

Institution: Queen's University Belfast		
Unit of Assessment: 20		
Title of case study: Implementing the United Nations Convention on the Rights of the Child		
Period when the underpinning research was undertaken: 2011 - present		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s):	Role(s) (e.g. job title):	Period(s) employed by submitting HEI:
Dr Bronagh Byrne	Senior Lecturer in Social Policy	2009-present
Professor Laura Lundy	Professor in Children's Rights and Education	1989-present
Dr Lisa Maguire	Research Fellow	2008-present
Period when the claimed impact occurred: 2014- present		
Is this case study continued from a case study submitted in 2014? N		
1. Summary of the impact		
<p>Research undertaken by Dr Bronagh Byrne and Professor Laura Lundy on the implementation of the United Nations Convention on the Rights of the Child (UNCRC) is influencing the global and national debate on ways in which the UNCRC can best be given legal effect in law and policy. For example, it has directly impacted on public policy in Northern Ireland through the adoption of The Children's Services Co-operation Act ('The Act') by the Northern Ireland Assembly in 2015. The research has also informed subsequent guidance on how this duty should be implemented in practice by including all 11 recommendations from Byrne and Lundy's most recent research project. Further, the research has informed both the Scottish Government proposals on incorporating the UNCRC into domestic law, and the child-rights based policy framework adopted by the new Jersey Children's Commissioner.</p>		
2. Underpinning research		
<p>The UNCRC is an international treaty which sets out a range of rights for children and young people. 196 countries across the world have ratified the treaty. The UN Committee on the Rights of the Child has repeatedly called on countries to give the UNCRC legal effect. Since 2011, Byrne and Lundy have undertaken a sustained programme of research relating to the legal implementation of children's rights. This has taken the form of four complementary, collaborative and sequential interdisciplinary research projects.</p> <p>Concerned at the apparent stasis in the implementation of children's rights in Northern Ireland (NI), in 2011, the NI Commissioner for Children and Young People (NICCY) commissioned Byrne and Lundy to undertake a qualitative analysis of key structural barriers to effective government delivery for children and young people (R1, see also R6). Findings highlighted a number of significant barriers to effective implementation of children's rights in NI. The research recommended a more consistent application of a children's rights framework to policy development and implementation, and that consideration be given to a statutory duty to co-operate at both central government and intra-agency level.</p> <p>In a follow up study in 2012, Byrne and Lundy, in collaboration with NICCY, received an ESRC Knowledge Exchange grant to enhance the implementation of children's rights in NI. The project created space for stakeholders across the children's sector to come together to build</p>		

capacity and share ideas and knowledge. It culminated in the launch of a final report entitled *Legal Measures for Implementing Children's Rights: Options for Northern Ireland (R3)*. Among the options presented was that 'legislation in Northern Ireland could contain a statutory duty on Government Departments and public bodies to co-operate.'

What this could look like in practice formed the basis of a subsequent commissioned NICCY project by Byrne and Lundy, along with Dr Lisa Maguire (Queen's University). This study, carried out in 2015 sought to examine evidence of effective interagency and cross-departmental working which supports the effective planning, delivery and monitoring of services for children and young people. Findings suggested that a statutory duty to cooperate can be a powerful tool if underpinned by a supportive architecture. As a crucial practical outcome, the study identified 11 key elements for effective joined up working (R5).

In 2012, the legal and non-legal means of implementing the CRC were examined on a global basis in a project commissioned by UNICEF UK and led by Lundy along with Byrne, Professor Ursula Kilkelly (University College Cork) and Kang (a visiting doctoral student from the US) (R2). The 12 countries included in the study were: Australia, Belgium, Canada, Denmark, Germany, Iceland, Ireland, New Zealand, Norway, South Africa, Spain and Sweden. The research found that children's rights were better protected in countries that have given legal status to the UNCRC in a systematic way and have followed this up by establishing the necessary systems to support, monitor and enforce the implementation (see also R4). The level of interest in this research and its impact, internationally, has led to an update project (2019-2020) in the form of an edited collection (eds. Lundy, Kilkelly and Byrne, forthcoming 2021) with 13 country specific chapters written by individual country experts along with comparative analysis of the international landscape from the world's leading authorities on children's rights incorporation.

3. References to the research

1. Byrne, B. and Lundy, L. (2011) [Barriers to Effective Government Delivery for Children and Young People in Northern Ireland](#). Belfast: Northern Ireland Commissioner for Children and Young People (peer-reviewed competitive tender)
2. Lundy, L., Kilkelly, U., and Byrne, B. (2012) [The UN Convention on the Rights of the Child: a study of legal implementation in 12 countries](#). London: UNICEF UK (peer-reviewed competitive tender)
3. Byrne, B. and Lundy, L. (2013) [Legal Measures for Implementing Children's Rights: Options for Northern Ireland](#). ESRC/Northern Ireland Commissioner for Children and Young People. This was an ESRC peer reviewed and funded Knowledge Exchange project.
4. Lundy, L., Kilkelly, U., and Byrne, B. (2014) Incorporation of the United Nations Convention on the Rights of the Child in Law: A Comparative Review, *International Journal of Children's Rights*, 21(3) pp.442-463. DOI: <https://doi.org/10.1163/15718182-55680028> (32 citations – source: Researchgate)(peer-reviewed journal article)
5. Byrne, B., Maguire, L, and Lundy, L. (2015) [Reporting on Best Practice in Cross-departmental Working Practices for Children and Young People](#), Belfast: Northern Ireland Commissioner for Children and Young People (peer-reviewed competitive tender)
6. Byrne, B. and Lundy, L. (2015) Reconciling Children's Policy and Children's Rights: Barriers to Effective Government Delivery. *Children and Society* 29(4), p266-277. DOI: <https://doi.org/10.1111/chso.12045> (24 citations – source: Google) (peer-reviewed journal article)

4. Details of the impact

The research has directly informed public policy in Northern Ireland by providing the evidence base which influenced the adoption of The Children's Services Co-operation Act by the Northern Ireland Assembly in December 2015. The Act places a statutory duty on all government departments and public bodies in Northern Ireland to co-operate in the delivery of

children's services. In the period leading to the development and adoption of the legislation, Byrne and Lundy's programme of research enhanced collaboration, and facilitated capacity building and knowledge exchange between NICCY, children's sector NGOs, policymakers and legislative members of the NI Assembly **(S1)**. The development of children's rights legislation subsequently formed one of NICCY's strategic priorities over the period 2014-2015 **(S2)**.

A paper produced by the NI Assembly Research and Information Service on 25 February 2015 to inform the development of the Bill notes: *'The extent of joined up working at central government level in NI was identified as the main barrier to effective government delivery for children in research published by the Children's Commissioner in 2011.'* **(S3)** There were a number of references to Byrne and Lundy's work in the debate during the final stage of the Bill which took place on 3 November 2015. For example, Mr Chris Lyttle, Alliance Party MLA, in the final debate stage of the Bill said:

"There have been problems related to the coordination of the planning, commissioning and delivering of children's services. The Bill will make a significant contribution towards addressing those, and to the development and implementation of strong policy and legislation for children and young people. The Centre for Children's Rights at Queen's University and the Children's Commissioner conducted work to investigate barriers to effective government delivery for children. They identified the need for stronger working together and joined-up government in relation to those issues." **(S4)**

The Children's Services Co-operation Act was given Royal Assent in December 2015. The 2011 Byrne and Lundy 'Barriers to Effective Government Delivery' research **(R1)** is explicitly cited in the Explanatory Memorandum to the legislation **(S5)**

In 2016, the Department for Communities issued a consultation on its updated Children and Young People's Strategy. This document provides the overarching framework for the implementation of the Children's Services Co-operation Act. The 2015 research report produced by Byrne, Maguire and Lundy **(R5)**, which identified 11 key elements to facilitate effective cross-departmental and interagency working, is referenced in the document in the identification of best practice in developing the outworkings of the legislation **(S6)**. The same report was also noted by the NI Executive, in its monthly 'Delivering Social Change' stakeholder update in August 2016:

"A research report commissioned by NICCY and undertaken by a team of researchers in Queens University Belfast has provided valuable information in relation to the duty the Children's Services Co-operation Act places on children's authorities and other children's service providers to co-operate. The research report outlines key elements which would help to facilitate more and better joined up working, and effective co-operation between bodies responsible for children's services, in order to create new opportunities to improve the wellbeing of children and young people." **(S7)**

The research has also informed key policy and guidance documents produced by the Northern Ireland Executive departments. In 2018, the Northern Ireland Department of Education published a guidance document on the Act. This explicitly uses the 11 key elements for effective cross-departmental working identified in **(R5)** as a framework for implementation. It also sets out how the Department seeks to work towards each of these features **(S8)**.

The Head of the Children and Young People's Strategy Team in that Department notes: *'The [Byrne and Lundy research] reports have informed the development of the Children and Young People's Strategy and were also used to inform the guidance which was developed by the Department to support the children's authorities in achieving the requirements of the Act. In this way, they have helped to shape government policy and strategy and influenced working practice and processes within the children's authorities.'* **(S9)**

The research is also directly informing the global debate on the ways in which the UNCRC can

best be given legal effect in national law and policy. The research has been recognised by UNICEF in its 'Best of Retrospective Research' (2019) **(S10)** publication for its impact and contribution to international advocacy. In addition, the identification of '*effective, practical and impactful strategies*' in Byrne and Lundy's research has been recognised for informing government recommendations across the UK to embed children's rights into its laws. The research also featured in 'Best of' UNICEF Research 2014 **(S11)**. The Strategic Lead (UNCRC) of UNICEF UK comments that the research "*has and still is used by UNICEF UK for our advocacy work in the four countries of the UK and Jersey. It has been a basis for success in promoting and ensuring a full and direct incorporation now being legislated in Scotland - in Jersey, an indirect incorporation is being enshrined in law.*"**(S12)**

The research has influenced Scottish Government proposals on incorporating the UNCRC into domestic law **(S13)**. In May 2019, the Scottish Government launched a consultation on this issue, influenced by direct discussions with the research team on the basis of the research findings in **(R2)**. For example, Lundy sat on the Scottish Commissioner for Children and Young People's Expert Advisory Group 2018-2020 that drafted a model law and gave direct advice to the Scottish government on the law on two occasions. The UNCRC (Incorporation) Bill was subsequently introduced to the Scottish Parliament in September 2020. It has also enhanced the capacity of the Scottish Commissioner for Children and Young People to advocate for legislative change. The Scottish Commissioner for Children and Young People comments: "*The research increased understanding of incorporation and enhanced my own office's capacity to campaign for full and direct incorporation. There is no doubt that without this research, and the further contribution by the authors in providing their expertise to our work, that Scotland would not now be on the cusp of incorporation.*" **(S13)**

Also, in May 2019, the new Jersey Office of the Children's Commissioner for Children and Young People, agreed to adopt Byrne and Lundy's '6P' framework (the '6Ps' are principles, participation, public budgeting, process, partnership and publicity, based on **R1**) as a guide to their policy work and have used the UNICEF UK research to guide their approach to incorporation. The Jersey Commissioner for Children and Young People comments: "*The UNICEF-UK report on the incorporation of the CRC has been instrumental in supporting the development of policy for the due regard model. The research has provided political leaders with the confidence to explore models of incorporation and to commit to bringing in a child rights impact assessment and a due regard model prior to any decision on incorporation. The report itself is accessible and the country indepth analysis has been instrumental in supporting the States [of Jersey] to make their decisions.*" **(S14)**

5. Sources to corroborate the impact

1. Email, dated 18th February 2021, from Northern Ireland Commissioner for Children and Young People.
2. NI Commissioner for Children and Young People (2014) [Business Plan 2014-15](#) (p.7).
3. Campbell, J. [The Children's Services Co-operation Bill](#), 25th February 2015, Northern Ireland Assembly Research and Information Service Bill Paper (p. 10).
4. Northern Ireland Assembly Official Hansard (2015) [Private Member's Business: Children's Services Cooperation Bill](#), Final Stage (p.14).
5. Northern Ireland Assembly [Children's Services Co-Operation Bill. Explanatory and Financial Memorandum](#), October 2015.
6. Department of Education (2016) [Children and Young People's Strategy 2017-2027, Consultation Document](#), The recommendations from Byrne, Maguire and Lundy (2015) (R5) are listed and responded to at p.30-33
7. Northern Ireland Executive (2016) [Delivering Social Change: Tackling Poverty and Exclusion](#), p.3.
8. Department of Education [Improving the Well-being of Children and Young People. Interim Guidance on the Children Services Co-operation Act \(Northern Ireland\) 2015](#), November 2018. See footnote 3, p.14. The recommendations from Byrne, Maguire and

- Lundy (2015) (R5) are listed and responded to at pp.14-17.
9. Letter, dated 24th March 2020, from Head of Children and Young People's Strategy Team, Department of Education, Northern Ireland.
 10. Best of UNICEF Research Retrospective (2019) <https://www.unicef-irc.org/publications/1051-best-of-unicef-research-retrospective-documenting-impact-and-lessons-learned.html> (pp.13-14)
 11. UNICEF Office of Research (2014) *Best of UNICEF Research 2014* (pp.28 - 31)
 12. Email, dated 9th December 2020, from Strategic Lead (UNCRC) of UNICEF UK.
 13. Email, dated 18th December 2020, from Scottish Commissioner for Children and Young People. Also included in this document is an email, dated 17th August 2018, from an official in the Scottish Government's UNCRC Audit Team which confirms that Lundy provided the Team with advice.
 14. Email, dated 4th January 2021, from Jersey Commissioner for Children and Young People.