress in implementation of the Plan.

3. The draft Plan will progress and promote the rights of children and young people through integrated planning and commissioning across the partnership.

4. A framework will be used which is consistent with international best practice in planning, the Framework for Integrated Planning for Outcomes for Children and Families.

5. The draft Plan includes an explicit 'Participation Strategy' to take account of the views of children and young people which is compliant with obligations under the UNCRC.

6. There is an emphasis on early intervention and optimised use of resources. The draft Plan will establish an 'Early Intervention Sub Group' to oversee the development of an evaluation strategy for family support.

7. Regional sub groups to plan for specific groups of children and young people will be established to address key issues. An action plan will be developed for each of these groups.

8. The draft Plan will link the six high level outcomes to indicators for the well-being of children and young people and reference these against the provisions of the UNCRC.

Good Practice of Children's Rights

1. The draft Plan explicitly considers the incorporation of children's rights into integrated planning. It is underpinned by the UNCRC, with particular emphasis on the involvement of children and young people.

2. The draft Plan makes explicit reference to a rights-based approach through the obligations of the UNCRC and other relevant international conventions and committees. Specifically, it refers to principles of the UNCRC articles 2, 3, 6, 12, 18 and the European Convention on Human Rights.

3. A strategic theme of the draft plan is, in the long term, to seek coordinated children's budgets or a single children's budget.

4. The draft Plan provides for equality and human rights screening of the policy.

5. The draft Plan adopts the whole child approach.

6. The draft Plan presents a Children and Young People Participation model which is compliant with the provisions of the UNCRC.

Aspects of the draft Plan which could be improved

1. The draft Plan could provide more detail on the mechanisms that will be used to ensure the involvement of children and young people.

2. There is insufficient detail as to how the Plan will ensure communication, co-operation and accountability at Departmental and Government level in the absence of a statutory duty to co-operate.

3. A strategic theme of the draft Plan is the optimisation of resources through co-ordination, sharing, integration and changing use of resources to add to existing services. More detail on how resources will be allocated across statutory agencies or itemised and hypothecated for services would be helpful.

4. Further information would be helpful on how a co-ordinated or single children's budget will be framed in order to support the Plan.

5. Although the UNCRC is referenced throughout, there is limited reference to the Concluding Observations of the Committee on the Rights of the Child. The comments of the Committee are relevant across the many aspects of children's lives including the high level outcome of 'living in a society which respects their rights' and could be aligned with outcomes and indicators to chart progress and illuminate good practice.

Example 4

Implementation of Goal 1 of the Irish National Children's Strategy

Children will have a voice in matters which affect them and their views will be given due weight in accordance with their age and maturity

Overview and Purpose

The extent and experience of participation in policy is a significant consideration in analysing policy development and implementation. Participation is a core principle of The National Children's Strategy in Ireland. Examination of the implementation of the goal most directly related to participation at a time when the strategy is being revisited offers an opportunity to build on the considerable developments since the strategy was launched.

Good Practice of Policy Implementation

Specific structures set in place to support the goal.

- The DCYA (formerly OMCYA) has worked to ensure the establishment or consolidation of six key structures/processes to support children and young people's participation: Comhairle na nÓg (local youth councils); Dáil na nÓg (national youth parliament); Children and Young People's Participation Support Team; Inclusion Programme for seldom-heard children/young people; The DCYA Children and Young People's Forum; National consultations/dialogues with children and young people.

- The Ombudsman for Children Act 2002 enabled the set up of the Ombudsman for Children's Office (OCO) with a specific remit under Section 7(2) to establish structures to consult regularly with representative groups of children. Through handling of complaints, school visits and special projects the OCO have promoted the participation of children and young people.

Principles of the Goal are in evidence in other areas of policy development.

- The Youth Work Act 2001.

- Towards 2016 the Ten Year Framework Social Partnership Agreement for 2006-2015 states that 'Every child and young person will have access to appropriate participation in local and national decision making'.

- National Strategy for Service User Involvement in the Irish Health Service 2008-2013 states that specific work will ensure the involvement of children, young people and socially excluded group, and that children and young people will be engaged in the planning, design, development, delivery and evaluation of services, in accordance with the Operational Policy on Children and Young People's participation.

- Programme for Government 2011 committed to implementing the recommendations of the Ryan Report The Report of the Commission to Inquire into Child Abuse (OMYCA, 2009), which makes specific recommendations in relation to the Voice of the Child, including: Children in care should be able to communicate concerns without fear; Children who have been in child care facilities are in a good position to identify failings and deficiencies in the system, and should be consulted.

- Programme for Government 2011 has committed to a referendum to amend the Constitution to ensure that children's rights are strengthened, along the lines recommended by the All-Party Oireachtas committee. The suggested wording put forward by the Committee included express recognition of 'the right of the child's voice to be heard in any judicial and administrative proceedings affecting the child, having regard to the child's age and maturity'.

Relevant government department working to progress the goal in conjunction with statutory bodies, Government Departments and non-Government organisations.

- The OMCYA established a Children and Young People's Participation Partnership Committee to ensure the effective development of Comhairle na nÓg, Dáil na nÓg and other children and young people's participation structures.

- The committee comprises of representatives of the DCYA Department of Environment and Local Government, the youth sector (NYCI, Foróige, Youth Work Ireland and other youth organisations), City and County Development Boards, the education sector through the SLSS (student council support service) the HSE, young people and other key stakeholders.

- An audit of children and young people's participation in decision making in the statutory and non-statutory sectors has been carried out and published. The audit is an important step towards improved measurement of participation in terms of impact and evidence of change in policy and practice.

Efforts have been made to respond to criticisms of the invisibility of certain groups of children and young people.

- The OMCYA established the Inclusion Programme to develop best practice in participation for seldom-heard young people to become involved in decision-making structures, including collaboration with organizations who work with young Travellers, gay and lesbian young people, young people living in care, young people with physical and intellectual disabilities and young people from disadvantaged communities.
- A number of national consultations with children and young people have been carried out including consultations on the National Paediatric Hospital (2009) and consultations with children and young people in the care of the state (2010).

Aspects which could be improved.

- Significant developments in structures and supports could be greatly enhanced by a focus on demonstrating evidence of impact in terms of changes in policy development and implementation, including evaluations that measure evidence of change resulting from participation; evidence of impact following consultations.
- The funding crisis facing many services who are being hampered in their efforts to support children and young people's right to a voice. This significantly impacts on the representation of a diversity of children and young people in national level participation structures.
- The absence of statutory commitment to the development of effective advocacy services impacts on many children and young people's right to be heard in matters which affect them.
- The express recognition of children as rights holders in the Irish Constitution is one means of working towards achieving a stronger culture of children's rights, and thereby ensures that children having a voice in matters which affect them is a right and not just best practice.

Bibliography

Axford, N. (2011) Children and global social policy: exploring the impact of international global organisations, *International Journal of Social Welfare*, 21(1), 53-65.

Bainham, A. (2005) *Children - the modern law*, 3rd edition, Bristol: Jordans.

Balton, D.A. (1990) The Convention on the Rights of the Child: prospects for international enforcement, *Human Rights Quarterly*, 12, 120-129.

Ben-Arieh, A. (2006) *Measuring and monitoring the well-being of young children around the world: background paper prepared for the Education for All Global monitoring report 2007*, Paris: UNESCO.

Bobrow, D.B. (2006) Policy design: ubiquitous, necessary and difficult in Peters, G.B. and Pierre, J., eds., *Handbook of Public Policy*, London: SAGE.

Bradshaw, J. (2007) *The Well-being of Children in the UK*, London: Save the Children.

Byrne, B. and Lundy L. (2011) *Barriers to Effective Delivery for Children*, Belfast: NICCY.

Children and Young People's Strategic Partnership (2011) *Children and Young People's Plan, 2011-2014: Consultation Document*, Belfast: Health and Social Care Board.

Children and Youth Programme (2011) *Research Consultation Report*, University of Ulster/NUI Galway: CYP.

Children in Northern Ireland (2008) *Our children and young people – our pledge: action plan 2007-2008. Comments to inform the development of an action plan for 2008-2010*, Belfast: CiNI.

Children's Rights Alliance (2011) *Ten years on: Did the National Children's Strategy deliver on its promises?* Dublin: Children's Rights Alliance.

Children's Rights Alliance (2006) *From rhetoric to rights. Second shadow report to the United Nations Committee on the Rights of the Child*, Dublin: Children's Rights Alliance.

Children's Law Centre (2011) *Response to the Northern Ireland Executive's consultation on its Draft Budget 2011-2015*, Belfast: Children's Law Centre.

Croke, R. and Crowley, A. (2010) *Children's budgeting at the local level*, Cardiff: Save the Children.

Deloitte (2007) *Research into the financial cost of the Northern Ireland divide*, Belfast: Deloitte.

Department of Children and Youth Affairs (2011) *National strategy for research and data on children's lives, 2011-2016*, Dublin: DCYA.

Department of Children and Youth Affairs (2011) *Working Together for Children - Children Services Committees,* Available on www.dcya.gov.ie/viewdoc.asp?DocID=1394,

Department of Health and Children (2000) *The National Children's Strategy: Our children, their lives,* Dublin: The Stationery Office.

Department of An Taoiseach (2006) *Towards 2016 – Ten-year framework social partnership agreement 2006- 2015*, Dublin: Department of An Taoiseach. Available at: www.taoiseach.ie/eng/Department_of_the_Taoiseach/Policy_Sections/Soci Partnership/Social_Partnership_Publications/Towards_2016,_Ten-Year_Framework_Social_Partnership_Agreement_2006-2015.shortcut.html (Accessed: 10 November, 2011).

Dolan, P., Canavan, J. and Pinkerton, J. (2006) *Family support as reflective practice*, London: Jessica Kingsley Publishers.

Dolman, R. (2009) *Financial provision for children within the Welsh Assembly government budget*, Cardiff: Statistics for Wales, Welsh Assembly Government.

Economic Research Institute of Northern Ireland (2007) *An Analysis of Public Expenditure on Children in Northern Ireland*, Belfast: ERINI.

Eurochild (2009) *Contribution to Issue 17 Children in Europe, Special edition marking 20th anniversary of the UNCRC*, Brussels: Eurochild**.**

Fortin, J. (2009) *Children's Rights and the Developing Law*, 3rd edition, Cambridge: Cambridge University Press.

Freeman, M., ed. (2004) *Children's Rights,* Aldershot: Ashgate Dartmouth.

Freeman, M. (2000) The End of the Century of the Child, *Current Legal Problems*, 53(1), 505-558.

Gray, A.M. and Birrell, D. (forthcoming 2012) Coalition government in Northern Ireland: social policy and the lowest common denominator thesis. *Social Policy and Society*.

Gray, A.M. and Horgan, G. (forthcoming 2012) Devolution in Northern Ireland: a lost opportunity? *Critical Social Policy.*

Gray, A.M. and Horgan, G. (2009) *Figuring it out: looking behind the social statistics in Northern Ireland*, University of Ulster: ARK.

Haddad, W. D. (1995) *Education policy-planning process: an applied framework*, Paris UNESCO: International Institute for Educational Planning.

Harvey, B. (2011) *A way forward for delivering children's services*, Dublin: Barnardos.

Haydon, D. (2008) *Northern Ireland NGO alternative report to the UN Committee on the Rights of the Child*, Belfast: Save the Children / The Children's Law Centre.

Heckman, J.J (2004) *Invest in the very young*, in Tremblay, R.E., Barr, R.G., Peters, R.DeV. eds., *Encyclopedia on Early Childhood Development,* Monteral, Quebec: Centre of Excellence for Early Childhood Development.

Heckman, J.J. and Masterov, D.V. (2007) *The productivity argument for investing in young children*, Germany: Institute for the Study of Labour.

Hill, M. (2009) *The public policy process*, 5th edition, Harlow: Pearson Longman.

Hill, M. and Tisdall, K. (1997) *Children and Society*, Essex: Longmans.

Hodgkin, R. and Newell, P. (2002) *Implementation handbook for the Convention on the Rights of the Child*, New York: UNICEF.

Horgan, G., Gray, A.M. and Conlon, C. (2010) *Young people not in education, employment or training*. Policy Brief, University of Ulster: ARK.

Howlett, M. (2011) *Designing public policies principles and instruments*, London: Routledge.

Howlett, M., Ramesh, M. and Perl, A. (2009) *Studying public policy, policy cycles and policy subsystems,* 3rd edition, Ontario: Oxford University Press.

Hupe, P. and Hill, M. (2006) The three actions levels of governance: re-framing the policy process beyond the stages model, in Peters, G.B. and Pierre, J., eds., *Handbook of Public Policy*, London: SAGE.

Irish Government News Service (2011) *Minister Frances Fitzgerald confirms expansion of Children's Services Committees,* 20/09/11, Available on www.merrionstreet.ie/index.php/2011/09/minister-frances-fitzgerald-confirms-expansion-of-childrens-services-committees/

Joyce, C. and Quinn, E. (2009) *Policies on unaccompanied minors in Ireland*, Dublin: Economic and Social Research Institute.

Kilkelly, U. (2008) *Children's rights in Ireland: law, policy and practice,* Haywards Heath: Tottel Publishing.

Kilkelly, U. (2007) *Barriers to the realisation of children's rights in Ireland*, Dublin: Ombudsman for Children.

Kilkelly, U. (2006) Operationalising children's rights: lessons from research, *Journal of Children's Services,* 1(4), 35-45.

Kilkelly, U. and Lundy, L. (2006) Children's rights in action: using the Convention on the Rights of the Child as an auditing tool, *Child and Family Law Quarterly*, 18(3), 331-350.

Lansdowne, G. (2009) *See me, hear me: Guide to using UN Convention on the Rights of Persons with Disabilities to promote the rights of children*, London: Save the Children.

Lansdowne, G. (2001) *Promoting children's participation in democratic decision-making*, Florence: UNICEF Innocenti Insight.

Lasswell, H. (1971) *A preview of policy sciences*, New York: Elsevier.

Leonard, M. (2005) Involving children in social policy: a case study from Northern Ireland, in Bass, L., ed., *Sociological Studies of Children and Youth,* 10, 153-167.

Lister, R. (2003) Investing in the citizen-workers of the future: transformations in citizenship and the state under New Labour, *Social Policy and Administration*, 37(5), 427-443.

MacCarthaigh, M. and Boyle, R. (2011) Joined-up government in Ireland: from un-strategic choices to patriotic imperatives, *International Journal of Public Administration,* 34**,** 213-220.

McMahon, L. and Keenan, P. (2008) *NICCY Rights Review*, Belfast: Northern Ireland Commissioner for Children and Young People.

Minogue, M. (1983) Theory and practice in public policy and administration, *Policy and Politics*, 11(1), 63-85.

Munro, E.R., Pinkerton, J., Mendes, P., Hyde-Dryden, G., Herczog, M. and Benbenishty, R. (2011) The contribution of the United Nations Convention on the Rights of the Child to understanding and promoting the interests of young people making the transition from care to adulthood, *Children and Youth Services Review*, 33, 2417-2423.

National Assembly for Wales Children and Young People Committee (2009) *Children's budgeting in Wales*, Cardiff: National Assembly for Wales.

National Economic Foundation (2009) *Backing the future: why investing in children is good for us all*, London: NEF.

Ní Laoire, C., Bushin, N., Carpena-Méndez, F. and Allen White. (2008) *Negotiating belonging: migrant children and youth in Ireland*, Marie Curie Migrant Children Project University College Cork: Ireland Migrant Children Project. Working Paper No. 1, Nov 2008.

Nolan, A. (2011) Budget analysis and economic and social rights', *SSRN eLibrary, Available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1905542*

Northern Ireland Assembly (2010) The Official Report (Hansard), Monday May 10 2010. Available at: www.niassembly.gov.uk/record/reports2009/100510.pdf

Northern Ireland Commissioner for Children and Young People (2011) *Response to consultation on draft Northern Ireland budget, 2011-2015*, Belfast: NICCY.

Northern Ireland Commissioner for Children and Young People (2008) *Children's rights: rhetoric or reality. A review of children's rights in Northern Ireland*, Belfast: NICCY.

Northern Ireland Council for Voluntary Action (2011) *Overview of the Northern Ireland draft budget 2011 – 2015*, Belfast: NICVA.

Office of First Minister and Deputy First Minister (2010) Children and young people's strategy action plan and the UNCRC concluding observations, Belfast: OFMDFM.

Office of the First Minister and Deputy First Minister (2009) A practical guide to policy making in Northern Ireland, Belfast: OFMDFM.

Office of the First Minister and Deputy First Minister (2006) *Our children and young people – our pledge: A ten year strategy for children and young people in Northern Ireland 2006-2016,* Belfast: OFMDFM.

Office of the First Minister and Deputy First Minister (2005) A s*hared future. Policy and strategic framework for good relations in Northern Ireland,* Belfast: OFMDFM.

Office of the Minister for Children and Youth Affairs (2007) *State of the nation's children: Ireland 2006*, Dublin: The Stationery Office.

Office of the Minister for Children and The Department of Health and Children (2007) *The agenda for children's services: A policy handbook,* Dublin: The Stationery Office.

Ombudsman for Children's Office (2007) *Hearing children. Annual Report of the Ombudsman for Children's Office*, Dublin: Ombudsman for Children's Office.

Peyton, L. and Wilson, K. (2006) Mid-term review of the national children's strategy 2000-2010, Dublin: National Children's Advisory Council.

Piper, C. (2008) *Investing in children: Policy, law and practice in context,* Devon: Willan Publishing.

Pinkerton, J. (2004) Children's participation in the policy process: some thoughts on policy evaluation based on the Irish national children's strategy, *Children and Society*, 18, 1-12.

Save the Children (2011) *Governance fit for children: to what extent have the general measures of implementation of the CRC been realised in the UK?* London: Save the Children.

Save the Children (2010a) *Putting children at the centre. A practical guide to children's participation*, London: Save the Children.

Save the Children (2010b) *Early intervention review*, London: Save the Children.

Save the Children (2009) *A child's portion: an analysis of public expenditure on children in the UK*, London: Save the Children.

Save the Children (2005) *Child rights programming: how to apply rights-based approaches to programming* (2nd edition), Stockholm: Save the Children.

Shier, H. (2001) Pathways to participation: openings, opportunities and obligations, *Children and Society*, 15(2), 107-117.

Simmons, R., Davis, B., Chapman, R. and Sager, D. (1974) Policy flow analysis: a conceptual model for comparative public policy research, *Western Political Quarterly*, 27(3), 457-458.

Sinclair, R. (2004) Participation in practice: making it meaningful, effective and sustainable, *Children and Society*, 18(2), 106-118.

Talbot, C. (2010) *Protecting vulnerable children in the new public spending austerity: how and why to conduct a review of services affecting vulnerable children in Northern Ireland*, Belfast: Barnardo's.

Thomas, N. (2011) *Children's Rights: Policy into Practice,* Centre for Children and Young People Background Briefing Series, No.4, Lismore: Centre for Children and Young People, Southern Cross University.

United Nations Committee on the Rights of the Child (2010) *Treaty-specific guidelines regarding the form and content of periodic reports to be submitted by State parties under article 44, paragraph 1(b) of the Convention on the Rights of the Child*, Geneva: Committee on the Rights of the Child.

UN Committee on the Rights of the Child (2008) *Consideration of reports submitted by state parties under Article 44 of the Convention on the Rights of the Child, Concluding Observations: United Kingdom of Great Britain and Northern Ireland*, Geneva: Office of the UN High Commissioner for Human Rights.

UN Committee on the Rights of the Child (2008) *Consideration of reports submitted by state parties under Article 44 of the Convention on the Rights of the Child: United Kingdom of Great Britain and Northern Ireland*, Geneva: Office of the UN High Commissioner for Human Rights.

UN Committee on the Rights of the Child (2006a) *Consideration of reports submitted by state parties under Article 44 of the Convention on the Rights of the Child, Concluding Observations: Ireland,* Geneva: Office of the UN High Commissioner for Human Rights.

UN Committee on the Rights of the Child (2006b) *Written replies by the government of Ireland concerning the list of issues (CRC/C/IRL/Q/2) received by the Committee on the Rights of the Child relating to the consideration of the second periodic report of Ireland (CRC/C/IRL/2)*, Geneva: Office of the UN High Commissioner for Human Rights.

UN Committee on the Rights of the Child (2005) *Consideration of reports submitted by state parties under Article 44 of the Convention: Ireland,* Geneva: Office of the UN High Commissioner for Human Rights.

UN Committee on the Rights of the Child (2002) *Consideration of reports submitted by state parties under Article 44 of the Convention, Concluding Observations: United Kingdom of Great Britain and Northern Ireland*, Geneva: Office of the UN High Commissioner for Human Rights.

United Nations Convention on the Rights of the Child (2003) *General Comment No.3 General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6)*, Geneva: UN Committee on the Rights of the Child.

United Nations Convention on the Rights of the Child (2007) *Day of general discussion. Resources for the rights of the child – responsibility of states*, Geneva: UN Committee on the Rights of the Child.

Welsh Assembly Government (2011) *Children and young people's well-being monitor for Wales*, Cardiff: Welsh Assembly Government. Available at: www.walesgov.uk/docs/caecd/research/110328cypmonitoren.pdf (Accessed: 6 October, 2011).

Welsh Assembly Government (2007) *Rights in action, implementing children and young people's rights in Wales*, Cardiff: Welsh Assembly Government.

Werner, J. and Wegrich, K. (2007) Theories of the policy cycle, in Fischer, F., Miller, G. and Sidney, M., eds., *Handbook of public policy analysis: theory, politics and methods*, Boca Raton, Fla: CRC Press.

UNESCO

....

UNESCO works to create the conditions for dialogue among civilisations, cultures and peoples, based upon respect for commonly shared values. It is through this dialogue that the world can achieve global visions of sustainable development encompassing observance of human rights, mutual respect and the alleviation of poverty, all of which are at the heart of UNESCO's mission and activities.

The broad goals and concrete objectives of the international community – as set out in the internationally agreed development goals, including the Millennium Development Goals (MDGs) – underpin all UNESCO's strategies and activities. Thus UNESCOs unique competencies in education, the sciences, culture and communication and information contribute towards the realisation of those goals.

UNESCO's mission is to contribute to the building of peace, the eradication of poverty, sustainable development and intercultural dialogue through education, the sciences, culture, communication and information.

UNITWIN

....

The UNITWIN/UNESCO Chairs Programme advances research, training and programme development in higher education by building university networks and encouraging inter-university cooperation. Established in 1992, today 715 UNESCO Chairs and 69 UNITWIN Networks are established within the Programme, involving over 830 institutions in 131 countries.

UNESCO Chairs and UNITWIN Network projects undertake training, research, information sharing and outreach activities in UNESCO major programmes areas (education, natural sciences, social and human sciences, culture, and communication and information). UNESCO Chairs and UNITWIN Networks provide an innovative modality for international academic cooperation and capacity building, acting as think tanks and as bridge builders between research and policy making, and between academia and civil society.

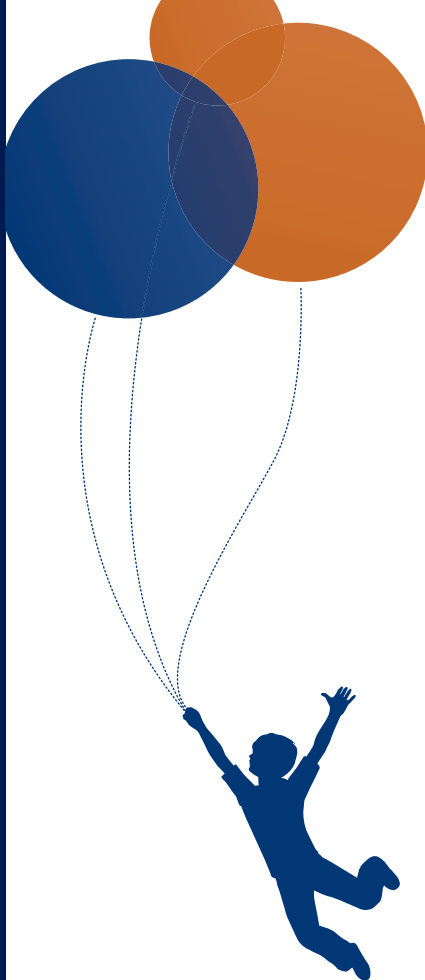## THE UNESCO CHAIRS

University of Ulster

The Chair, held by Professor Alan Smith, is located in the School of Education. Established formally in 1999, the Chair has a programme of work in Education for Pluralism, Human Rights and Democracy. Building on from the work of the Chair, the UNESCO Centre was founded in 2001 and has, for the past ten years, engaged in research, development and teaching in the areas of: Children and Youth; Education, Health and Well–being; and Conflict and International Development.

NUI Galway

The Chair, held by Professor Pat Dolan, is part of the Child and Family Research Centre (CFRC) located in the School of Political Science and Sociology. Established formally in 2008, the Chair has a core programme of work promoting civic engagement for children and youth. The Chair operates in the wider context of the CFRC, which has been engaged over the previous ten years in undertaking research, evaluation and training in the areas of Family Support and Youth Development.

BRIDGE BUILDING

As members of the UNESCO international education network, UNESCO Chair holders are encouraged to act as "bridge builders" by establishing and sustaining dynamic links between the academic world, civil society, local communities, research and policy-making.[22] The Children and Youth Programme in Northern Ireland and Ireland presents an exciting opportunity to develop such links and to create a programme which is endorsed by UNESCO and which will be recognised nationally and internationally as a major component of the work of the two UNESCO Chairs.

UNESCO

uniTwin

University of
ULSTER

NUI Galway
OÉ Gaillimh

United Nations
Educational, Scientific and
Cultural Organization

UNESCO Chair in Education for Pluralism,
Human Rights and Democracy

UNESCO Chair in Children, Youth and
Civic Engagement

Children and Youth Programme

t. +44 (0)28 7012 3593

f. +44 (0)28 7012 3021

e. comms@childrenandyouthprogramme.info

Twitter: @UNESCOcyp

www.childrenandyouthprogramme.info

UNESCO Centre

School of Education
University of Ulster
Cromore Road
Coleraine
Co. Londonderry
BT52 1SA
Northern Ireland

www.ulster.ac.uk/unescocentre

UNESCO Child and Family Research Centre

School of Political Science and Sociology
National University of Ireland
Galway
Ireland

www.childandfamilyresearch.ie