1 A Rights-Based Approach to Monitoring Children and Young People's Well-Being

Preface

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This Foundation Report is the first in a Special Report Series addressing the 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.

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The term 'children and young people', 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 this 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 children's rights and well-being;
3. to gain an understanding of processes of implementation;
4. to share learning that will enable duty bearers 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.

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

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1 Introduction

I reland and Northern Ireland are societies facing issues of common concern in relation to the rights and well-being of children and young people. Policy makers, practioners, parents and children and young people themselves face challenges in relation to areas of health, education, justice and civic engagement. Numerous investigations have been carried out which highlight difficult lessons from a range of experiences, particularly in relation to how society looks after children (Northern Ireland Commissioner for Children and Young People 2008, Holohan, 2011). There is now an opportunity to respond positively to these lessons and challenges, to use knowledge and experience to protect the rights of children and ensure their well-being and in so doing, create a more equal and productive society. A happy childhood is something that most people want to see children enjoy.

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This Foundation Report, whilst focusing on Ireland and Northern Ireland, reflects the UNESCO (United Nations Educational, Scientific and Cultural Organisation) position that rights and well-being are a global concern and the extent to which they are realised affects the lives of all children and young people. The Report integrates the position of UNESCO on rights and well-being[2] into current thinking and practice in Ireland and Northern Ireland in responding to the lessons of the past and shaping a society where a happy childhood is a norm and not an aspiration. The specific purpose of the Report is to contribute to a shared understanding of a human rights-based approach to monitoring children and young people's well-being.

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2 For further details www.childrenandyouthprogramme.info.

The objectives of the Report are:

- to clarify the connection between child rights obligations and children and young people's well-being;
- to understand the role of child rights indicators and well-being indicators in monitoring outcomes for children and young people and to examine existing approaches to monitoring children's rights and children and young people's well-being in Ireland and Northern Ireland;
- to review the national and international literature on adopting a human rights-based approach to monitoring well-being; and
- to draw key conclusions on achieving a human rights-based approach to monitoring children and young people's well-being in Ireland and Northern Ireland.

Section two of the Report explores the relationship between child rights obligations, specifically those set out in the United Nations Convention on the Rights of the Child (UNCRC, hereafter referred to as the Convention), and children and young people's well-being, as understood in the key policy documents of both jurisdictions. Section three provides an overview of some existing approaches to monitoring children's rights and well-being in Ireland and Northern Ireland. In monitoring the implementation of children's rights, both jurisdictions engage with the monitoring process under the Convention. Monitoring children and young people's well-being has been primarily focused on the development of well-being indicators to track progress towards achieving improved outcomes. These approaches to monitoring are viewed as distinct processes with no explicit link being made between children's rights and well-being. Section four of the Report synthesises the findings from a review of the literature on a human rights-based approach to monitoring children and young people's well-being. Initially, what is meant by the term a 'rights-based approach' is established before applying this directly to the context of monitoring. Informed by the preceding sections, the concluding section of the Report argues that rights and well-being are mutually reinforcing concepts and should not be considered in isolation. It illustrates the added value that a rights-based approach can bring to the monitoring process and outlines key steps to be considered in adopting a rights-based approach to monitoring the well-being of children and young people.

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The Connection between Rights and Well-Being

2.1 Children's Rights Obligations in Ireland and Northern Ireland

Children's rights are primarily recognised by international human rights treaties. They comprise legal obligations that Governments accede to by signing and ratifying human rights instruments. All United Nations human rights treaties ratified by Ireland and the United Kingdom apply to children as well as all other persons above the age of 18 including youth. Nevertheless, a separate United Nations instrument specifically on children's rights was considered necessary given the special status of children. There is no scope in this Report to provide a comprehensive review of all the international human rights instruments ratified by the United Kingdom and Ireland that give rise to legally established minimums in the area of children's rights.[3] However, a specific focus on the Convention provides an overview of this instrument and its status in national law.

The United Nations Convention on the Rights of the Child (1989) is the most important international human rights instrument outlining the rights of children, ratified by the United Kingdom in 1991 and the Irish Government in 1992. It is considered the cornerstone of children's rights globally and is the most widely ratified human rights treaty, thereby underscoring the international acceptance of its principles.[4] The Convention stretches across the many domains of a child's life, covering civil and political as well as economic, social and cultural rights. The Convention's substantive rights can be grouped under the so called 'Three Ps', that is, rights related to Provision, Protection and Participation. There is extensive literature available on the Convention and its provisions (see for example, Kilkelly, 2008; McGoldrick, 1991; Hammarberg, 1990). Collectively, the rights set out in the Convention are underpinned by four general principles, namely:

(i)   the principle of non-discrimination (art. 2);

(ii) the best interests of the child as a primary consideration (art. 3);

(iii) the right of the child to life, survival and development (art. 6);

(iv) due weight to be given to the voice of the child (art. 12).

3 For a more detailed discussion on the reasons for developing a separate human rights treaty on children's rights see Hammarberg, T. (1990) 'The UN Convention on the Rights of the Child - and How to Make It Work', Human Rights Quarterly, 12, 97 - 105.

4 The UNCRC is ratified by every member state of the United Nations with the exception of the United States of America and Somalia.

The Convention, although ratified[5], has not been incorporated into domestic law in Ireland or the United Kingdom (including Northern Ireland). Whilst it has no direct legal standing in either jurisdiction, it can have an influential role in the courts by judges interpreting national law in a manner compatible with the provisions of the Convention.[6] However, this is entirely at the discretion of the judge. Until it is incorporated into domestic law it will essentially remain outside the jurisdiction of the courts with children unable to directly rely on the Convention to claim infringements of their rights. There have been calls in both jurisdictions (Ombudsman for Children, 2006; Irish Human Rights Commission, 2006; Rights of the Child UK, 2010; Northern Ireland Commissioner for Children and Young People, 2008) to give legal effect to the Convention both at constitutional and legislative levels, as required by Article 4 of the Convention. This article provides that "State Parties shall undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognised" in the Convention.

In the absence of direct incorporation, current law and policy in Ireland and Northern Ireland provides for certain measures for implementing the rights and general principles recognised in the Convention.[7] Some illustrative examples of this are as follows. In Ireland certain pieces of legislation, such as the Child Care Act 1991 and the Children Act 2001, include provisons to protect children from harm and provide for circumstances, albeit limited, in which the wishes of the child should be taken into account. While this goes some way towards complying with obligations arising under the Convention[8], the provision in the Child Care Act 1991, on giving consideration to the wishes of the child, has been criticised as weak and falling significantly short of what is required by Article 12 (Kilkelly, 2008, p. 216). Most notably, however, the intention of the Irish

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5 Ratification is the process of making a formal commitment, under international law, to implement the principles and standards of the treaty.

6 This is exemplified in Ireland by jurisprudence on the rights of children with disabilities and issues around adoption and in Northern Ireland in jurisprudence emanating from the family courts. See, for example, in Ireland, O'Donoghue v The Minister for Health, The Minister for Education, Ireland and the Attorney General, High Court, 27th May 1993; The Area Health Board and W.H. and P.H. v An Bórd Uchtála, 3rd May 2002, and in Northern Ireland, Re C (A Minor) (Custody: Jurisdiction), (unreported), 12 November 2001, Fam Div (NI); Re S, N & C (Non-Hague Convention Abduction: Habitual Residence: Child's Views) [2005] NI FAM 1.

7 For a more detailed analysis of measures taken in Ireland and Northern Ireland to implement the rights and general principles of the UNCRC see Kilkelly, U. (2007) Barriers to the Realisation of Children's Rights in Ireland, Dublin: Ombudsman for Children and Kilkelly, U., Kilpatrick, R., Lundy, L., Moore, L., Scraton, P., Davey, C., Dwyer, C. and McAlister, S. (2004) Children's Rights in Northern Ireland, Northern Ireland Commissioner for Children and Young People.

8 These obligations are the requirement to protect children from all forms of violence, under Article 13 of the UNCRC and the requirement to hear the views of the child in all matters affecting them under Article 12.

Government to hold a constitutional referendum to expressly include children's rights in the Constitution (Department of the Taoiseach, 2011) has the potential to be a significant step towards incorporating children's rights and the general principles of the Convention into Irish law. In Northern Ireland, measures taken by the Government towards implementing Article 12 are also evident. For example, Article 3(3) of the Children (Northern Ireland) Order 1995 provides a welfare checklist which compels the court in certain circumstances to, *inter alia,* have regard to the "the ascertainable wishes and feelings of the child." This falls short of the requirement under Article 12 to give due weight to the views of the child in all matters affecting them but is illustrative of certain legislative steps taken to meet the obligations under the Convention.

In terms of policy, Article 12 of the Convention has influenced Ireland's National Children's Strategy, the leading policy document affecting children. For example, one of the three goals underpinning the Strategy reflects the wording of Article 12 providing that, "children will have a voice in all matters which affect them and their views will be given due weight in accordance with their age and maturity" (Department of Health and Children, 2000). The Convention has also informed policy for children and young people in Northern Ireland. The Ten Year Strategy for Children and Young People includes a stated outcome that children and young people will live in a society which respects children and young people's rights (Office of the First Minister and Deputy First Minister (OFMDFM), 2006), although the document contains limited reference on how this will be progressed. The Office of the First Minister and Deputy First Minister publication, *the Convention: Northern Ireland's Priorities and Plans*, reiterates the commitment of Government to the realisation of children's rights, placing a particular focus on the Convention's Concluding Observations for the United Kingdom, with specific attention to those relevant to Northern Ireland (OFMDFM, 2010).

2.2 Well-Being in Ireland and Northern Ireland

Well-being is a contested concept that is open to various interpretations (Camfield *et al.,* 2009; McAuley *et al.,* 2010). This is evidenced in the range of indicator sets that currently exists for its measurement. For example, UNICEF applies 40 indicators over seven domains; OECD applies 21 indicators over six domains; and Kids Count in the United States applies ten indicators. However, some discernable trends in the study of well-being identified in the literature (Ben-Arieh, 2006; Ben-Arieh, 2005) suggest that well-being can now be characterised as:

- moving beyond child survival to a more inclusive focus on broader aspects of well-being;
- increasingly focusing on positive rather than exclusively negative outcomes;
- moving from a future-oriented perspective of well-becoming to a more immediate well-being;
- a shift from traditional domains, for example, child survival to new domains of well-being, such as, children's civic involvement and participation[9].

A more recent emerging trend is the integration of subjective well-being which recognises the central role of children to express their views about their personal well-being and relationships (Fernandes *et al.,* 2011; Bradshaw *et al.,* 2010; Ben-Arieh, 2008).

Notwithstanding that well-being is a contested concept, it is increasingly recognised within government policy. The language of well-being is strongly present in the two key instruments of children's policy in Ireland and Northern Ireland, *The National Children's Strategy: Our Children - Our Lives*[10] (Department of Health and Children, 2000) and *Our Children and Young People - Our Pledge: A Ten Year Strategy for Children and Young People in Northern Ireland 2006 -2016* (OFMDFM, 2006). In Ireland, a children's well-being discourse was for the first time explicitly articulated at state level in the National Children's Strategy. Prior to this, the principal discourse was one of welfare[11] with an emphasis on child abuse and child protection and the unified role of the family. Although policy and strategy in Ireland and Northern Ireland seem to accept the value of well-being, there is no coherent definition of well-being in either Strategy. However, the Strategy documents and other associated policy[12] promote two areas central to well-being:

9   For further discussion on well-being and children's civic involvement and participation see Dolan, P. (2010) 'Youth Civic Engagement and Support: promoting Well-Being with the Assistance of a UNESCO Agenda' in McAuley, C. and Rose, W., eds., Child Well-Being: Understanding Children's Lives, London: Jessica Kingsley Publishers.

10 The development of a new National Children's Strategy (2012-2017) and a Youth Policy Framework are two of the stated areas of achievement identified by the Department of Health and Children over the coming five years, Department of Children and Youth Affairs (3 June 2011) Minister Frances Fitzgerald announces the formal establishment of the Department of Children and Youth Affairs (DCYA) [Press Release], Available at: http://www.dcya.gov.ie/viewdoc.asp?DocID=1549. It is expected that the new National Children's Strategy will be published in 2012.

11 For a discussion on the historical development of these concepts see Ferguson, H. (2003) 'Protecting Irish Children in Time: Child Abuse as a Social Problem and the Development of the Child Protection System in the Republic of Ireland (1996)' in Fanning, B. and McNamara, T., eds., Ireland Develops: Administration and Social Policy 1953-2003, Dublin: Institute of Public Administration.

12 See, 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; Department of Health Social Services and Public Saftey (2009) Families Matter: Supporting Families in Northern Ireland. Regional Family and Parenting Strategy, Available at: www.nidirect.gov.uk/families_matter_strategy.pdf.

- adopting a 'whole child' approach in understanding children's lives and meeting their needs; and
- improving outcomes for children.

The Whole Child Perspective

A 'whole child' perspective reflects contemporary theoretical developments which conceptualise childhood as a shift from child as passive dependent to child as active participant in family and wider society (Prout and James, 1997). It acknowledges the ecological approach to child development (Bronfenbrenner, 1979) that describes the child and family within a wider set of relationships including family, school and community. Ireland's National Children Strategy identifies three key orientations of the 'whole child' approach (Department of Health and Children, 2000, pp. 24-25). First, the 'whole child' approach recognises the capacity of children and young people to shape their own lives. Second, it identifies the inter-linked dimensions of childhood development, namely: physical and mental well-being; emotional and behavioural well-being; intellectual capacity; spiritual and moral well-being; identity; self-care; family relationships; social and peer relationships; and social presentation. Third, it recognises the complex networks of informal and formal social supports central to children's lives. The Strategy emphasises that these three components of the 'whole child' approach must be considered collectively. The Ten Year Strategy for Children and Young People in Northern Ireland articulates a similar understanding of the 'whole child' approach recognising the individuality of children, their capacity to shape their lives and the complex networks of social support which children gain from, as well as, contribute to (OFMDFM 2006). The Northern Ireland Families Matters Strategy, which also endorses the 'whole child' approach, suggests that outcomes for children and young people can only be achieved effectively through the integration of planning, services and direct work with children, young people and their families (Department of Health Social Services and Public Safety, 2009, p. 35).

Outcomes for Children and Young People

Concurrent to the focus on the 'whole child' perspective is an emphasis in Government policy in Ireland and Northern Ireland on better outcomes for children. An outcomes-focused approach has been defined as "working towards achieving an articulated expression of well-being for children" (Office of the Minister for Children and The Department of Health and Children, 2007). Therefore, examining identified outcomes provides further clarity on how government conceptualises child well-being. The Northern Ireland Strategy for Children and Young People established an outcomes framework to guide progress in achieving its shared vision for children and young people (OFMDFM, 2006, p. 7). The six key outcomes are set out in Table 1.

Ireland's National Children's Strategy does not include an outcomes framework. However, it does equate the attainment of the nine recognised dimensions of childhood development (articulated as part of the 'whole child' perspective and detailed above) to better outcomes (Department of Health and Children, 2000). The State of the Nation's Children Reports, (detailed in section 3.1), are structured around measuring progress towards four identified children's outcomes. These do not directly correlate to the more expansive recognised dimensions of childhood in the National Children's Strategy. Instead, the report is structured around: education; health; social, emotional and behavioural outcomes; and formal and informal supports (Office of the Minister for Children and Youth Affairs, 2010). *The Agenda for Children's Services* draws together the various outcomes found in contemporary children's policy and offers a list of national service outcomes for children in Ireland, as set out in Table 1 (Office of the Minister for Children and The Department of Health and Children, 2007). One of the core principles identified to underpin the work of the newly established Department of Children and Youth Affairs is to place the national outcomes in *The Agenda for Children's Services* at the centre of policy and service delivery (Department of Children and Youth Affairs, 2011).

Table 1: Well-Being as Expressed in Terms of Outcomes Identified in National Policy

Outcomes in the Northern Ireland Ten Year Strategy for Children and Young People	Outcomes in Ireland's Agenda for Children's Services
The key outcomes are that all children and young people should be: • healthy; • enjoying, learning and achieving; • living in safety and with stability; • experiencing economic and environmental well-being; • contributing positively to community and society; and • living in a society which respects their rights.	The outcomes are that all children should be: • healthy, both physically and mentally; • supported in active learning • safe from accidental and intentional harm; • secure in the immediate and wider physical environment; • economically secure; • part of positive networks of family, friends, neighbours and the community; and • included and participating in society.

While the articulated outcomes within Ireland and between Ireland and Northern Ireland are not the same, there is a lot of commonality. This outcomes focused approach, together with an understanding of the 'whole child' perspective, is at stated policy level and as such is aspirational until fully applied at the level of service provision. However, it goes a considerable way towards shedding light on the Governments understanding of priorities in working for child well-being.

2.3 The Connection between Children's Rights Obligations and Well-Being

Realising children's rights is central to the intent of the Convention. The United Nations Committee on the Rights of the Child (2011) has recently stated that the overall perspective of the Convention is on securing children's rights to survival, dignity, well-being, health, development, participation and non-discrimination.

Irrespective of an explicit right to well-being, the realisation of children's rights in the Convention can be said to further well-being. To illustrate this connection between the well-being of children and young people and the realisation of children's rights, the following example is provided. The importance of education, health, material well-being and safeguarding children are widely recognised as being core to improving child well-being (UNICEF Innocenti Research Centre, 2010; Bradshaw *et al.,* 2007) and are included in the identified outcomes in national policy. Within the Convention, there are provisions directly corresponding to these dimensions of a child's life. There is a requirement on state parties to recognise a child's right to education (Article 28 and 29), their right to enjoyment of the highest attainable standard of health (Article 24), the right to a standard of living adequate for their development (Article 27) and a requirement on state parties to protect the child from all forms of violence (Article 19). These provisions, supplemented by the general comments and concluding observations of the United Nations Committee on the Rights of the Child, provide clear guidance on the measures to be taken by state parties to achieve the realisation of these rights and accordingly guidance on the measures required to achieve improved well-being. Similarly, Canavan (2010) identifies outcomes as a technical

means towards the realisation of children's rights. Canavan highlights policy, services and practices as the means by which outcomes are achieved and rights realised.

In the social sciences there is a growing body of literature which links child rights and children and young people's well-being. The Convention is being increasingly applied as a normative framework for understanding well-being (McAuley *et al.,* 2010; Ben-Arieh, 2010; Bradshaw *et al.,* 2007). Within the literature, it is argued that the individual and combined articles of the Convention are instrumental to promoting well-being (Camfield *et al.,* 2009) and adhering to the four general principles of the Convention (set out in section 2.1) has been described by Blanchet-Cohen *et al.,* as imperative for ensuring a child's well-being, development and holistic health (2009, p. 4). Making the link between child rights and well-being, scholars in the field have defined well-being as

> *the realisation of children's rights and the fulfilment of the opportunity for every child to be all she or he can be. The degree to which this is achieved can be measured in terms of positive child outcomes, whereas, negative outcomes and deprivation point to the denial of children's rights (Bradshaw et al., 2007, p. 6)*

Clearly, there are overlaps in the concepts of children's rights and well-being. Additional overlaps may be considered. It is the State that has primary responsibility for the realisation of children's rights and equally the State is the "critical lynchpin" in ensuring child well-being (Bequele, 2010). As noted previously, there is an increasing shift from an emphasis on well-becoming to a focus on the immediate well-being of the child. Similarly, the Convention recognises children as individual rights holders, making it clear that children have rights for their immediate well-being as well as their development as future citizens (Charalambous, 2009). Furthermore, while listening to the voice of the child is one of the four general principles of the Convention, the importance of this principle is also widely recognised in the study of well-being. The more recent focus on subjective well-being means that several studies are now focusing on how children and youth perceive their well-being (Keenaghan and Kilroe, 2008; Fattore *et al.,* 2007; Nic Gabhainn and Sixsmith, 2005).

In the context of Ireland and Northern Ireland, as detailed in section 2.2, it is the 'whole child' approach and a focus on positive outcomes that underpins the conceptualisation of child well-being at Government level. While there is no explicit articulation of the link between children's rights and well-being in either of the children's strategies, evidence of the

consistency between the Convention and the 'whole child' model has been noted (McTernan and Godfrey, 2006). A recent interpretation of the Convention by the United Nations Committee on the Rights of the Child illustrates the compatibility of the 'whole child' model and a child rights approach. The Committee noted that a child rights approach is "holistic and places emphasis on supporting the strengths and resources of the child him/herself and all social systems of which the child is a part: family, school, community, institutions, religious and cultural systems" (United Nations Committee on the Rights of the Child, 2011, p. 23).

Regarding outcomes, the development of a *Framework for Integrated Planning for Outcomes for Children and Families in Ireland and Northern Ireland* highlights the importance of a rights-based approach to outcomes and emphasises the inter-relatedness of all aspects of well-being (Co-Operation and Working Together and The Child and Family Research Centre, 2008a). The Framework acknowledges the movement away from solely measuring outcomes using well-being indicators to the development of indicators that also encompass children's rights (*ibid*, p. 16). This framework has been adopted by the Children and Young People's Strategic Partnership (CYPSP)[13] in Northern Ireland as the framework for its planning processes. The CYPSP *Northern Ireland Children and Young People's Plan 2011-2014*[14] builds on their previous *Children's Services Plan 2008-2011.* Through cross-sectoral strategic partnership, the Plan aims to improve the well-being and realisation of rights of children in Northern Ireland with a focus on the six outcomes in the OFMDFM Ten Year Strategy for Children and Young People. The Plan will take each of the outcomes and link them to indicators, including rights-based indicators, identifying action needed to ensure improvements in the achievement of outcomes. The plan equates the achievement of outcomes to the realisation of rights (Children and Young People's Strategic Partnership, 2009).

The differences between a child rights and a child well-being approach are most notably brought to the fore when one examines approaches to monitoring children's rights and well-being, as detailed in the following section.

13 The CYPSP comprises the leadership of all statutory agencies in Northern Ireland concerned with children's lives and regional representation of the community/voluntary sectors and Black and Minority Ethnic sector.
14 At time of going to print, the 2011-2014 Plan is out for consultation.

Key Messages

- The Convention, the leading international instrument on the rights of the child, has been ratified by Ireland and Northern Ireland. Although ratified, the Convention is not incorporated into domestic law in either jurisdiction. However, the Governments are bound under international law to deliver on their obligations arising from the Convention.

- Aspirations to a 'whole child' approach and a focus on positive outcomes underpin the conceptualisation of child well-being at policy level in Ireland and Northern Ireland.

- There is a growing body of literature examining the inter-relationship between rights and well-being. The Convention is increasingly viewed as a normative framework for understanding well-being.

- There is no explicit link between child rights obligations and well-being in the national children strategies of either jurisdiction. However, compatibility between a child rights approach and the current focus at policy level on the 'whole child' model and improved outcomes is being increasingly recognised.

- The Children and Young People's Strategic Partnership in Northern Ireland is currently striving to incorporate a rights-based approach to monitoring outcomes, equating the achievement of outcomes with the realisation of rights.
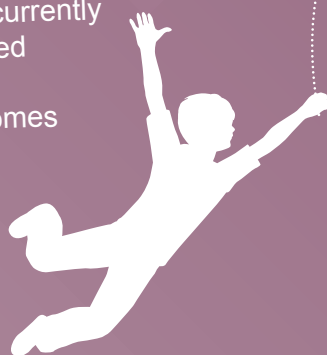
3 Monitoring the Rights and Well-Being of Children and Young People

Monitoring has been defined as the process of keeping track of progress (or regress) (Carvalho, 2008; Blanchet-Cohen *et al.,* 2009). Tracking progress can cover a wide range of activities. A distinction has been made between monitoring which takes on a policing or watchdog role and "monitoring as measurement" (Black, 1994, p. 6). Irrespective of its form, data-gathering and analysis is central to all monitoring activities (Carvalho, 2008; Black, 1994). Organisations, such as Child Trends in America, have a primary function of collating, analysing and making accessible research and data.[15]

While not a prerequisite for all monitoring programmes, an important feature of those that adopt a measurement role is the use of indicators to measure progress towards agreed commitments or outcomes. Co-operation and Working Together (Co-Operation and Working Together and The Child and Family Research Centre, 2008b, p. 17) link indicator development to monitoring, highlighting measurement as "a means of charting and monitoring progress which in turn facilitates the informing of policy, recognition and rewarding of effort". In addition to child well-being indicators, there is increasingly a focus on child rights indicators *(ibid)*. While both measure "how children are faring in their lives" and share a lot of commonality (Boyce, 2005, as cited in Carvalho, 2008), many differences between child rights and child well-being indicators have been identified in the literature (Boyce, 2005, as cited in Carvalho, 2008; Kilkelly, 2006b; European Union Agency for Fundamental Rights, 2009). Drawing on the literature, Table 2 compares the two types of indicators according to key elements.

Table 2: Child Rights and Child Well-Being Indicators

	Child Rights Indicators	Child Well-Being Indicators
Framework	Measuring implementation of the state's child rights obligations under international law.	Measuring progress towards what is desired, as expressed in policy outcomes or otherwise.
Context	Examines the interaction between children, the state and society.	Reveals the 'state' of children's lives.
Emphasis	Strengthening the capacity of rights holders to claim their rights and duty bearers to fulfil their obligations.	Improving knowledge to ensure children achieve their full potential.
Types of Data	Use of qualitative and quantitative data.	Primarily uses quantative but can include qualitative.
Data Analysis	Disaggregation of data to identify how different groups are faring is imperative.	Disaggregation of data becoming more common.
Voice of Children	Obtaining the views of the child is essential.	The integration of subjective well-being is emerging.

Whilst the role of indicators in monitoring is well established, caution is advised against becoming overly focused on the technicalities of the measurement to the detriment of a focus on what is being measured (Co-Operation and Working Together and The Child and Family Research Centre, 2008b, p. 18).

3.1 Current Monitoring Activities in Ireland and Northern Ireland

Currently in Ireland and Northern Ireland, monitoring the implementation of Government commitments regarding children's rights and well-being is undertaken by the statutory organisations and agencies at the Government level and also at the non-governmental level. Monitoring well-being in recent years has been almost exclusively focused on developing well-being indicators with little attention being focused on a rights-based approach. The section below provides a brief overview of some key monitoring activities in Ireland and Northern Ireland, but is by no means intended to be an exhaustive account of all monitoring taking place.

> "There is no monitoring programme which explicitly adopts a human rights-based approach to monitoring children and young people's well-being in Ireland and Northern Ireland."

Monitoring Children's Rights under the UNCRC

The United Nations Committee on the Rights of the Child monitors the implementation of children's rights in state parties. As state parties to the Convention, Ireland and the United Kingdom are required to submit to the Committee a periodic report (every five years) on progress regarding measures taken to give effect to the rights in the Convention (Article 44). There have been considerable delays on the part of the Irish Government in submitting their periodic reports. The second periodic report of the Government, due in 1999, was submitted in 2005, while their third and fourth reports remain outstanding since 2009. In the United Kingdom, as a result of delays in submitting their third periodic report, the Government submitted a joint third and fourth report in 2007, with its next periodic report due in 2014. The reporting guidelines, issued by the Committee, require state parties to present in their reports information regarding the implementation of the provisions in the Convention with particular reference to previous Committee recommendations (United Nations Committee on the Rights of the Child, 2010). Among the information required is statistical data illustrating progress in implementing children's rights. For example, State Parties are required to present data on the percentage of children who are registered after birth (relevant to Article 7) and data on the number of schools with independent student councils (relevant to Article 12). These guidelines also require the data to be disaggregated according to age, gender, location, membership of a minority group, ethnicity, religion, disability and other categories as appropriate. This disaggregation of data can identify groups which may not be enjoying certain rights. While not described as such, the reporting guidelines of the

United Nations Committee on the Rights of the Child, supplemented by the "implementation checklists" developed by UNICEF (UNICEF, 2002), are useful recording tools to monitor the implementation of the Convention.

On receipt of the State report, a hearing is scheduled between the Government in question and the United Nations Committee on the Rights of the Child to review progress on the implementation of the Convention. Information submitted by the non-governmental sector, the national human rights institutions and the Commissioner or Ombudsman for children is also considered. The information submitted by civil society takes the form of a shadow report and provides an important independent analysis on the implementation of children's rights. Following the hearing, the Committee issues concluding observations, effectively recommendations, on further measures to be taken to give effect to the rights enshrined in the Convention. The Committee on the Rights of the Child has so far issued two sets of concluding observations concerning Ireland's progress under the Convention and three for the United Kingdom (including Northern Ireland) commenting on a wide range of substantive issues including progress achieved by the state parties, as well as, areas of concern and recommendations (for the most recent concluding observations see United Nations Committee on the Rights of the Child, 2008; United Nations Committee on the Rights of the Child, 2006).

This is the only form of monitoring in the area of children and young people, where both Ireland and the United Kingdom, including Northern Ireland, are subject to the same monitoring process. It is acknowledged, however, that there are weaknesses in the process. The limited time and resources of a five year reporting mechanism has been noted, not least since it impacts on the capacity of the United Nations Committee on the Rights of the Child to comprehensively analyse and draw precise conclusions on the implementation of children's rights in the country under review (Kilkelly, 2006b). The extent to which States can be held accountable for poor implementation has also been identified as a weakness (see further Fortin, 2009, p. 46).

> Although there is no explicit definition of well-being in either of the two children's strategies in Ireland and Northern Ireland, well-being is nonetheless monitored in both jurisdictions through the development of a series of indicators

State Monitoring of Child Well-Being

Although there is no explicit definition of well-being in either of the two children's strategies in Ireland and Northern Ireland, well-being is nonetheless monitored in both jurisdictions through the development of a series of indicators. Indicators are intended to act as a baseline measurement from which a series of targets or outcomes can be monitored and reviewed. In Ireland, the development of a national set of child well-being indicators to contextualise children's lives was identified as a key objective under the *National Children's Strategy* (Department of Health and Children, 2000). An indicator set for measuring well-being was developed (The National Childrens Office, 2005) following an extensive multi-stage research and analysis process (Hanafin and Brooks, 2005). In developing key indicators to form the basis of the State of the Nation's Children Reports, the Government was guided by the Andrew *et al.,* (2002) definition of well-being as

> *healthy and successful individual functioning (involving physiological, psychological and behavioural levels of organisation), positive social relationships (with family members, peers, adult caregivers, and community and societal institutions, for instance, school and faith and civic organisations), and a social ecology that provides safety (for example, freedom from interpersonal violence, war and crime), human and civil rights, social justice and participation in society (as cited in The National Childrens Office, 2005, p. 5)*

The indicators, comprising 42 child well-being indicators and seven socio-demographic indicators represent a monitoring exercise reported via biennial State of the Nation reports. The first biennial *State of the Nation's Children* Report was published in 2006, with the most recent in 2010. The aim of the report is to chart the well-being of children in Ireland; track changes over time; benchmark progress in Ireland relative to other countries; highlight policy issues arising (Office of the Minister for Children and Youth Affairs, 2010).

These reports provide the most up-to-date data on each of the indicators and are clustered around four identified outcomes: education; health; social, emotional and behavioural outcomes; and formal and informal supports. There have been repeated calls to match the indicators to the seven national outcomes identified in the *Agenda for Children's Services,* so that the Children's Services Committees would have better guidance on the indicators to be used to measure outcomes (Burke *et al.,* 2010, p. 31). Data presented in the reports is disaggregated according to age, gender,

social class and geographic location where possible. Additionally, the 2010 report sought to provide further disaggregation across vulnerable groups, with a particular focus on Traveller children, immigrant children and children with a disability and/or chronic illness (Office of the Minister for Children and Youth Affairs, 2010). There are ongoing efforts to revise and improve the original indicator set to fill identified gaps in information.

To date, there is no State of the Nation report in either Northern Ireland or the United Kingdom. However, the University of York has published a series of volumes on the well-being of children in the United Kingdom (see Bradshaw, 2011). Monitoring in Northern Ireland is largely a regional exercise similar to other jurisdictions. For example, Scotland and Wales have progressed measurement and monitoring of well-being at policy level (The Scottish Government, 2010; National Assembly for Wales, 2011). Monitoring of well-being at Government level in Northern Ireland is focused on measuring the success of the OFMDFM Ten Year Strategy for Children and Young People. As detailed above, the Strategy sets out an outcomes framework to guide progress in achieving its shared vision for children and young people. The Strategy includes a set of performance indicators to measure progress towards delivering improved outcomes for children and young people. Baseline data from a range of sources is also provided. The Strategy is accompanied by action plans setting out actions under each of the six outcomes, with targets linked to indicators, timescales and delivery partners. A one year action plan was published in 2007 with a subsequent strategy action plan covering the period 2008-2011. A new Strategy action plan (2011-2014)[16] is currently being developed. The 2008-2011 action plan states that the OFMDFM intends to publish a report detailing progress against the baseline data in 2010/2011 as well as a bi-annual progress report against the actions indentified (OFMDFM, 2007). However, to date no progress reports have been published.

As detailed in section 2.3, the CYPSP has produced the Northern Ireland Children and Young People's Plan 2011-2014, building on their previous Children's Services Plan 2008-2011. The plan focuses on the six outcomes in the OFMDFM Strategy for Children and Young People. It has further refined the existing set of indicators to develop an improved set, which reflect child rights obligations and incorporate the concluding observations of the United Nations Committee on the Rights of the Child. The move by the CYPSP to incorporate child rights indicators is potentially an important step in Northern Ireland towards adopting a rights-based approach to

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16   Executive approval of the plan had not been secured at time of going to print.

measuring progress towards achieving outcomes. However, at the time of going to press the Children and Young People's Plan 2011-2014 is out for consultation and the revised indicator set has not been mandated by the OFMDFM.

Monitoring Initiatives in the Non-Governmental Sector

In Ireland, one of the most prominent forms of childhood monitoring in the non-governmental sector, is the Children's Rights Alliance[17] annual Report Card. The Report Card series, which commenced in 2009, is broadly modelled on the California Report Card series, produced by Children Now[18] in the United States. The Children's Rights Alliance Report Card monitors progress towards key Government commitments across the following domains of a child's life: education; health; material well-being; and safeguarding children (Children's Rights Alliance, 2011). These domains correspond to recognised dimensions of child well-being in the UNICEF Innocenti Report Card Series (UNICEF Innocenti Research Centre, 2010). Progress by the Irish Government in meeting their commitments is analysed by drawing on existing research, available data and holding consultations with the relevant stakeholders. The chosen commitments (selected on the basis of those that are measurable) come from the following key Government documents: the *National Children's Strategy 2000 – 2010; Towards 2016: Ten - Year Framework Social Partnership Agreement 2006 – 2016; the National Action Plan for Social Inclusion 2007 – 2016; the Programme for Government; and the Ryan Report Implementation Plan.*

In Northern Ireland, a co-ordinated effort by organisations within the children's sector, namely the Children's Law Centre and Save the Children, began the process of developing child rights indicators. A rights-based approach, based on the Convention, was developed with corresponding structural, process and outcome indicators (Haydon and Monteith, 2007). It was envisaged that this could be used to provide information about the conditions of children's lives in order to plan, implement and evaluate interventions

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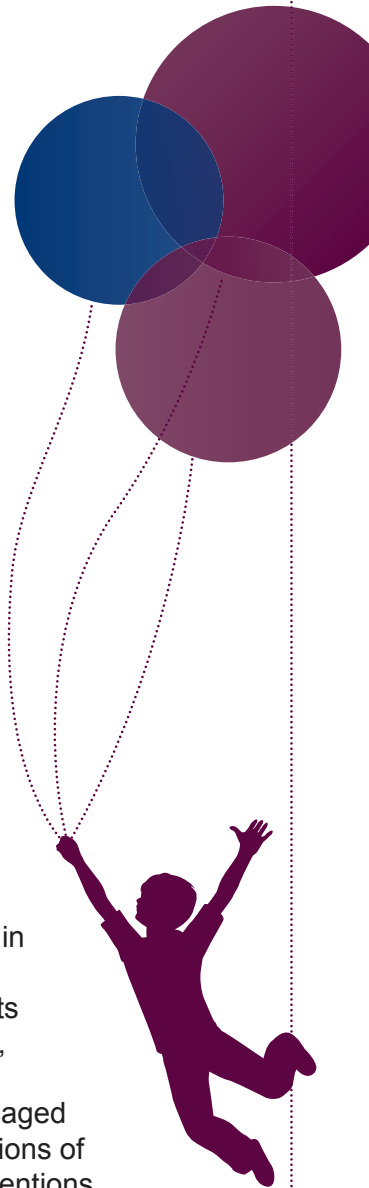
17 The Children's Rights Alliance is a coalition of over 90 non-governmental organisations working to secure the rights and needs of children in Ireland.

18 Children Now is a research, policy development and advocacy organisation dedicated to promoting children's health and education in California. See www.childrennow.org.

promoting their well-being and enjoyment of their rights. Crucially, it could also assess whether government is meeting its obligations as a State party to the Convention. However, finalisation of this initiative has been hindered due to lack of resources. That said, the Children's Law Centre and Save the Children are supportive of the CYCSP process to include child rights indicators in monitoring progress towards achieving the identified outcomes in the OFMDFM Ten Year Strategy for Children and Young People.

The Monitoring Role of the Commissioner and the Ombudsman for Children

The Northern Ireland Commissioner for Children and Young People (NICCY) and the Ombudsman for Children's Office (OCO) in Ireland were established by legislation in 2003 and 2002 respectively. NICCY reports to the OFMDFM, while the OCO reports directly to the Oireachtas. Their statutory functions include: promoting the rights and welfare of children; monitoring and reviewing the operation and adequacy of laws (and in the case of NICCY also services and practice) related to the rights and welfare of children; providing advice to Government on all matters affecting the rights and welfare of children; and conducting investigations (Ombudsman for Children Act, 2002; The Commissioner for Children and Young People (Northern Ireland) Order 2003). In carrying out their functions, NICCY and the OCO play an important role as watchdogs of children's rights in both jurisdictions. Through their research and policy activity, NICCY and the OCO have engaged in important monitoring exercises, including commissioning a large scale audit of children's rights in both jurisdictions (NICCY, 2008; Kilkelly, 2007; Kilkelly *et al.,* 2004). Other examples include, development of a Child Rights Impact Assessment tool by NICCY for use in policy development and law making. Similar to the Scottish tool, it is intended to help organisations 'rights-proof' policy. Such a tool is intended to enhance and embed children's rights into all policies and legislation, ensuring they are compliant with the Convention. Thus far, there is little evidence that these tools have been adopted in the early stages of policy development. In Ireland, the OCO published a child rights analysis of ten investigations undertaken by the office over the last number of years (Kilkelly, 2011). This analysis found that there was an absence of any routine consideration of human rights obligations in framing policy or service delivery and that child impact analysis was not a feature in decision-making by the public bodies who were being investigated.

Key Messages

- While not a prerequisite for all monitoring activities, an important feature of those that adopt a measurement role is the use of indicators to measure progress towards agreed commitments or outcomes. In addition to child well-being indicators, there is increasingly a focus on child rights indicators.

- Ireland and Northern Ireland (United Kingdom) are both required to periodically report to the United Nations Committee on the Rights of the Child, regarding progress on the implementation of children's rights. However, there have been considerable delays in, and criticisms of, the reporting process.

- Well-being is monitored at governmental level in each jurisdiction through a set of national indicators. In Ireland, the national set of indicators form the basis of the biennial State of the Nation Children's Reports. There is no State of the Nation Children's Report in the United Kingdom or Northern Ireland.

- Indicator development on measuring progress towards improved outcomes for children and young people in Northern Ireland is ongoing with efforts being made by CYPSP to incorporate child rights indicators within the monitoring process.

- NICCY and the OCO play an important role as watchdogs of children's rights in both jurisdictions.

4

Adopting a Human Rights-Based Approach to Monitoring the Well-being of Children and Young People

4.1 Overview of a Human Rights-Based Approach

There is no one formula for applying a rights-based approach. However, there are a common set of principles that inform the process. These principles are documented extensively in the literature (see for example, Tobin, 2011; Save the Children, 2005), with slight variations on emphasis and the range of principles. UNESCO and UNICEF (2007) list the following principles as informing a human rights-based approach.

- **Universality and inalienability:** recognising that human rights are the entitlement of all people, including children.

- **Indivisibility:** recognising that all rights have equal status; they cannot be ranked in hierarchical order.

- **Interdependence and Interrelatedness:** acknowledging that the realisation of one right may depend on the realisation of others.

- **Equality and non-discrimination:** recognising that all human beings are equally entitled to their rights without discrimination; thereby acknowledging children as individual rights holders. A rights-based approach must focus on addressing discrimination and inequality.

- **Participation and inclusion:** seeking to maximise the participation of every person in the enjoyment of their rights. Specifically in the context of children it emphasises child agency and requiring respect for the views of the child in accordance with Article 12 of the Convention.

- **Empowerment:** the process of developing the capacity of rights holders to claim their rights.

- **Accountability and respect for the rule of law:** recognising the State as the primary 'duty bearer' to be held to account in meeting child rights obligations. Non-State actors also have a role to play in promoting and protecting the rights of the child. Other duty-bearers identified as accountable to children include professions, non-governmental organisations, agencies, community services and churches (Blanchet-Cohen *et al.,* 2009). Additionally, parents have a role to play in the realisation of children's rights. The Convention recognises the family as being the natural environment for the growth and well-being of children (preamble) and Article 5 of the Convention acknowledges the responsibilities, rights and duties of parents to provide guidance to children in the exercise of their rights.

While the seven principles articulated by UNESCO and UNICEF inform a rights-based approach, two additional principles have been identified specific to a child rights-based approach. These relate to 'child survival and development' and the 'best interests of the child' (Save the Children, 2005). Adherence to the principle of child survival and development requires a focus on the immediate survival of the child, as well as, development to their full potential in accordance with Article 6 of the Convention. The best interests of the child requires that in making decisions that affect a child, the impact of the decision on the child must be assessed, in line with Article 3 of the Convention *(ibid).*

In a further refinement of these principles, Theis (2003, p. 1) underlines the need to distinguish between fulfilling rights and adopting a rights-based approach to realising rights, noting that "[d]irectly meeting needs and fulfilling rights helps people, but it does not necessarily strengthen the accountability of duty bearers. It also does not strengthen people's own ability to claim their rights". Accordingly, the accountability of duty bearers, the participation of rights holders and equality and non-discrimination are identified as the three main principles underpinning the adoption of a rights-based approach *(ibid).* The United Nations Committee on the Rights of the Child in its most recent general comment (2011, at para. 52) placed a similar emphasis on these principles in its interpretation of a rights-based approach, defining it as

One which furthers the realization of the rights of all children as set out in the Convention by developing the capacity of duty bearers to meet their obligations to respect, protect and fulfil rights (art. 4) and the capacity of rights holders to claim their rights, guided at all times by the rights to non-discrimination (art. 2), consideration of best interests of the child (art. 3, para. 1), life survival and development (art. 6), and respect for the views of the child (art. 12) (p. 23).

An effective approach aims to ensure that, not only does it deliver on children's rights in substance but also, that the procedure is itself rights compliant and furthers children's rights by adhering to human rights principles (Kilkelly, 2006a).

4.2 A Human Rights-Based Approach to Monitoring the Well-Being of Children and Young People

The preceding sections have outlined some of the current approaches to monitoring in Ireland and Northern Ireland. Some well-known international examples of monitoring well-being include UNICEF's State of the World's Children annual reports, the UNICEF Innocenti Report Card Series focusing on the well-being of children in OECD countries, the annual KIDS COUNT Data book in the United States and a set of well-being indicators due to be part of the forthcoming European Community 'EC Recommendation on Child Poverty and Well-Being' in 2012. While these initiatives often include monitoring of children's rights, they do not explicitly adopt a rights-based approach to monitoring. The adoption of a rights-based approach to monitoring well-being has become increasingly prominent. This specific approach has been described by Bray and Dawes (2007a, p. 17) as follows

Unlike monitoring based purely on notions of well-being or quality of life, rights-based monitoring places the measurement of outcomes within the context of moral authority to entitlement and policies put into operation to ensure this entitlement. The interest is, therefore, not only in children who have rights, but also, in those who are duty bound to ensure that these rights are upheld.

Kilkelly (2006b, p. 38) has identified a number of characteristics unique to a human rights-based approach to monitoring. Principal among these is provision of clear statements on the rights to which children are entitled. The accountability of duty-bearers towards children in observing these rights is "unequivocal" as a matter of international law. Furthermore, a rights-based approach analyses quantitative, as well as, qualitative data. This facilitates quantitatively monitoring the extent to which government is meeting its obligations as well as examining qualitatively

individual children's enjoyment of their rights. Finally, although not unique to a rights-based approach, the monitoring process itself is rights compliant by virtue of being in the child's best interests, non-discriminatory and inclusive, and by taking into consideration the views of children and young people.

Adopting a human rights-based approach is not without some limitations. A key weakness is that the provisions in international human rights instruments, such as the Convention, can be broad and open to varying interpretations (Carvalho, 2008; Kilkelly, 2006b; Ennew and Miljeteig, 1996). However, application of the guidance offered by the United Nations Committee on the Rights of the Child in the form of its General Comments and Concluding Observations is one suggested solution (Kilkelly, 2006b). While not legally binding, the United Nations Committee's General Comments are considered authoritative interpretations of the provisions in the Convention and, along with its concluding observations, lend themselves to clarifying Government's obligations under the Convention.

To assist the development of rights-orientated monitoring and evaluation a series of five core objectives have been identified by Blanchet-Cohen *et al.,* (2009, p. 5). These are:

1. to determine whether interventions respect and target children's rights, well-being, health and development;

2. to determine whether interventions are making a discernable improvement to children's rights, well-being, health and development;

3. to explore the process of implementing programmes and policies for children and to better understand children's own experiences of these programs and policies;

4. to provide information about how to adjust programmes, services, activities, and strategies to better meet children's needs and fulfil their potential; and

5. to identify and share the learning.

As noted in section 3.1 there are no monitoring initiatives at present in Ireland or Northern Ireland that explicitly take a rights-based approach to monitoring the well-being of children and young people. Some monitoring programmes internationally, such as the Index of Child Well-Being in the European Union, explicitly identify a conceptual link between child rights and well-being, although the monitoring process is solely focused on well-being (Bradshaw *et al.,* 2007). A number of international initiatives have adopted a specific rights-based approach to monitoring well-being. Many of these programmes are from Africa where this approach to monitoring is more prevalent.

A review of the literature and current models of a rights-based approach to monitoring well-being suggest that this approach lends itself to a particular *modus operandi.* There are some common as well as a few unique steps identifiable from a review of current and proposed models which adopt this approach, both of which merit consideration. First, the specification of children's rights has been identified as an initial step by a number

> "A review of the literature and current models of a rights-based approach to monitoring well-being, suggest that this approach lends itself to a particular *modus operandi.*"

of these models (Bray and Dawes, 2007; Bentley, 2003). This involves setting out the child rights obligations in international and national law that the State has legally committed to deliver. Second, and a step which is a feature of all the monitoring programmes reviewed, is identifying the actions taken by Government to implement children's rights (Kibel *et al.,* 2010; Blanchet-Cohen *et al.,* 2009; The African Child Policy Forum, 2008; Bray and Dawes, 2007; Bentley, 2003). This means reviewing or tracking progress in legislative and policy developments which make provision for children. A focus on budgetary commitments or the allocation of resources to children's services is also recognised as an important aspect of monitoring the measures taken by Government to meet its child rights obligations (The African Child Policy Forum, 2011). Third, explicitly making the link between child rights obligations and well-being is an additional step identified in the model proposed by Bray and Dawes (2007). This step requires grouping the specified rights into the appropriate well-being domains recognised in national policy and practice. Fourth, the final stages in the models reviewed are primarily concerned with measurement. This involves indicator design and/or utilising existing indicators to measure child well-being or track progress in the implementation of children's rights

(Blanchet-Cohen *et al.,* 2009; The African Child Policy Forum, 2008; Bray and Dawes, 2007;). Bentley (2003) notes that another form of measuring progress in child outcomes can be through reference to proven models, which identify cause and effect as well as through the opinion of children, their carers and service providers.

The monitoring process outlined by Bentley is the only one of those reviewed to explicitly identify the voice of children as an evidence base. The right of children and young people to participate, as provided for in Article 12 of the Convention, has been interpreted to include the meaningful participation of children and young people in monitoring processes focused on their lived experiences (Gudbrandsson, 2009; United Nations Committee on the Rights of the Child, 2009). This is also in keeping with recent trends in the study of well-being (Ben-Arieh, 2005).

In addition to the steps identified above, Bray and Dawes (2007b, p. 37) note that in establishing a monitoring programme "a robust conceptual framework that takes into account data availability is a useful starting point". Of the programmes reviewed, all are embedded within a child rights framework, although a number of them are also underpinned by a conceptual framework that acknowledges additional factors which influence child well-being. For example, several of the programmes are conceptually grounded in childhood development theories, the 'new' sociology of childhood[19] and the Brofenbrenner ecological approach[20]. Bray and Dawes caution that the conceptual framework should be grounded in theoretical understandings or approaches familiar to the target audience *(ibid).*

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19 The 'new' sociology of childhood conceptualises children as social actors, actively participant in family and wider society as opposed to passive dependants. See, Prout, A. and James, A., eds. (1997) A New Paradigm for the Sociology of Childhood? Provenance, Promise and Problems, London: The Falmer Press.
20 The Brofenbrenner ecological approach recognises a child's interaction with a wider set of inter-connected relationships that can influence outcomes. It acknowledges that childhood development is influenced not only by its immediate environment, including school and the family, but also by the wider community. See, Bronfenbrenner, U. (1979) The Ecology of Human Development: Experiments by Nature and Design, Cambridge: Harvard University Press.

Key Messages

- Adopting a human rights-based approach not only seeks to further the realisation of rights, it also means adhering to human rights principles as part of the process.

- There is no one formula for adopting a rights-based approach but there is a common set of human rights principles that inform the process. Foremost among these are the accountability of duty bearers, the participation of rights holders and recognising that all human beings are equally entitled to their rights without discrimination.

- Monitoring well-being, using a rights-based approach, is a distinct form of monitoring which conceptually links well-being and rights.

- Steps common to models of a rights-based approach to monitoring child well-being are: the specification of child rights obligations the Government has legally committed to deliver; identifying policy and legislative actions taken by Government to implement children's rights; explicitly making the link between child rights and well-being as understood in national policy and practice; and measuring progress regarding the realisation of children's rights and progress in achieving child outcomes.

5

Conclusion: Adopting a Human Rights-Based Approach to Monitoring Well-Being in Ireland and Northern Ireland

As stated at the outset, the purpose of this Report is to contribute to a shared understanding of a human rights-based approach to monitoring the well-being of children and young people, with the intention of embedding this approach in current thinking and practice in Ireland and Northern Ireland. Drawing on the learning set out above, this section offers the following key conclusions.

Key Conclusions

1. Human rights and the well-being of children and young people are interconnected concepts and should not be considered in isolation.

2. A human rights-based approach to monitoring the well-being of children and young people can add value to the monitoring process and strengthen efforts to realise rights and improve the well-being of children and young people.

3. Adopting a rights-based approach to monitoring the well-being of children and young people should be systematic in its approach and five key steps need to be taken into consideration in adopting this approach.

5.1 Human Rights and Well-Being are Interconnected Concepts

While an explicit connection has been shown between child rights and well-being, these are nevertheless distinct concepts, and for the most part are viewed as so in the policy and practice arena in Ireland and Northern Ireland. Nevertheless, a number of arguments can be made as to why these concepts should not be viewed in isolation. First, both a child rights and well-being approach are underpinned by a common desire to improve the lives of children and young people.

They are mutually reinforcing approaches, with the realisation of children's rights leading to improved child well-being and equally improving child well-being furthering the implementation of children's rights. Second, the Convention, given its status internationally, its legal standing and the wealth and detail in its provisions, when read in conjunction with the United Nations Committee on the Rights of the Child's concluding observations and general comments, provides a useful framework for understanding well-being. Third, while the State has primary responsibility, there is an onus on all those working with children and young people to ensure their well-being as well as to comply with child rights obligations. A shared understanding of these concepts can facilitate the State and advocates for children and young people and practitioners to meet their responsibilities in this regard.

5.2 A Human Rights-Based Approach to Monitoring the Well-Being of Children and Young People Can Add Value to the Monitoring Process

Adopting a rights-based approach to monitoring the well-being of children and young people has the potential to contribute to an improved understanding of the interconnectedness between these two concepts among advocates, policy makers and practitioners. Moreover, there are a number of additional benefits to adopting a rights-based approach to monitoring well-being in Ireland and Northern Ireland. These include the following:

● Monitoring from a rights-based perspective offers **legitimacy** to the monitoring process by embedding the process within a legal framework and a universally accepted values base, as set out in the Convention and other international human rights instruments. Embedding it in a child rights framework transcends political administrations. As Ireland and the United Kingdom have both ratified the Convention, the same unequivocal legal obligations to comply with the standards set out in the Convention apply, irrespective of the political administration in place.

- A rights-based approach places an emphasis on greater **accountability**. It clearly establishes what rights children and young people hold as 'rights bearers' and who has responsibility for ensuring these rights are met as 'duty bearers'. The increased transparency should lead to greater accountability. As part of this monitoring process, findings and learning should also emerge to develop the capacity of duty bearers to meet their child rights obligations and improve child well-being.

- Monitoring the well-being of children and young people, using a rights-based approach, requires the monitoring process itself to **comply with human rights principles.** These principles require that the voice of children and young people is incorporated as an important evidence base in monitoring progress towards improved well-being. This places an obligation on those engaged in monitoring to hear the voice of children and young people, as well as, other relevant stakeholders, regarding their personal well-being and the extent to which their rights are being enjoyed in practice.

- A rights-based approach is underpinned by the principle of **universality** and thereby requires the monitoring process to focus on all children and young people including those that are most marginalised. This can highlight groups of children and young people whose well-being is inhibited by certain factors and whose rights are not being met. Bringing this to light through the monitoring process can help to ensure specific efforts are made to direct services to these groups of children and young people.

5.3 Adopting a Rights-Based Approach to Monitoring the Well-Being of Children and Young People Should be Systematic in its Approach

Informed by the literature and learning from international monitoring programmes, the following table outlines steps for consideration in systematically monitoring the well-being of children and young people using a rights-based approach.

The steps outlined in Table 3 organises rights and well-being in a way consistent with contemporary understanding and practice. It links governments human rights commitments under international law, with government self-identified commitments articulated in the form of desired outcomes. Furthermore, linking well-being (as expressed in the form of outcomes) and rights grounds the monitoring approach in what the government and its agencies are legally required to deliver on now, as opposed to aspirational outcomes to be delivered in the future, thereby focusing on the immediate well-being of children and youth.

5.4 Next Steps

This Report has contributed to a shared understanding of a rights-based approach to monitoring well-being. The Children and Youth Programme (CYP) through the UNESCO Chairs will work collaboratively to promote a rights-based approach to monitoring activity in Ireland and Northern Ireland and work with key stakeholders to ensure that this knowledge enhances efforts in both jurisdictions to realise children's rights and promote children and young people's well-being. Through its Special Report Series, the CYP will also adopt this approach, focusing on the following identified domains of well-being in its Reports: education, mental health, youth justice and civic participation. The Special Report Series will further illustrate how a rights-based approach to monitoring well-being can be operationalised in practice and the added value of this approach.

Table 3: Steps to a Human Rights-Based Approach to Monitoring Child and Young People's Well-Being

Steps	Activities[21]
1. Identify the domain of well-being to be monitored.	Select the aspect of well-being to be monitored, for example, health, education, inclusion in society, material well-being. The identified domain of well-being may reflect one of the outcomes in national policy.
2. Specification of rights.	Specify the child rights in the Convention and other international human rights instruments, which are relevant to the identified domain of well-being, and which the State and other duty bearers are bound by. This step should draw on the concluding observations of the United Nations treaty monitoring committees and their general comments to clarify the obligations of the government.
3. Connect the specified rights to government expressed outcomes.	If not explicit in step one, identify the outcome statements in government policy relevant to the identified rights.
4. Identify the actions taken by government to implement the specified rights.	Review government actions including legislative, policy and other measures, such as budgetary commitments and programme interventions.
5. Measure progress to track improvements in achieving outcomes and the realisation of children's rights.	Develop child rights indicators to monitor progress if necessary. Alternatively, data generated from existing indicators and available research can be synthesised as part of the monitoring process. This should include qualitative data setting out the views of children and young people on their personal well-being and whether their rights are being realised in practice.

21 These activities are the proposed activities of the Children and Youth Programme. Different contexts of monitoring may involve different sets of activities.

Key Messages

- Human rights and the well-being of children and young people are interconnected concepts and should not be considered in isolation.

- A human-rights based monitoring programme on the well-being of children and young people can add value in the following ways: offering legitimacy through an internationally accepted child rights framework; introducing greater accountability by a joint focus on duty bearers and rights holders; including the voice of children and young people on their personal well-being and the actual enjoyment of their rights; and ensuring a focus on marginalised children and young people through the principle of universality.

- Adopting a rights-based approach to monitoring the well-being of children and young people should be systematic in its approach and can include the following steps:

  1. identification of the domain of well-being to be monitored;
  2. specification of the rights relevant to the domain of well-being;
  3. connecting the identified rights to government expressed outcomes;
  4. identifying actions taken by government to implement the specified rights;
  5. measuring progress to track improvements in child well-being and the realisation of children's rights.

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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.

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NUI Galway
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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.

22 Guidelines and procedures for the UNITWIN/UNESCO
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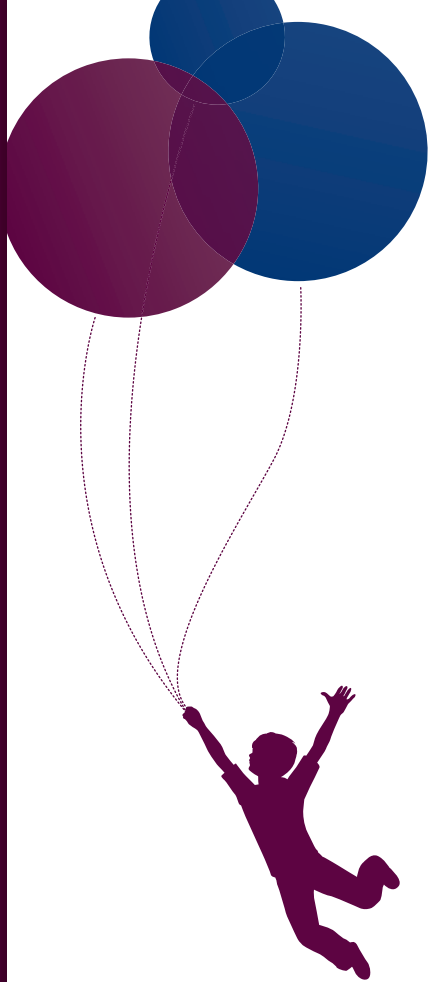
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