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An Examination of the Children's Rights Alliance (CRA) as a New Social Movement (NSM) utilising Habermas' Communicative Rationality and Core Periphery Theories

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A dissertation submitted for the degree of Ph.D. (Social Science)

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Declaration

This is to certify that the work I am submitting is my own and has not been submitted for another degree, either at University College Cork or elsewhere.

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Andre Kenneally

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I would like to acknowledge and thank my supervisor Dr. Deirdre Horgan for her unwavering dedication and commitment to me and the work I have produced. Her expertise and insight into child related policy is unmatched. Her consistent support was an essential part of this process without which I know for sure I would have faltered. Thanks also to my Friendly Reader Dr. Shirley Martin for taking the time to read my thesis. My work is stronger and all the better for her insights and clarity. Special thanks also to my colleague and mentor, Dr. Máire Leane whose reassurances and support was immeasurable. To my colleagues and friends in the School of Applied Social Studies for their support, words of wisdom and encouragement. In particular I would like to acknowledge my Head of School, Prof. Cathal O'Connell who has been part of my PhD process since its inception. His steady nerve often helped ease my own. Special thanks also to the administration team in the School of Applied Social Studies for their on-going support in my work and studies. Most especially Phil O'Sullivan, the oracle of the School, thank you for your kindness and generous spirit. To my colleague, friend and 'PhD buddy' Claire Dorrity for her support on this journey with special thanks for her reassuring words in the presence of an often overbearing 'imposter syndrome'.

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If it takes a village to raise a child, it must take a community to write a thesis.

Dedication

This thesis is dedicated to the mature students who came before me. Thank you for blazing a trail so that I could follow in your footsteps and complete a lifelong ambition. To those yet to come, I can tell you it is never too late to fill that void which only exists for those of us who believed we were never good enough. It is also dedicated to the educators of mature students who take the time to nurture the learner in us all and in so doing help us to unravel the many years of conditioning which contributed to our lack of self-belief.

"Things that we can do at the exact same time - be brave and afraid" (Dr. Brene Brown, 2018)

Abstract

The passing of the Children's referendum in 2012 is viewed as a landmark moment in the continuing evolution of Children's Rights in Ireland. Following a prolific period since the publication of the United Nations Convention on the Rights of the Child (UNCRC) in 1989 the insertion of Article 42A,'Children' into the Constitution signalled a key moment in legitimising children's rights in Ireland.

This thesis will examine the role of the Children's Rights Alliance (CRA) in children's rights discourse as well as child rights based policy and legislation in Ireland. Utilising the theories of New Social Movements (NSM), the thesis will first examine if children's rights advocacy as evidenced in the work of the Children's Rights Alliance can be considered a new social movement. Further, utilising Habermas' theories of communicative rationality and Peters' core periphery, this thesis will interrogate how the CRA moved from a position of little or no influence (outer periphery) to a position of influence (inner periphery) where it became a 'supplier' of information to the State (core) on issues relating to children's rights.

A qualitative research strategy was adopted for this thesis. This included an extensive literature review and collection of secondary data comprising policy documents, legislation, Dáil Debates, newspaper articles and research documents produced by the CRA. The researcher undertook an elite interview with the Children's Rights Alliance Policy and Legal Advisor. An elite interview felt to be appropriate as it allows access by the researcher to an experienced and skilled policy and advocacy professional member of staff in a senior role within the organisation. The data gathered from the interview is analysed using an interpretive approach. This is best suited to this research as it allows the researcher to identify the subjective meaning

of the data. In short, it seeks to not only explain the Children's Rights Alliance as a New Social Movement but also to understand how it became a key influencer in children rights policy and legislation in Ireland.

1. Chapter One

1.1 Introduction

The aim of this thesis is to examine the work of the Children's Rights Alliance (CRA) through the lens of Habermas' theory of Communicative Rationality and Peters' (1993) theory of Core-periphery[1], which was subsequently adopted by Habermas in 1996. Further, it will test New Social Movements (NSM) theory and the work of the CRA to identify if children's rights advocacy, in the form of the CRA, is a new social movement. There is a dearth of research in the area of children's rights advocacy which explores the mechanisms of change adopted by NGO's in this field. Much of the current research focuses on children as tested against the United Nations Convention on the Rights of the Child (UNCRC) 1989 with little or no focus given to the NGO itself. This thesis aims to bridge the gap in the research by unpacking how the CRA moved from a place of near obscurity to becoming a 'supplier' of information on children's rights issues to the government and in so doing placed children rights on the Irish political agenda. The hypotheses being, utilizing the theories of Communicative Rationality and Core-periphery theory, this thesis will show how the CRA through its use of professional advocacy and research, coupled with 'trigger events' moved from the outer periphery of no influence to the inner periphery where it had access to government and State actors. Further, it will be argued that from this position of 'supplier' the CRA pushed the children's rights agenda which culminated in explicit changes in child related policy and legislation.

This thesis examines the development of children's rights in Ireland and the role of the (CRA) in its evolution. To fully appreciate these developments it is important to understand just how far Ireland has come in terms of accepting children have a right to rights. This will be achieved by examining the depth of change in relation to children's rights by interrogating ideas around childhood historically and more recently in Ireland.

When examining the shifts in ideas in the area it legitimises the use of language such as 'seismic' when describing changes in discourse. Historically there was a shared discourse around childhood. Early ideas of childhood originated from Greek mythology which saw children represented as either 'good' or 'evil' (Jenks 1996; James and James 2004; Smith 2012). Each view placed the child in a subordinated role with an emphasis on either inherently good, but in need of protection, or inherently evil and in need of protecting against external influences. The common theme to emerge however was one of control. Aries (1973) challenged early representation of childhood (16th to 18th centuries) and contended that childhood was socially constructed and childhood was influenced by each child's experience of their particular social and cultural environments.

Prior to a shift in the paradigm in the 1970's influences of Greek mythology continued to be evident both socially and legislatively. The legacy of viewing children as subordinated members of society was evident through the methods of control adopted by adults. Control came in many forms, some overt and others subtle. The subtle control came in fairy-tale form from sources such as the Brothers Grimm. Each fairy-tale held a warning for children not to transgress the adults in their lives or risk death (Powell & Scanlon, 2015). More overt forms of control in an Irish policy context came through the Industrial Schools system (1846-1980's), which were introduced to 'save the souls' of children in need of care and protection (Considine & Dukelow, 2009).

Arguably, the work of Aries (1973) and De Mause (1976) contributed to the shift in the childhood paradigm which began to question the individual experience of a child. It opened up a space where researchers began to increasingly question and interrogate ideas of childhood. Ideas in new sociologies of childhood emerged. These ideas took childhood as a study to a new level by fore fronting the idea of children's agency. Children as agents in their own lives stretched the paradigm to new territory and challenged many traditional ideas of children as

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[1]   See Appendix 7 for diagram of Core-periphery theory.

passive subordinates. By the 1990's the United Nations Convention on the Rights of the Child (UNCRC) (1989) was published and ratified by most countries in the world. Children were now being recognised as active agents in their own lives with strong commitments to ideas around their rights to 'voice' and 'participation' as an integral part of the new childhood discourse. It was during this period of enormous change the CRA came into formation in 1995. Arguably, timing of its formation was critical to its impact, given that issues relating to children's rights, following decades of lobbying, were firmly on the global political agenda through the UNCRC. International approval of the UNCRC marked a global commitment to rights based policies for children (Powell & Scanlon, 2105)

During the period between the 1970's and the 1990's several Reports were published which placed a spot-light on children and how they were treated in Irish society. These Reports include: Tuairim (Some of Our Children) (1968), which examined the Industrial Schools system as places of education and nurturing for children; the Kennedy Report (1970) which uncovered systems of neglect in the Industrial Schools and the Kilkenny Incest Report (1993) which investigated the systemic abuse of a woman by her father throughout her childhood and highlighted the Irish constitution as a source of failure in the protection of children within the family home. This was followed by a raft of such inquiries into abuse of children in the context of institutions which were designed to protect them. Each publication led to new levels of outrage at the failings of the Irish State in its role to protect children. By the time the Kilkenny Report was published in 1993 there had already been a move from the children's advocacy sector to create an umbrella organisation which would address solely issues relating to children and their rights. Unlike Barnardos, which was also service driven, the CRA had one goal in mind, 'to make children rights real' (One Foundation, 2015). The argument therefore is that of all those working in the children's advocacy sector, the CRA was poised to tackle head on issues relating to children and their rights.

In 1996 the CRA was formally launched with just 11 members. But within two years, the membership had mushroomed into 60 members. Currently it has 110 members from the children's sector. From the outset the CRA placed itself in a central position as an 'expert' in

children's right aided by their use of evidence based research and supported by publicly respected public figures with backgrounds in academia and the judiciary as well as respected journalists and writers.

From the outset the CRA was very effective in placing itself in a position of influence; attending Ireland's first UN Committee reporting on the UNCRC in 1997. It is this process of engagement which set in motion a series of events which would change the course of children's right irrecoverably. While the government of the day didn't make the process easy for the CRA and were quite suspicious of their involvement, the subsequent Recommendations made by the UN committee in their country report on Ireland indicated the value of the CRA and encouraged the State to engage with NGO's in a more meaningful way (UNCRC, 1997). The Committee also took on board some of the recommendation made by the CRA and in turn included them in its Concluding Observations. What followed that initial Reporting in 1997 was a slow and incremental shift in how the State engaged with the CRA and on many different levels. An interesting point of discussion would be how did the CRA go from being viewed suspiciously in 1997 to being asked by the government in 2006 to make recommendations about new wording of the Irish constitution which would allow explicit rights to children? How also did the CRA successfully move from being supervised in 1997 by the State while it examined the State's report to the UN Committee, to being asked to attend the Department of Children and Youth Affairs (DCYA) bringing 40 of its members to discuss the 2016 Report?

1.2 Aims and Objectives

1.3 This thesis has three objectives:

1. To examine if children's rights advocacy in the form of the CRA can be considered as a new social movement (NSM).

2. To interrogate the CRA utilising communicative rationality and core-periphery theory identify 'trigger events' and 'sluice gates' which contributed to the changing landscape of children's rights in Ireland?

3. To explore whether and how the role Children's Rights Alliance (CRA) was instrumental in securing significant changes for children's rights in the Irish constitution and in the development of child related policy and legislation.

The CRA was established in 1995 and over a short period of time became a leading voice in children's rights advocacy in Ireland. It oversaw an unprecedented shift in Irish discourse around ideas of childhood and children's rights. It will be argued in this thesis that the CRA played an integral role in the development of child related social policy and legislation between the period 1995 to 2012 and beyond. Further, this thesis will utilise social movement's theories as well as Habermas theories of Communicative Rationality and Core-Periphery, to examine the social, cultural and political forces which led to a prolific period of change in relation to children in Ireland.

Social movement's theories (Habermas 1981; Touraine, 1988) suggest that in the right conditions social movements emerge to challenge oppressed groups and challenge inequalities of distribution. In the case of new social movements ideas which are rooted in 'new politics' continue to emerge. These movements address issues of culture and identify (Edwards, 2009) and through cultural politics seek to redefine civil society (Powell, 2007). Habermas describes new social movements as existing in the seam between the System (the source of political power, the market and economy) and the Lifeworld (all other aspects of social, cultural and meanings of life). This thesis will argue that between those worlds the CRA, using the mechanisms of Communicative Rationality and core-periphery theory, successfully bridged the gap between the System and the Lifeworld and in so doing influenced discourse and policy around children's rights in Ireland.

1.4 Rationale for the research

As a young person I struggled with being treated differently to the adults around me. I could not understand how the word of adults in a position of power, teachers as an example, was given more credence over a child's. As an adult and with children of my own I endeavoured to afford them rights of their own within the family but this wasn't always mirrored in wider society, which was sometimes challenging for them. I knew children were subordinated but I

didn't understand why this was the case. I didn't understand the complex relationship and forces which influenced childhood construction. As a mature student of 37 I attended University College Cork (UCC) and undertook a degree in Social Science. Part of my studies involved examining children and society and through my studies I gained a greater understanding of the limitations of society informed so much of the treatment of children. Further, rather than answering questions my studies generated more questions such as why rights were afforded to some but not to others? Surely this was a complete contradiction? In the final year of my undergraduate degree I came across a quote from Edmundson (2004) which descried the complexity of human rights as an evolving process influenced only by the limitations of the human mind. A process which can only develop at the same rate as the human mind can expand:

> What began as a new, and dogmatic and inquisitive approach to the study of nature was applied to human affairs, and with consequences that are still unfolding (Edmundson, 2004:15).

Children in Ireland were historically viewed as subordinated members of society. They did not experience individual rights but were instead aligned to the rights of their family within the Constitution. A consequence of this was children were vulnerable to being mistreated by the adults in charge of them, in Institutions of care as well as within the family. A key influence in how children were viewed in Ireland between the 17th and 19th centuries was influenced by the teachings of the Catholic Church. The Church, informed by the principle of subsidiarity[2], saw the family and all issues relating to it, including children, as a private matter (Considine & Dukelow, 2009). Historically, Ireland adopted many of its laws and policies from Catholic teachings, most notable the Irish Constitution, Bunreacht Na hEireann (ibid). Despite centuries of marginalisation, in 2012 Ireland passed a Referendum which afforded explicit rights to

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[2]   Subsidiarity is based on Catholic social teaching, but not exclusive to, which advocates limited State intervention. Rather, promoting the use of services and or support from family, community and voluntary areas Considine & Dukelow, 2009).

children in a new section 42A[3] of the Constitution. Considering the marginalisation of children over such a prolonged period of time, how did this occur? What were the conditions which led to this seismic and rapid change and was it rapid or just the result of a slow incremental evolution of thought?

Edmundson (2004) suggests the evolution of rights is a slow process, first beginning during the period of enlightenment. He argues that questioning at that time related to the 'study of nature' but has since moved to issues relating to 'human affairs'. Ideas about affairs or rights are expanding at the same rate as the human mind can allow. Key questions in this thesis are; what influences our thinking on such issues? How much of an influence was the CRA in expanding human thinking about children's rights? Part of the work of this thesis is to examine the conditions under which it was possible for ideas about children's rights to emerge and the role the CRA played in this regard.

1.5 Theoretical Framework

To try and shed light on these events and create an understanding of what forces were at play, the theories of Habermas (Communicative Rationality) and Peters (Core-Periphery) will be utilised. These theories address issues of power and access to power. Habermas suggests that the world is made up of two 'worlds'; the 'System' and the 'Lifeworld'. His initial theory held that it was impossible for the Lifeworld, where all things social and cultural reside, to impact on the System, where institutions of power and the markets reside. He argued that there was no meaningful way in which the Lifeworld could exert its power, as there was no way for the Lifeworld to reach or impact the System as it held all power as well as power to access it. However, Habermas argued the System had the ability to infiltrate the Lifeworld by hijacking its discourse. For example this could be achieved by producing propaganda and putting it out into the public domain. Having considered Peters' more recent theory (1993) of Core-periphery theory, Habermas began to embrace his work and recognise the significance of it in relation to the Lifeworld influencing the System.   In 1996 Habermas incorporated Peters' 1993 theory of

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3   See Appendix 2.

core-periphery into his own, fundamentally changing the argument to suggest there was an option open to the Lifeworld to reach the System. The repercussions of such a theory, if true were inconceivable.

This thesis places greater emphases on the Core-periphery theory as it suggests that it is possible for organisations, such as the CRA, to exist in the outer periphery, a place of no power, and for it to successfully move to the inner periphery where it can influence the State. The argument holds that specific conditions need to be in place in order for this to occur. For example, Core-periphery suggests that 'Trigger Events' similar to the Reports described earlier, can create enough momentum to open up 'Sluice Gates' or avenues for the inclusion of new discourse. An evolving discourse, as described by Edmundson, has the power to at the very least start a new dialogue. At its best it can change how we think about particular issues which can be translated into policy and legislation. The final part of this thesis is testing the theory that measured against Habermas ideas of New Social Movements, how the CRA carried out its work as a children's rights advocate, can be identified as a new social movement. Critics of Habermas' theories suggest they are difficult to test. This thesis offers a unique opportunity to test Habermas theories against the workings of an NGO. Key to a successful examination was to identify a methodology which would best suit the study.

1.6 Methodology and Data Collection

The choosing of the right methodology for the thesis is crucial as it influences the way in which the data is collected and the way in which it is examined, which in turn influences the findings. It was decided to take a qualitative approach as the information which would be examined would be concerned with social constructions, relationships, conversations and interactions between the CRA and the State. The gathering of secondary data would be in the form of government policy and legislation as well as research documents from the CRA and other sources such as One Foundation and Atlantic Philanthropies. To this end the qualitative approach was identified as being the most appropriate to maximise the results. Following the collection of data, as described below, it is believed a constructionist and interpretivist approach would be adopted to interpret the findings. This type of analysis allows the researcher

to identify 'subjective meaning of social action' (Bryman, 2008:16). Equally, in terms of the data collection it was identified that an 'elite interview' would be conducted with the CRA. An elite interview is one which is undertaken with a key expert of a particular organisation, in this case the CRA. The author believed a far reaching scoping of secondary sources of data could give excellent background to the CRA and offer some insight into the conditions under which it was formed and its evolution as an organisation. Key data to inform the findings would come from an interview with the CRA itself. It was through this questioning of relationships with other NGOs and with the State that core-periphery theory and the CRA's ability to move from outer to inner periphery could be tested. The use of secondary data collection would also inform the researcher whether or not the CRA had the elements identified by Habermas which could align it with a New Social Movement (NSM).

1.7 Limitations of the research

The main limitations of the research are in relation to the methods of investigation. At the time of carrying out the elite interview with the CRA it was identified that this was the most important source of information in relation to the relationship between State and NGO. The interview, it was decided, was the best way to gather this data as it related to them directly. However, I believe the work would have been more enriched if an interview with a representative of the State had been included. Such an interview could potentially have given a deeper understanding of the evolving relationship between the State and the CRA and would have offered a unique perspective on this often difficult process, as described by the CRA. Following discussions with my Supervisor and Friendly Reader of my thesis it was decided a second interview would enrich my work. I contact the Department of Children and Youth Affairs (DCYA) and requested an interview with member of staff. It was suggested I contact two of her colleagues who might be more familiar with the work of the CRA. Both agreed an interview and despite my forwarding on my questions in advance of the interview no further contact was made by them. With only weeks remaining to submission and having consulted with my Supervisor, I decided to not to pursue the interview as it would impact on my ability to meet my submission deadline.

1.8 Outline of Thesis

Chapter Two: Childhood in Ireland: In this chapter there is a brief chronological overview of childhood and children's rights as well as developments in childhood policy and legislation in Ireland from the 19th century to present day. The chapter offers an examination of the history of childhood identifying key contributions to the development of constructions of childhood including Aries theory of childhood and new sociologies of childhood. It shows the measure of growth in a society which once saw children as subordinated beings but ended up in recent years affording them with Constitutional rights of their own.

Chapter Three: Advocacy: This chapter explores historical ideas about advocacy and the development of children's rights advocacy internationally and in Ireland. The development of the Children's Rights Alliance and the conditions under which it was founded in 1995 is also examined. This chapter further attempts to map developments in advocacy against wider societal changes including children's rights discourse. Significant too is the publication of Reports detailing the failings of the State on behalf of children.

Chapter Four: Theoretical Framework: This chapter will have two parts: Firstly it will outline the New Social Movements (NSM) theories of Habermas and Touraine followed by Core-periphery theory of Peters and Habermas. The purpose of using Core-Periphery theory is to interrogate how the CRA successfully positioned itself within the Irish NGO and State sector to such a degree that it influenced child policy and legislation. As outlined in Chapters Two and Three, there were many obstacles, social, cultural and political, which created potential blockages for the CRA's success. Despite an overarching Catholic culture which influenced how children were viewed and represented in policy and a political climate which was not open to NGO's, the CRA eventually helped to shape and bring through a Referendum on Children's Rights as well as a plethora of other important legislative changes. It made those strides with the support of the State. Core-Periphery will offer a possible explanation as to how this might have been achieved. Finally, the chapter will examine New Social Movements theory against the work of the CRA and attempt to answer the question; is children's rights advocacy a new social movement in Ireland?

Chapter Five: Methodology. This chapter offers an overview of the methods adopted for this research and outline the justification for adapting a qualitative approach to the research and describes why undertaking an elite interview with the CRA was important. The methods adopted for the thesis are qualitative as it is believed they can offer insights both from an interpretive perspective and also a constructivist's perspective. The data gathered will be from secondary sources; research and publication from the CRA, One Foundation and Atlantic Philanthropies. The primary research will be in the form of an elite interview, which by its nature offers an expert insight into the CRA.

Chapter Six: Findings. This chapter presents the findings of the elite interview with the CRA. Maria Corbett has worked with the organisation since its early years and offers a unique insight into the history and the workings of the organisation. It will examine the interview using Core-periphery and NSM theory. The main themes addressed are Building Creditability; Expert Alliances; Shadow Reporting; Research; Report Card System and Building Consensus. These themes are part of the Core-Periphery theory and offer an explanation of how an NGO could access the Core. The findings derived at will be discussed at length in the Discussion Chapter.

Chapter Seven: Discussion of Findings. This chapter combines theories of Chapter Four and the Findings in Chapter Six and brings them together to examine the implications. The chapter brings together theory and findings which shows the true implications of the research. It will also discuss the limitations of the research. Arguably, this chapter is the most important as it offers the researcher the opportunity to interrogate the Findings against the Theoretical Framework. It is also the location from where any future research can be identified and later recommended.

Chapter Eight: Conclusion and recommendations. This chapter takes an overarching review of the thesis. It offers the reader a reminder of why the research was undertaken in the first instance, the gaps in the research. It concludes by identifying the findings of the thesis and makes recommendations for future research.

2. Chapter Two

2. Childhood in Ireland

2.1 Introduction

In 2012 the citizens of Ireland passed the 38th amendment of the Irish constitution, more commonly referred to as the Children's Referendum. For the first time in the history of the Irish State, children could now be afforded individual rights in policy and legislation. The referendum addressed long standing contested issues relating to children's rights and explicitly dealt with disputed issues such as the 'best interest' principle, the 'voice' of the child and childhood as well as adoption rights. This chapter will examine the societal changes which occurred in order for this development to take place. It will show how changing discourses around childhood contributed to the development of children's right advocacy. Further, the work of advocates in this area will also be described. Running parallel to wider societal changes on childhood, the Children's Rights Alliance (CRA) worked towards creating an atmosphere of consensus between competing forces of influence.

Key to understanding the changed landscape of children's rights in Ireland is to examine how childhood was viewed historically and the influencing forces which contributed to an evolving narrative. The chapter will begin by examining early ideas about childhood which were presented by Aries in 1962. The works of Aries and de Mause (1976) challenged the way childhood was viewed and brought into focus the idea of childhood as a social construction; a unique experience based on a particular societies view of children. Key influences such as economic, social and cultural on childhood were investigated and there was a growing awareness of the integral role these play on a child's life and experience (Pitcher & Wagg,

1996; Hayes, 2002). In short, childhood does not take place in a vacuum but rather it is the sum of all forces unique to each culture. The chapter will then examine two very different views of childhood, those of protectionists and liberationist which in turn has led to quite polarized debates on issues relating to children, their rights and the role of adults in their lives.

The chapter concludes by examining how the legacy of these historical ideas of childhood dating back to Greek mythology has influenced Irish social policy and its role in shaping children's lives. The changing nature of childhood as represented through social policy will be interrogated and the influencing forces which led to key developments in children's rights including the abolition of the Industrial Schools system, the development of the Ombudsman for Children's Office, the Children's Referendum and subsequent amendment to the constitution and the formation of the National Policy Framework for Children and Young People (2014), will be examined. These policies are evidence of the explicit changes which have taken place in Ireland around childhood and children's rights.

2.2 Evolving Narratives of Childhood

The absence of a 'history of childhood' in not a new idea, it was first identified by Bossard (1948) as one possible obstacle faced by researchers engaged in the study of childhood. Madge (2006) and Powell (2015) also argue the lack of a history of childhood has led to gaps in our understanding of it, while Ambert (1986) describes the study of childhood in mainstream sociology as being 'near absent'. She further accuses classical sociologists such as Weber, Durkheim, Mean and Parson as 'circumventing childhood'. Qvortrup (2009) suggests the same is true for modern sociology textbooks with childhood being represented as products of socialization with little or no regard to expanding the paradigm. Qvortrup suggests the reason for this gap in the sociology of childhood is because sociologists such as Parson and others did not see children as having agency, *In his (Parson) and other sociologists view, children did not have agency, and the notion of childhood as a segment in the social structure was not in their minds"* (Qvortrup, 2009: 22). Childhood as an area of study emerged from the study of adults and the family. Both developmental psychology and sociology examined children and childhood as means to understanding adults. In other words, both disciplines adopted an adult

centric approach to the study of childhood.

Powell (2015) examines why it is the study of childhood is 'poised to succeed the study of class, the study of gender and the study of race as the most recent arrival in a series of demands to know' (Powell & Scanlon, 2015: 2). He concludes that while history saw women and children occupy the same 'social space', women managed to liberate themselves from their subordinated position when children remained marginalized. Powell looks to Cohen (2007) for an explanation of this. She concludes that one possible reason why children and their emergence into society as equals has not been possible is because the very 'definition of childhood is unstable' and the absence of such an 'anchor' makes it near impossible for something to evolve as there is no solid beginning to such an evolution (Cohen, 2007: 3).

2.2.1 Early Conceptions of childhood

Early conceptions of children placed them in two categories of 'good' and 'evil' (James and James 2004; Jenks 1996). Originating from Greek mythology the Dionysian child was viewed as inherently evil. Influenced by Christian teachings this model of childhood was viewed as possessing original sin arguing it was the responsibility of the parents to remove the innate evil in the child. The Apollonian child was considered inherently innocent but still needed the same level of protection but for different reasons. The Dionysian child was vulnerable to negative influences because of its innate evil desire, while the Apollonian child, not being viewed as evil, was vulnerable to abuse and negative influence. In short, adults sought to control each type of child but for different motivations.

More recently, Smith (2012) has developed on Jenks ideas of the Dionysian and Apollonian model of the child and introduced a third model she calls the Athenian child which incorporates ideas around governmentality. This model aligns itself with liberal democracy's emphasise of 'upright' moral subjects (White and Hunt, 2000: 103). Producing children from 'child centred' socialization with greater emphasis on the role of the mother as being central to the process. Despite a type of a freedom being bestowed upon this type of childhood through autonomy and emphasises of the individual, Smith describes it as another form of control. The governmentality of childhood is rooted in freedom of the self with emphasise to a sense of

'responsibility' as aligned with liberal democratic models (Smith, 2012).

Hobbes offered an early alternative to the 'evil' model of the child which was rooted in ideas of 'good conduct' and ultimately aimed at producing social order (Hobbes, 1651). His ideas of absolutism related to social order of adults and children, with children viewed as having no power or rights. These could only be obtained by becoming a good adult. It was the role of parents to teach their children their position in society and help create good adults. Hobbes views on children were nonetheless unfaltering as he viewed them in the same light as 'fools and madmen' all of whom he argued did not possess the ability to reason (Hobbes, 1651: 127 Jenks 2005; James et al 2010). Hobbes early ideas about children were further contributed to by Rousseau's publication of Emile (1792). This work broadened ideas about children as being 'innocent' and 'good' while at the same time identified them as being at risk to the evils of 'man' (Rousseau, 1762). Rousseau's view of children created a whole new dichotomy which viewed children as possessing something innocent which should be nurtured and even learned from by adult (Jenks 2005; James et al 2010). James et al describes how the reverberations of Rousseau's ideas about children continue to be felt today;

> Thus, rather than just instilling a sense of childhood innocence, Rousseau, more significantly, opened up the question of the child's particularity, a question that, as we shall see, remains central in contemporary theorizing (James et al. 2010; 13).

Rousseau's ideas created a new type of socialization of children with the aim of creating good citizens. But those who could not be socialized into becoming good citizens were vilified and demonized. The discourse of the evil child was evident in literature such as *Lord of the Flies*, *The Children of Tynemouth* and in movies such as *The Exorcist* (James and Jenks 1996; Gittins 1998; James et al 2010). Children were also exposed to a warning of what would happen to such evil children through storytelling of fairy-tale such as those written by the Grimm brothers. From a very young age children were taught that if you did evil acts you would pay with your life (Powell & Scanlon 2015). Adults created a narrative which constructs clear lines of transgression with consequences to children (ibid).

2.2.2 Modern conceptions of childhood

The naturalistic perspective, based on developmental psychology and biology, viewed childhood as a stage adults went through and was not viewed as warranting a study in itself (Lee, 2001 and James 2009). Aries (1962) was one of the earliest researchers to challenge ideas about childhood as being a fixed concept and not merely a biological stage in an adult life. His perspective offered a deterministic view which argues that childhood was in fact more complex than previously thought. Aries viewed childhood as being full of potential for children while being influenced by their social surroundings.

He looked to early representations of childhood as depicted in 16th to 18th century art and literature as the basis of his early works. His thesis is that childhood is socially constructed and children did not exist in a social vacuum. In other words, childhood and the experiences of children were informed by their social and cultural surroundings. His research identified how prior to the 19th century childhood, in the contemporary sense, existed from birth until they were past infancy. As such children were often represented in art and literature as mini adults and were dressed accordingly. Aries suggested the lack of a modern consciousness of childhood meant that children participated in all aspects of adult life including physical work which often placed them in a position of vulnerability; *"without any regard for their particular physical or emotional needs"* (Aries, 1973). Similarly, de Mause (1976) describes childhood as a transitionary stage in life and emphasised the vulnerability of children. He argued that history has proven that the further we look back the more vulnerable children were due to low levels of child care (de Mause, 1976). Powell (2015) describes the work of Aries and De Mause as transformative in informing the way we now view childhood.

2.2.3 Industrial conceptions of childhood

What began as the identification of childhood as a life stage soon expanded to include new and often contested ideas about the child as an active agent which had repercussions for child and adult relationships. European and America concepts of childhood slowly emerged from the 16th century and were heavily influenced by class which was perpetuated through capitalist models. No longer viewed as adults in waiting, children were becoming increasingly protected from

having to work and were instead viewed as the 'priceless child' with their value being placed on an emotional level rather than for economic purposes (Corsaro, 1997; Zelizer, 1994). The development of the printing press in the 16th century along with the industrial revolution creating the need for a more educated and skilled workforce led to more formalised schooling of children. The dissemination of information by adults to children created an institutionalised means of control. Adults controlled the information and also the experience of school for children. Wyness (2009) describes how this led to the conditioning of children for their future lives, a type of legitimate domination (Giddens, 1984), or what Foucault describes as the governmentality of children (Smith, 2012). A subordinated dynamic emerged with clear demarcation of spaces, no longer were children and adults sharing spaces and experiences, instead children occupied separate social spaces and the gap between child and adult deepened. James et al. (2010) describe it in the following way:

> An age based hierarchy and eventual dichotomy was becoming institutionalised in the relationship between adults and children and the defining characteristics of these differences were, by and large, oppositional (James et al., 2010: 4).

Aries identifies mid-18th century as the beginnings of the development of oppositional relations between adult and child. While many describe the work of Aries as being responsible for the 'revitalizing of the concept of childhood' (James et al, 2010), others critique his work as being too narrow in its framework and not sufficiently taking into account the situation of working class children or girls (De Mause 1976; Pollack 1983; Corsaro 1997; Gittins 1998). Corsaro suggests the work of Pollack which included the use of autobiographies and diaries, although successful in widening the framework, were also limited as only the experience of the literate was included and therefore could be seen as class based with little or no understanding of the poorer classes experience of childhood. Research undertaken by Aries, De Mause, Pollack and Corsaro contributed to a widening of the paradigm beyond the adult centric experience of childhood to include culture as well as darker elements of childhood which looked beyond the happy and sociable experiences. Childhood was no longer viewed as a happy time for children with child protection issues coming to the fore showing that children were at

risk from all adults including family members (Powell & Scanlon, 2015).

2.2.4 Post-modern conceptions of childhood

Through a process beginning in the 1960's, by the 1990's sociology 'rediscovered' childhood (Corsaro, 1997) which led to a new way of examining childhood and new ideas about children as agents in their own lives began to emerge with a deepening debate in this area. New sociologies of childhood began to speak of children in terms of autonomy and agency in ways that had rarely if ever been used before that time. It created an opportunity for the emergence of child liberationist's discourse which was in direct opposition to protectionism which sought to keep the status quo of the adult hierarchy.

Historically viewed as a homogenized experience, changing discourses have contributed to sociology's shift to addressing the 'multiple dynamics' of the child (Chambers, 2012) which include new ideas about the individual experiences of childhood. A risk attached with an expressed homogenised experience of childhood fails to recognise the diversity of childhood experiences. Such assumptions are rooted in overly categorical or universal thinking which masks childhood realities (Mayall 2002; Tisdall, 2012; Oswell, 2013). Further, new sociologies have sought to look at children in their cultural settings as well as through the contested issue of agency with the objective being to create an understanding of a more nuanced experience of childhood. Nasman (1994) describes the challenges of the new paradigm as the 'individualization' of children concluding:

> Children are identified, registered, evaluated and treated as individuals in some contexts as adult citizens but in others not. One could say that children are historically at the beginning of a process towards individualization where men have long had an established position and women have achieved one during the end of the last century (Nasman, 1994: 167).

In this regard the challenge for society is how the individual rights of the child can be honoured in practice both socially and culturally and in turn in policy and legislation. Ideas based on individual rights and not rights associated with adults are challenging for adults to submit to

and even 'revolutionary' in their application (Young-Bruehl, 2012:11). Arguably the challenge for adults is the re-imagining of adult and child relations without the power imbalance leaning in favour of adults (Powell & Scanlon, 2015)

In a post-modern context, structuralism views childhood as not merely a stage in an adult's life but rather as a permanent life category. In other words society will always have children. The challenge then is how does society respond to this fact? Structuralism argues that children, like other categories of society such as adults and older people, have the right to be active participants in their own life. Further, they argue, that to fully understand childhood its imperative that it be examined in the context of the child's social and cultural settings.

The evolution of ideas around agency has not been a linear process. It took place as part of wider social change which was battled out between social structures and human action (Qvortrup, 2009). Qvortrup argues that social structures which position children, for example without rights, lead to tensions which ultimately erupt into human action. He describes the process as such:

> The result of the interplay between structural conditions on the one hand and conscious and deliberate human interventions on the other. The strength relations between the two largely determines the direction and rapidity of social change and it is thus of continuous interest to look for the relationship between structural forces and human agency, with the purpose of striking the balance (Qvortrup, 2009: 21).

The notion of agency of the child continues to develop through new sociologies of childhood. However, Wyness (2006) describes new sociologies' study of agency as a paradox: "*The idea of adults acting in children's 'best interest' becomes difficult to reconcile with children not having a voice or any means of expressing their interests*" (Wyness, 2006:40).

This brings into focus arguably one of the greatest challenges for new sociologies to include children and their own ideas of childhood, to help inform childhood studies. Key writers such as, Allison James and Adrian James describe how indicative to this process is the need to move beyond traditional 'seen and not heard' idea of children and instead view them as active agents

in their own lives (James and James, 2004). Key to this developing idea of agency was the recognition that children were not passive recipients waiting to be socialized but instead active agents engaging with their environment and making their own interpretations accordingly (Corsaro 1997; James 2009, James et al 2010). But perhaps even more useful to sociology is how children's ability to 'employ a variety of modes of agency' can teach us how social actors engage and change their social world by placing themselves *flexibly and strategically within particular social contexts thereby shaping the social experience rather than it shaping us'* (James and Prout 1995: 78).

Children as social actors therefore presents its own challenge in relation to capturing childhood. Considering not just the child as the social actor but it being part of different discursive practices allows for different versions of childhood, each within 'their own regime of truth' (James and Prout, 1997; Morss 2002; Kehily 2004). This changing landscape of childhood from one which viewed children as a 'tableau de rasa' (Locke, 1632) or blank slate to one which saw children as possessing the capacity for action is far removed from the version of childhood inherited from Greek mythology which described children as either being inherently 'good' or 'evil'. Kehily concludes:

> The recognition that there may be different ways of being a child and different kinds of childhood is important to the development of contemporary approaches to childhood. Central to contemporary approaches is the understanding that childhood is not universal; rather, it is the product of culture and as such will vary across time and place (Kehily, 2004: 7).

With one set of ideas developing, shaping and informing research about childhood, an opposing view of childhood as one in need of protecting continues to emerge side by side with ideas of agency.

2.3 Liberationists and protectionist

Childhood is currently acknowledged as being a fluid experience informed by the social and cultural space it occupies. In other words, each child's experience is unique to their

circumstances. Further, each new epoch reflects back onto childhood the particular ideas and experiences of that time. From the early ideas of childhood first identified by Aries to subsequent ideas about childhood as being a social construct. Modern and post-modern versions of childhood as an experience which either needs protection or liberation. Having moved into a period where the emphasis is on individualisation, this too has impacted on ideas of childhood.

Powell and Scanlon (2015) describe how there are traditionally two main positions within children's rights discourse. They argue that children's rights exist somewhere between the two perspectives; the liberationist - which argues in favour of self-determination - and the child protectionist - which argues in favour of a nurturance model. It is within this debate, discussion and arguments about children and their position in Ireland exists. The debate has been largely informed by social constructions of childhood. With new sociologies came new ideas of childhood and children, who moved from being socially invisible to social actors capable of agency (James et al., 2010; James and James 2008; Powell and Scanlon 2015). Arguing against this is the view that children should be protected within the family unit. In Ireland this model is influenced by Catholic teachings which argue in favour of a system rooted in subsidiarity (Considine & Dukelow, 2009; Powell & Scanlon 2015). The Church played an integral role in forming and informing Irish policy with an even greater emphasis on social policy. One of the earlier representations of this was in the writing of the Irish Constitution (1937) when then President of Ireland Eamon de Valera was in regular communication with Archbishop of Dublin, McQuaid about the content of the document (Considine & Dukelow 2009; Powell & Scanlon 2015).

Differing ideas about children's rights; those who seek to protect children and those who seek to liberate them continue to emerge. Protectionists argue in favour of children being protected by adults with the power of decision making being removed from children and placed with parents. Liberationists views about children and their rights are informed by ideas rooted in the UN Convention on the Rights of the Child (CRC, 1989). The dichotomy continues to emerge from this space of protection and liberation (Powell & Scanlon, 2015; O'Connell et. al. 2015).

2.3.1 Child Protection

Ideas about protection and rescuing of children began in the 19th century with the development of charitable and philanthropic efforts. Friendly Societies, voluntary groups and philanthropic groups were in response to the economic gap which had emerged between rich and poor. This period predated the establishment of the welfare state and was largely the work of well-meaning upper and middle-class women. Well known charitable organizations such as the Society of Saint Vincent de Paul, Barnardos and the Salvation Army were founded during the latter part of the 19th century (Thane 1996; Considine & Dukelow 2009). To the outside world, the motivation behind the work of such charities was to help the poor and sick, but often at the root of these altruistic actions were moral judgments about and the social control of the poorer classes. The Catholic Church heavily influenced the work of the charities as it believed there should be limited State involvement in private matters (Considine & Dukelow 2009). The principle of subsidiarity, which was adopted from Catholic teachings, was at the core of much charity work in Ireland.

Children were constructed as being in need of protection, either from themselves or from external negative influences. With the aim of protecting children morally and socially, the State established the Industrial and Reformatory Schools system in 1846 (Quin et al 1999; Considine and Dukelow 2009). Many researchers now refer to this as the 'charity myth' which was exposed during the Commission of Inquiry into Child Abuse, (2009). The 'myth' being that over 100,000 children rather than being protected were being morally and socially controlled (Raftery & O'Sullivan, 1999). The true working of the Industrial Schools system was exposed through the Commission**,** commonly referred to as the Ryan Report (2009). The inquiry exposed systematic abuse of children at the hands of the religious orders which operated the schools on behalf of the State. Institutionalizing children for their own protection was not an isolated way in which to manage children but was part of a larger discursive practice which sought to control and regulate child and adult relations through legislation, reinforcing the notion of rescue and protection (Donzelot, 1980; James & James, 2004). The Industrial Schools system will be examined in greater detail in the Policy section of this chapter.

Ideas about children and the 'crisis' of childhood have also informed protectionist discourse. Childhood in 'crisis' discourse can be tracked throughout the history of childhood. Each new crisis brings with it new ideas about monitoring and control. Buckingham (2011) describes this type of construction as 'claims making' which creates a moral panic about childhood leading to tighter adult controls over children's lives. This contributes to what Donzelot (1980) describes as the 'tutelary complex' which creates ambiguity between care and control.

The rhetoric or 'crisis' of the 1980's related to missing children and it created a social construction of crisis which facilitated a hyper vigilance in relation to children. Societies began to become more aware of personal safety of children and ideas about 'stranger danger' came into play. The consequences for children were their lives become more strictly monitored and supervised by adults. But as described by Powell earlier, children alone with adults presented its own risks with no guarantee of safety.

Researchers such as Postman (1993; 994) presented a modern take on the Romantics ideas about vulnerable and innocent children. He argues that television, and on a broader scale technology, are having negative influences on children and their families. He holds that television changed the innocence children possess naturally and further suggests technology was responsible for the 'decline in modern civilization' (1993). Postman looks to television as being responsible for the 'blurring of lines' between adult and child relations. The core of the issue for Postman relates to information and its dissemination to children. He argues that children need to be protected from certain information arguing they are neither mature enough nor entitled.

In the postmodern world directed through social media it is near impossible to control information accessed by children. This has reinforced the work of Postman which suggests parents should be the gatekeepers of information. The risks to child safety are great and often go beyond the individual but instead are now reaching across culture and countries. Protectionists look to the sexualisation of children as arguably one of the greatest risks to children in a post-modern world. But in the Irish context it is an issue which continues to be a difficult topic of discussion. Powell & Scanlon (2015) describe child sexuality as 'culturally

sensitive'. Its sensitivity is rooted in deep catholic conservative views on sex and the body. O'Toole (2009) describes the use of the industrial schools as a 'myth' of charity, which was more concerned about 'power, sex and class' than the care and protection of children. He describes how the perpetrators of sexual abuse used sex as a means of power over the children.

Locating the balance, as described by Powell & Scanlon (2015), between protection and liberation continues to be a challenge for adults. A key influence in how these ideas are understood as outlined earlier in this chapter is how children are constructed. Arguably, the 'risk' society as described by Beck (1996) and Buckingham (2011) presents the greatest 'threat' to children and childhood. Beck refers to the risk as being the loss of family through divorce, while Buckingham looks to consumerism. Each has the same outcome; the loss of innocence to the child. A direct consequence to risks or crisis in childhood was 'policing' of families and children (Donzelot 1980). Through the creation of State services such as social services, judicial services and the education system, risks to children were addressed and controlled by the State (Donzelot 1980; Powell & Scanlon 2015). During the past ten years more and more emphases has been placed on children's over consumption and sexualisation through media and various forms of social media. Arguably, the latest crisis of childhood is the 'commercialization and sexualisation' of children (Bailey Report 2011).

This type of protectionists model does not take into consideration the views of the child and only looks to adults as having the authority to speak on behalf of what they believe is best for the child. This 'adultist' view of childhood reinforces the subordinated position children have held historically. It is possible to trace this construct of child in need of protection from Greek mythology which views children as either 'evil' or 'good' with both needing protection from adults for very different reasons.

2.3.2 Child Liberationists

According to the United Nations Convention on the Rights of the Child (UNCRC) children are entitled to the same rights as their adult counterparts. However, for over thirty years protectionists have disagreed with many aspects of childhood put forward by liberationists such as the role of adults in a child's life, at the core of the argument is the fundamental disagreement

on whether children are vulnerable or have capacity. Powell (2012) argues child protectionists do not consider, or at least consider enough, the vulnerability of children in the care of adults. The 'charity myth' as described by O'Toole (2009) was further echoed in the Ryan Report (2009) which concluded that children were left without basic care and protection leaving them vulnerable to abuse by adults who were charged with their care (Ryan Report, 2009).

Despite protectionists drive to control the environment of the child, changes in childhood have forced the issue in what Powell describes as 'adult resistance'. Over two decades ago Giddens (1992) identified this as a core issue between children and adult relations. He cites the different dynamic between adults and children as justification for it no longer being possible for adults to prescribe to children. He suggests rather than trying to resist the changes it is necessary to create a new type of relationship based on equality. Giddens termed this new dynamic as a 'pure relationship' based on principles of understanding and listening in order to give and receive respect from the other (Giddens, 1992). The old order between children adult relations which saw children automatically giving respect to adults based on their adult status, while children had to prove themselves in order to receive it, had changed.

Tapscott (1998) holds that children are active agents and are not passive beings waiting to be conditioned into adulthood. While he does acknowledge technology has had a negative consequence on children's lives, he puts forward an opposing view; where Postman sees the demise of childhood and wider society, Tapscott sees growth and progress. Markowitz' (Kehily and Swann 2003) argues that the relevance of technology is not about judging the merits of television and other forms of mass media as good or bad, but rather understanding how it has led to change. Markowitz' view on childhood constructions is controversial in that he argues adults have deliberately placed children as 'innocent' in order to justify their own need to socially control children, without any acknowledgment of children's ability or agency. He suggests the development of technology such as television and the internet, has placed a spot light on this 'social separation' between adult and child and there is now more discussion and critiquing of this view. Kehily & Swann (2003) echo this view suggesting that agency of the child and the development of this concept has been one of the most influential changes of

childhood in recent decades. In short, mass media, and the development of the internet, have created a space in which children's autonomy was allowed to grow and develop.

Powell equally views technology as a means of emancipating children despite what adults are demanding. He concludes: *"In the post-modern world, dominated by electronic media, children's emancipation would appear to be advancing in the face of adult resistance"* (Powell & Scanlon, 2015: 206). He further suggests giving children a voice in their governance is the key to finding the balance between protection and emancipation for children. He looks to the UNCRC (1989) as offering a key framework which will both protect children from adult exploitation as well as give them a say in their lives. The framework offers protection of children, provision of service as well as participation of the child in issues which affect them (Powell & Scanlon, 2015).

The publication of the UNCRC was instrumental in progressing children's rights in Ireland. But it was a slow and sometimes difficult process which often saw children placed in vulnerable situations. The development of Irish social policy, as a tool for the realization of children's rights, was difficult and not without its challenges. This next section of the chapter will outline how children were viewed in policy and arguably how policy and legislation ultimately created a space from which children's rights could be acknowledged.

2.4. Children in Irish social policy

The 1990's are viewed as being a 'watershed' period in the recognition of children through policy. Considine & Dukelow (2009) note that it has not been a linear process with the key obstacle to rights based policy and legislation being the social position of children as subordinated members of society. Keane (2008) describes children as being historically in a type of 'bondage' which was enforced by 'age patriarchy'. This age based discrimination, or 'adultism' (Wall, 2010) has been at the root cause of resistance to children's rights. Despite this historical resistance Keane accurately predicted a changing landscape:

> [….] there are also many indications that the release of children from bondage, into
> civil society and its political and legal entitlements is now under way. The old dogmas

of quarantine and welfare regulation are crumbling; it is as if civil societies and governments have decided that they cannot live with the insensitivity that they formerly inflicted on children (Keane, 2008: 16).

Whether, as Keane described it, civil society could not live with its insensitivity towards children, or whether in fact Irish society was forced into change aided by a changing discourse internationally, the end result was the passing of the 2012 Children's Rights Referendum and an amendment to the Constitution. Children now have individual human rights which up to that time had only been enshrined through their place in the family unit. The passing of the Children's referendum brought to an end the subordination of children which prevailed in Ireland for over a century. It would be too simplistic to suggest that this change occurred through a natural evolution of thought. It occurred as a result of competing forces battling over children's rights. It is possible to chart through social policy how children were viewed through the past fifty years. This section will examine the changing discourses which led to changing discourse around children's rights which had a direct impact on social policy and in turn children's experiences.

It wasn't until the Children's Act 1908, more commonly referred to as the Children's Charter, was published that State responsibility towards children was addressed . The publication of the Act was part of wider liberal reforms which was being pushed by the government of the day under the leadership of H. H.Asquith. It detailed the role of the parent in terms of care and protection and also outlined the role of the State when parents failed in their duty of care to the child. In other words, for the first time children, through legislation, were seen as having the right to protection through legislation. It is important to note that this was enacted during a time when Ireland was still under British rule. Despite its publication in 1908, its enactment in Ireland was slow and difficult. Powell concludes:

> The painfully slow pace of implementation over succeeding decades against that resistance in Ireland continued long after the enactment of the Children's Charter. Children's rights have always been regarded with scepticism in a society with an abidingly traditionalist conception of the family (Powell, 1992: 136).

It may be difficult to conceive, given today's ideas about children's rights, but the Children's Act, 1908 was considered very forward thinking for its time. It was to inform child protection and child policy for a further 83 years when the Child Act, 1991 was introduced (Powell 1992; Richardson 1999; Considine & Dukelow 2009). This time lapse in policy and legislation development is indicative as to how difficult an issue it was to legislate for. However it was at a significant cost to children.

2.4.1. Irish Constitution

Arguably one of the most influential documents in Irish child related policy is the Irish constitution, BUNREACHT NA hEIREANN, 1937, which was published following Irish independence. It could therefore be argued that the Irish constitution is the location where debate and discussion about policy and legislation begins and ends. Up to 2012 and the passing of the Children's Referendum, children were very clearly viewed as being part of the family unit and as members of that unit protected under the constitution as part of that unit only, not as individual citizens or rights holder. Eamon DeValera, the first President of Ireland was responsible for writing the constitution and within it he expressed clear aspiration of how he envisaged Irish society should be. Nolan (2007) describes how children were viewed as a consequence of the constitution:

> The limited consideration of children (and of children as rights holders, specifically) in the 1937 constitution is undoubtedly largely attributed to the contemporary societal perception of children as objects of parental rights and duties rather than autonomous rights-holders (Nolan, 2007: 500).

A key influence to the wording of the constitution was the involvement of the Catholic Church at its drafting stages. John Charles McQuaid, then President of Blackrock College and later Archbishop of Dublin, played a pivotal role in the formation of the constitution. DeValera and McQuaid corresponded regularly about the 'Catholic social principles' which were to inform the document. DeValera, for his own part, sought to remove the 'symbols of imperialism' which were evident in the Irish Free State constitution and instead replace them with Catholic principles adopted from papal encyclicals (Powell 1992; Considine & Dukelow 2009;)

DeValera held very strong and particular views on the family and its role in society. These were represented very clearly in Article 41 where there was a strong demarcation between family and State. Placing the family unit ahead of the individuals in it, contributed to a construction of children as being subordinated which had a far reaching impact on future policy and legislation where children were seen as subordinated members of a family unit and not as autonomous citizens in their own right. The family was described in the following way:

> The State recognises the family as the natural primary and fundamental unit group of society, and as a moral institution possessing inalienable and imprescriptible rights, antecedent and superior to all positive law (Article 41.1 Irish Constitution, 1937).

President DeValera, who drafted the wording argued during Dáil debates at the time that the inclusion of some of the wording, while it may align with Catholic teachings was not included for that purpose but was in fact something he believed should be included:

> This is not merely a question of religious teaching; even from the purely social side, apart altogether from that, I would propose here that we should not sanction divorce (Dáil Eireann, 1937).

Children were 'invisible in the policy process' through the principle of family autonomy', which reinforced the family unit as the holder of rights (Ridge 2008; Richardson 2005; Considine & Dukelow 2009). Despite the family being positioned so favourably within the constitution, the State continued to show lack of State support for the unit. Considine and Dukelow (2009) conclude:

> Paradoxically, given the constitutional standing, the overall approach was actually one of limited State support for the family and the position of children in that domain (Considine & Dukelow, 2009: 374).

During the early stages of drafting the constitution, women and children were held in the same regard - both described as having 'inadequate strength'. Dáil debates relating to the proposed

wording were witness to many protests by organizations representing women's interests, which ultimately led to its removal from the document. There appears to be little or no evidence of similar representations being made on behalf of children. The main difficulty lay in how children were socially constructed at the time of its writing. Children were viewed as having a maturity and understanding relating to their age and this was used as a justification to exclude them as holders of equal rights as adults (Nolan, 2007). Their lack of development of 'mind and will' illustrated they did not have capacity and while the words 'inadequate strength' were never used in relation to children, the absence of children as individuals, rather than as part of the family resulted in their invisibility in the Constitution. Nolan concludes:

> While this recognition of reduced capacity of children might be welcomed from a child rights perspective in some circumstances, its perturbing that the perceived differences in 'social and physical capacity' and 'social function' (Article 40.1) between children and 'matured person[s]' was expressly presented in Dáil debates as a basis for not holding children to be 'equal before the law' (Nolan, 2007:500).

President de Valera was questioned about distinguishing between men and women during Dáil debates but held the position that he did not distinguish between them concluding, *"there is no distinction made whatever between men and women as far as the vote, the franchise, office or anything else is concerned"*(Dáil Debates, 1937). He did however refer to provisions being made to protect *'the inadequate strength of women or the tender age of children'*. Despite the exclusion of this phrase in the final draft of the Constitution, it showed a lack of awareness for the need of expressed individual rights for women and children.

2.4.2. Industrial and Reformatory Schools Act

It is possible to see how these constructs which supported ideas of control of the classes and based on ideas of 'good' child versus 'evil' child, were represented in Irish social policy. An early example of this is in the Industrial Schools system developed in the mid 1800's. The Reformatory school system was first established to address issues of delinquency in 1854 and subsequently the Industrial school system was established in 1868 for homeless and destitute children (Powell 1992; Richardson 1999; Raftery and O'Sullivan 1999). The Industrial School

system was divided into two schools which were rooted in the Dionysian and Apollonian models. The evil child, usually brought before the courts for committing petty crimes, was sent to the reformatory school while the child with the potential for good was sent to the Industrial school for education and training. It is possible to see how Hobbes ideas about good conduct and good citizen were modelled through the system as the principle of the industrial schools was to 'take children in early childhood, train them into industry and good conduct' (Raftery & O'Sullivan, 1999: 63). Those children who came before the courts were sent to reformatory schools with those coming from neglectful or poor families were sent to the industrial model school. While each school offered something different to the children, both came from the principle of controlling children through industry or controlling vagrancy (Raftery & O'Sullivan 1999; Powell 1999; Considine and Dukelow 2009; Powell 2015).

The system was 'punitive in orientation' and informed by a philosophy that there was a correlation between destitution and vagrancy. The end result for children living in poverty and forced into vagrancy, was they were socially constructed as criminals (Powell, 1992). Raftery and O'Sullivan (1999) concluded that while the Act was originally published purporting to have the intention of helping orphaned and abandoned children, the reality was far less altruistic. Through the system it was evident that children of all classes had no rights, but for children of poorer classes it was even more oppressive. Children from poorer families were targeted and viewed as 'moral dirt' (Ferguson, 2007). However children's experiences within the confines of the Schools were described as being a 'climate of fear' (Ryan, 2009; Ferriter, 2016 Irish Times). The State in collusion with the Church sought to control the morality and sexuality of poorer children with greater emphasis on girls:

> It is abundantly clear that the Irish Reformatory and Industrial School system were for the children of the poor, who were perceived as a threat to the social order (Raftery & O'Sullivan, 1999: 64).

Where Britain was removing children from industrial settings, Ireland was consolidating its use of the Schools. Pressure on the State to abolish the system was continuing with the publication of the Cussan report (1936), the Tuairim Report (1966) and the Kennedy Report

(1970). Tuairim was an organization established in the 1960's by a group of writers, artists, musicians, teachers and youth leaders in Ireland. Its members described themselves as being interested in 'impartial discussion of ideas and policies' which related to Ireland and its culture. It published a Report into the Industrial School system which was damming of the system as an educator of children. It led to the setting up of the Kennedy Inquiry and the subsequent publication of the Kennedy Report in 1970.

By the late 1960's the numbers of children being committed to the Schools had dropped considerably. The Kennedy Report in 1970 offered the final death knell to the schools ultimately recommending their closure. The report described the schools as 'ineffective in their education duty', describing the schools themselves as being 'deplorable' and 'defective' (Kennedy, 1970). The Schools subsequently closed down but it was not until the publication of the Commission to Inquire into Child Abuse (2009), commonly referred to as the Ryan report, that the true magnitude of neglect, physical and sexual abuse experienced by children in the schools, were revealed (Burns et al 2014; Powell & Scanlon 2015). At the time of the publication of the report, the details contained within its pages were described as harrowing 'burned themselves into the brains of those who read it (O'Toole, 2009).

On the surface, the Schools Acts may be viewed as a simple solution to a child protection issue, gone wrong. But the thinking which underpinned it was complex. There were many stakeholders involved in the development and application of the Act, each with their own particular view and solution to the 'problem'. The State needed to protect children who were neglected, abandoned or criminally minded; the Church wanted to 'save the souls' of these children and the wider societal issue was a need to protect the wider community from the 'losses of evils' (Raftery & O'Sullivan, 1999). The State played a supporting role in the controlling and monitoring of families and they were supported through the work of the Irish Society for the Prevention of Cruelty to Children (ISPCC) and the medical profession and enforced by the law of the land through the courts system.

The ISPCC, formerly the National Society for the Prevention of Cruelty to Children (NSPCC) is seen as the 'most influential' philanthropic organisation which developed near the end of the

19th century (Powell & Scanlon, 2015: 29). The NSPCC was an arm of the State which enforced child protection legislation (Ferguson, 1993: 1996). By the turn of the 20th century the Child Care Act (1908) was the legal framework which informed child protection practices (Gilligan, 2009)

The complex social issues of poverty, poor housing, and unemployment which existed in Ireland during the turn of the century and which were a contributing factor in the experiences of children were not addressed. None of these pre-existing issues were helped by the fact that children at the turn of the century were viewed through the Dionysian and Apollonian model of childhood. They were either born evil and needed taming or they were innocent and needed protecting. Parallel to these issues was the issue of cost, which was a key factor influencing the system. Raftery and O'Sullivan conclude:

> [the Industrial Schools system] was by far the cheapest and best in every point of view, since it saves the expense of prosecuting and imprisoning the children; and what is more important, by preventing them from becoming criminals, protects the community from the losses and evils they would influence upon it (Raftery and O'Sullivan, 1999: 63).

2.4.3. The European project

The Industrial Schools Act continued to haunt the Irish State in the late 1960's and 70's. During this period Ireland was anxious to gain entry into the European Economic Community (EEC) but its policy of 'institutionalisation' could easily have stood in its way to gaining entry as it was a poor reflection of Ireland's record of human rights and 'democratic citizenship' (Powell & Scanlon, 2015). Despite its poor record in 1973, Ireland joined the EEC, later to become known as the European Union (EU). Membership was seen as offering Ireland access to economic markets which up to that point were not available to it. The financial benefits of joining the EEC were championed and so too were the employment opportunities which would improve living and working conditions for all members (Kleinman, 2002). Little attention was paid to the social benefits at the time of joining, but it soon became apparent that Ireland would benefit socially as well as economically from the wider European project. Ireland's catholic conservative ideology would be challenged in the sense that it could no longer pass laws which

contradicted EEC laws. Early signs of change came about through equality legislation which was implemented as part of a wider drive by the EEC to progress the Women's Movement agenda for equality. Directives, which were legally binding, tackled issues of equality in the workplace and access to rights in the 1970's and 80's. These directives lay the foundation for further development of laws and strategies which tackled issues relating to rights. Further, as members of the European Council, the promotion of human rights is a cornerstone of the work it undertakes between member States. It acts as both promoters of rights but also as monitor of rights between members .Children were specifically referenced in the 1997 Amsterdam Treaty which sought to deepen the social agenda of the EU (Considine & Dukelow, 2009). As a member of the EEC, Ireland had to sign up to various directives, many of which were rooted in social change.

The development of the EEC created a platform for a rights agenda to develop throughout Europe. Countries like Ireland who up to that time had ignored the human rights of groups such as women and children and people with disabilities were now faced with having to address issues around equality. The Anti-Discrimination Pay Act (1974) addressed pay disparity between women and men. This was followed by the Employment Equality Act (1977) which culminated in the establishment of the Employment Equality Agency also in 1977 (Considine & Dukelow, 2009). These developments helped shift the discourse around rights in Ireland, and fostering the growth of children's rights advocates including the Children's Rights Alliance in Ireland paving the way for ratification of the UNCRC.

UNCRC the United Nations Convention on the Rights of the Child (UNCRC) was published in 1989 and ratified by the Irish government in 1992. It argued for placing children and their rights at the centre of all policy and legislation and has the status of international law. The UNCRC contributed to children being viewed as active agents in their own life, challenging the status quo of the child as subordinated and a passive recipient of adult centric ideas and thinking. The UNCRC spoke in the language of rights which was introduced into the discourse of child related policy and services. This would transform how Ireland would address all child related issues. It is one of the most comprehensive of all the human rights treaties containing

civil and political and social, cultural and economic rights. Key Articles in the Convention are Articles 3 and 12. Article 3 addresses the concept of 'best interest' of the child while article 12 recognises for the first time children's right to participate.

2.5. Childhood policy developments in the 1990's

The publication of the Child Care Act, 1991 came two years after the publication of the UNCRC and what followed was a decade of child centred policy and legislation in Ireland (Considine & Dukelow 2009). While the Act did not change the position of children within the constitution, it did address issues of child protection giving more robust protection for children than its predecessor, the Children's Act 1908. The Act is viewed as a landmark piece of legislation as it set the tone in relation to child protection. Although the Act did not put children's rights at the centre of the legislation, it was the first document which had the 'potential to promote children's rights in that it provides for a child's wishes to be taken into account' (Richardson, 2005: 183). Implicit in this language were concepts already addressed in Articles 3 and 12 of the UNCRC, such as those associated with the 'best interest' concept and ideas arguing that a child's view should be considered in issues which affect them. Despite the potential of the Act to make real and meaningful differences in cases of child protection, it took a further 5 years to fully implement. Richardson concludes:

> It took three child abuse cases, the 'X' case in 1992, the Kilkenny case in 1993 and then Kelly Fitzgerald case in 1994 to raise public awareness and to finally motivate the government to fully implement the Child Care Act 1991 (ibid).

Running parallel to the developments in child related policy are a series of child abuse inquiries published in the 1990's. One of the first of these was the Kilkenny Incest Investigation which was commissioned following the prosecution of a father for the rape, incest and assault of his daughter. Judge Catherine McGuinness was chairperson of the investigating team which examined why the system appeared to fail the child involved. The findings highlighted that despite over one hundred interactions with social workers, health care professionals etc. there was a failure to remove the child from the family home. The report pointed to the Irish Constitution which placed the rights of the family ahead of children which led to children

continuing to be placed at risk within their own families. The Report published in 1993 recommended an immediate change in the wording of the constitution to give explicit rights to children. McGuinness concluded:

> We [the members of the investigation] feel that the very high emphasis on the rights of the family in the constitution may consciously or unconsciously be interpreted as giving higher value to the rights of the parents than the rights of children (Southern Health Board: 1993: 96).

Key policy developments in the late 1990's which helped pave the way for new thinking in relation to children and their rights in Ireland was the National Children's Strategy, 2000 and the Children First National Guidelines, 1999. The National guidelines offered a child protection roadmap for those who are working with children while the National Children's Strategy acknowledged a changing world view in relation to children but perhaps most importantly a changing Ireland. The strategy had three main goals: children will have a voice through child participation; children's lives will be better understood through child based research; and children will have better supports and services. As part of that Strategy the government has adopted Lundy's Model of Participation[4] The then Taoiseach described the Strategy in the following way: "*Ireland, just like most parts of the world, has only just begun to fully listen to, understand and act in the best interest of all its children. The challenge to us all is to work to build a society where all children can hope to experience happy and fulfilled childhoods and develop their potential*" (National Children's Strategy, 2000). The most recent national policy framework for children is Better Outcomes Brighter Futures 2014-2020. The framework incorporates all government departments, recognising the work of caring, protecting and facilitating children's voice across all aspects of life in Ireland. The framework also incorporates non-governmental agencies who work on behalf of or with children. Integral to the vision of the report, making Ireland a great place for children to grow up, is the idea that in

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[4]   See Appendix 8 for Model

order to achieve this goal a rights based approach needs to be adopted.

> The vision is for Ireland to be one of the best small countries in the world in which to grow up and raise a family, and where the rights of all children and young people are respected, protected and fulfilled; where their voices are heard and where they are supported to realise their maximum potential now and in the future (DCYA, 2014).

The development of Social Partnership [5] in Ireland in 1987 was in response to high unemployment rates and poor economic performance by the country. The principle behind its formation was to create a consensus approach to industrial pay and promotion issues. The main pillars of the partnership initially were the State, trade unions and business groups. By 2003 the importance of social and cultural aspects of Irish life were represented in social partnership with the inclusion of a community and voluntary pillar. This was a noteworthy development as child related issues were now being tabled at partnership meetings by the Children's Right Alliance.

The development of a Community Pillar was significant as it allowed for community based organisations to push a social agenda in a structured manner. It created a 'second generation of community development' (Donnelly-Cox and Jaffro, 1999) which had a twofold impact on the sector. Grass root organisations and community groups emerged from ideas of social justice coupled with an opportunity for the State to broaden its policies on social inclusion of such groups (Meade, R. 2005; Geoghegan & Powell, 2006). The inclusion of NGO's and community development groups in the Social Partnership was positive in theory but Meade (2005) argues the sector paid a very high price for this State inclusion.

Meade (2005) argues that State inclusion brought with it State funding which she argues had a huge impact on groups' autonomy. How autonomous or independent can a group be if they are

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[5]   Social Partnership was first established in 1987 by Fine Gael led government. Its aim was to bring together stakeholders from government, Union representatives and Business Groups to formulate agreement based on a consensus approach to avoid industrial action in exchange for fair pay and working conditions.

being funded by the State, whose policies they are trying to change? Equally those groups who were less well funded had very little or no influence in policy formation. Meade further argues that the Social Partnership created a 'myth' which perpetrated the notion that policy formation was democratic. Instead she suggests the Partnership created an 'illusion of a vibrant civil society', which she rejects concluding:

> A more critical appraisal of these interventions reveals the 'disablement' of the sector as it is brought within the ever-tightening control of the State. Indeed, it is now extremely difficult to distinguish between an 'autonomous' community organization and a State dependent antipoverty vehicle (Meade, 2005: 351)

Arguably, another significant development for children and their rights was the establishment of the Ombudsman for Children in 2002. Ireland was one of the first countries in Europe to have such an Ombudsman. One of the first pieces of research funded by the Ombudsman was an examination of the barriers to children's rights in Ireland. Published in 2007, the research offered a comprehensive examination of the obstacles children faced in the realization of their rights. It argued that a key obstacle to those rights being realized was the Constitution as its wording has a 'knock-on effect on the profile of children's rights in law, policy and practice' (Kilkelly, 2007:78).

Having signed up to the UNCR in 1992, Ireland was now part of a monitoring and reporting process all signatures to the Convention were subject to. As part of this process Ireland reported on this progress periodically to the UN and the Committee in turn made observations and recommendations where it saw fit to do so. The issue of the wording of the constitution continued to dominate the debate about children's rights in the 1990's and into the early 2000's. Following on from the 2006 report to the UN committee on Children's Rights, the committee made recommendations that Ireland hold a referendum which explicitly addresses issues highlighted by the Kilkenny Report (1993) and echoed by the Children's Rights Alliance and Barnardos, who each called for changes to the constitution. In 2007 an all-party Oireachtas committee was established to propose wording for such a referendum. The committee took recommendations from all sides of the debate and while the process was protracted, the

Children's Referendum was eventually held in 2012.

It took a further three years to be enacted as a result of legal challenges by several opposing campaigners. The referendum addressed the three main issues around children rights which were adoption rights, the best interest principle and children's voices[6]. Its passing set in motion a legal structure which would ensure all decisions made for and on behalf of children would now be tested against their rights as laid down in the constitution.

Despite the change in the constitution, children continue to face challenges in terms of their rights being met in the home and in school. Throughout the 20th century there existed a gap between how the State viewed children and how wider society experienced them. This dichotomy which was rooted in the constitution was played out through legislation, policy and proactive. The hands of legislators were tied by the wording of the constitution and little could be done by way of change until children were afforded individual rights, separate to their family. However, Children were being viewed and treated differently in the home and in school and those evolving relationships were not reflected in policy and legislation. Powell concludes:

> Children need to be part of family governance. They all need to be encouraged to be active citizens in civil and political society. That is what the child's voice is about. The media needs to understand and address this reality. Social workers need to recognise the centrality of the child's voice in decision-making, as citizens rather than 'welfare subjects' (Powell & Scanlon, 2015: 205)

It is now widely recognised that children should be given 'voice' (James, 2008; Keane, 2008; Powell & Scanlon, 2015) and in recent years government strategies have moved closer to align with this thinking. In 2015 the DCYA adopted a National Strategy on Children and Young people's participation. Better Outcomes Brighter Futures (2014-220) is the current framework which the government has adopted to enhance children's participation on issue affecting them. What is significant about this document is that it set in place a clear road map on child

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[6]   Wording in Appendix 2

participation based on children's own experiences (Horgan et al 2017; 2015). Further in 2017 the government explored child and young people participation in their family, community and schools environments.

The research acknowledges that children are not isolated beings who exist in a social vacuum. Rather, they exist in a social context which influences their ability to participate as active citizens. In particular, children felt their level of participation in the school context was minimal with many instances of tokenistic or no participation evident (Horgan et al, 2017) The report concludes children had; *"very low expectations of schools being participatory sites and recognized that they had little say in anything apart from peripheral matters in school"* (Horgan et. al., 2017:107).   By comparison, children felt they had more participatory rights in a community setting. However, this was generally only in cases where there was more structured experiences for children, i.e. they were involved in community clubs and groups. The family environment is where children were found to have greater voice. As described by Giddens (2000), there is now further evidence to show the existence of the 'pure relationship' based on trust and negotiation. That is not to say that all children experience this at the same level as some children feel the practices are 'tokenistic' with adults having a greater say on issues such as food, friends and clothes (ibid). However, as the child gets older the research shows that this is less likely to be the case.

One of the key conclusions of the report relates to 'space' which children say they need in order to feel like active citizens having more say on issues including policing in disadvantaged areas; uniforms and other schools policies. The importance of the participation strategy is significant as it has put in place a specific road map for those dealing with children by which all child participation can be measured against.

Key to the idea of child as actor is an understanding that the child does not exist separate to its social, cultural and relational experiences. In other words, children have differing needs to adults but they are interdependent. It is recognised that adults enable children to participate and children help adults understand their needs. This relational type of experience is essential when considering child participation (Wyness, 2012; Horgan et al, 2017).

2.6. Conclusion

Ireland has evolved from a country which viewed children as subordinated members of their family to regarding children as valued members of society with individual rights of their own. Historically children were seen as potential persons; passive dependents with no regard or recognition of childhood as being a category of society and not merely a stage in an adults life. Ireland's struggle with concepts of childhood and children's rights can be traced back through Irish Social policy. The system was informed by a construction of childhood which demonised or sentimentalised children and placed adults as rights holders with responsibility for the care and control.

The works of Aries and De Mause contributed to new ideas about childhood which recognised children as products of their social environments. New sociologies further developed concepts of social constructions and put forward ideas about the child as active agent. Running parallel to these ideas were opposing discourses about who is responsible for children's rights. Liberationists viewed children as active agents with individual rights while protectionists argued in favour of adults or parents as the keeper of children's rights. Following the publication of the Kilkenny Incest Report in 1993, it was widely acknowledged that the greatest obstacle for children rights was the Irish Constitution. The argument was children could not hold individual rights when the constitution stated their rights were subsumed within the family unit and therefore were not viewed as citizens in their own right.

Wider developments in Ireland and internationally continues to impact evolving ideas about childhood. The publication of the UNCRC (1989) and the Child Care Act (1991) each contributed to a new discourse which sought to straddle the two ideas of rights and protection in policy and legislation. Currently, the challenge for researchers, parents and the State is how to move forward now that children's rights are enshrined in the Irish Constitution. Research identifies that children need support and enabling in order to fully realise those rights.

3. Chapter Three

3. Advocacy

3.1 Introduction

This chapter is a review of the evolving nature of advocacy. It begins by defining advocacy and identifying different types of advocacy – advocating on behalf of a particular group and self-advocacy. It then outlines key strategies utilised historically in advocacy work - civil disobedience, consensus and more recently the use of social media. The chapter outlines the development of advocacy in a global sense and then goes on to focus on early child related advocacy which was rooted in the drive to protect children engaging in child labour in the United States. These developments had a ripple effect in Europe and in Ireland and while Ireland didn't experience the same level of child labour issues, it was a tool which served as a widening of the discourse around child protection. The impact this had on the Irish experience and child protection will be outlined and the role of advocacy in this sphere will also be described.

How children are viewed has shifted and changed throughout the past two centuries. During the 19th century children were seen primarily as passive adults in waiting (Tapscott, 1998) while the 20th century increasingly saw constructions of children as active agents (James & James, 2004). As ideas of childhood evolved so too did ideas of child advocacy from those based purely on the protection of children's needs and rights to those which include ideas of children's emancipation. Children's advocates straddle issues of protection and emancipation acknowledging the need for balance (Powell & Scanlon 2015).This chapter describes the evolving role of children's advocacy and how it has navigated the tensions between protection and emancipation.

The chapter will then proceed to describe the development of child advocacy in Ireland from the early origins of the ISPCC to the establishment of the Children's Rights Alliance (CRA). The ISPCC represents early manifestations of child advocacy rooted in ideas of protection without the involvement of the child, while the CRA's advocacy is representative of both the evolution of child advocacy and the evolution of constructions of childhood with its emphasis on children as capable social actors with rights. The chapter will conclude with a brief discussion of Habermas' theory on Communicative Rationality and Core Periphery

3.2 Defining Advocacy

Advocacy is the organising effort to change laws, policies or public program and/or beliefs, attitudes or behaviours in the attempt to establish social justice (Ionascu, 2015)

The aim of advocacy is to create an atmosphere where it is possible for social change to occur. It is an '*innovation in thought, technology, culture, values or in the distribution of wealth and power, which transforms the fabric and structure of the society in which it occurs*' (Hall et al. 1987:1). Perhaps what makes advocacy, or rather the social change which occurs in its path, a challenge to examine is the unpacking of the mechanisms through which it occurs. This chapter will attempt to demonstrate how social change occurs through advocacy, and it will interrogate how it is possible for one group of advocates to be more successful than another. For example, are successful advocacy movements about the issues or has it more to do with the methods by which advocates seek change? The key to unlocking these and other questions may be in what Hall et al. describe as the 'essential' elements necessary in order to create deliberate social change; 'advocacy and resistance' (Hall et al. 1987:2). They suggest that specific factors need to be present among advocates:

They include a thorough knowledge of the facts of the situation, an analyses of the facts, a clear Statement of goals and objectives, an understanding of the power distribution in a community, an awareness of the influence of the personal charisma of leaders, an understanding of the mood of people in the change arena and an ability to be flexible in its use of strategies (Ibid).

Early manifestations of advocacy were visible in the legal system in the U.S. and other jurisdictions since the 19th century (Hall, 1987)). Since then advocacy has grown and expanded to include wider issues and methods. Primarily, advocacy is concerned with individual rights: civil, political and social. The 'three prong' theory of rights as part of a larger set of ideas about citizenship emerged in the 1960's creating a space for advocates to promote a rights agenda (Marshall, 1949; 1964). Advocates engage in a variety of strategies: 'standing beside' the person they are advocating for; 'standing behind' and 'standing in front' (Flynn, 2012). Historically, advocacy was a concept rooted in ideas about self-promotion of one's own rights. In essence, to advocate for oneself was about 'honouring those rights'. Early versions of advocacy groups came from this personal 'rights' perspective (Ionascu, 2015). From the 1970's advocating for others first came about through the disability movement (ibid). By the 1980's advocacy incorporated children as well as fields of medicine and psychiatry (ibid). In the case where someone is advocating on behalf of someone else, the literature recognises there are two types of advocacy - informal and formal. Formal advocacy takes place in a structured official manner while informal usually takes place in the community or within the family of the individual in the case of a person with a disability. Informal advocacy can be very effective but there needs to be a very clear understanding of the needs and wants of the individual they are advocated for (Flynn, 2010).

There are many definitions of the concept of advocacy; among them are ideas such as the representation of the oppressed; striving to change policies; influencing policies; as well as creating an atmosphere for discussion and understanding. But one common theme which emerges from the literature is ideas about social justice. It is almost impossible to review texts on advocacy without reading ideas associated with social justice and it is this starting point from which many advocates begin their work (Mickleson 1995; Schneider and Lester 2001; Midgley 2009: Jansson 2011; Ionascu 2015).

For Herbert (1989) advocacy is about speaking up for those who are voiceless and supporting those who need help to speak up for themselves. But ultimately it relates to '*the act of speaking in support of human concerns or needs*' (Herbert, 1989: 49). Advocacy can often be part of a

wider social movement which seeks to change systemic ideas rooted in inequality or work at an individual level. Generally speaking, advocates strive for change in legislation and or policy, but would not have any political ambitions and see themselves as being outside the political system (ibid).

As described earlier advocacy as a concept and a practice continues to develop and evolve as our ideas about groups of people shift and change. Children are included in this evolving paradigm. Oliver and Dalrymple (2008: 11) describe advocacy for children as 'evolving and dynamic'. They suggest: *"As a result, advocacy engages with discourses concerning the relationship between the social construction of childhood and the concept of care"*. (Oliver & Dalyrmple, 2008: 11). While they are referring to challenges faced by advocates of children, this could also be applied to advocacy as a whole. Advocacy occupies a space between theory and practice; between social construction and lived experiences. It therefore could be argued that while the primary role of advocacy is to assist others to speak up, it is the job of advocacy to also challenge social norms which reinforce social inequalities to begin with. Thus advocacy could be described as the keeper of social justice, or the police of equality. A key point for discussion would be, at what point does advocacy influence policy and policy influence advocacy. This will be examined in greater detail in the Discussion of Findings chapter

Advocacy does also have its own tensions. Flynn (2010) describes the tensions which exist between the 'best interest' of the person and empowering the person. She relates it specifically to people with a disability describing how difficulties arise when the person being advocated for has limited ability to communicate their needs and relies more heavily on the advocate to interpret this, based on their 'best interests'. This could also apply to children as their capacity for making decisions is dependent on their age and maturity. Flynn concludes:

> In these circumstances, it is important for advocates to be able to determine the potential need for a guardian or other substitute decision maker to be appointed. Since there is often some overlap in the practical circumstances where advocacy and guardianship are necessary, it is particularly important for advocates to understand the limits of their role as assisted decision-makers for represented persons (Flynn, 2010: 25).

Equally, difficulties also arise when dealing with children's voices. Article 12[7] of the UNCRC describes how due consideration must be given to children's voice based on their age and maturity. Navigating this relatively new territory can be a challenge for many advocates and Lansdown describes how best this should be considered. For example, he suggests that the consideration of the voice should not be tokenistic but meaningful and further suggests that it is not good enough to just 'listen' to the views of the child but to give them 'serious consideration' based on the amount of 'risk' at stake. Further, he argues when making a decision for a child it is important to explain why their wishes, although considered, are not being acted upon (Lansdown, 2011: 23)

Tensions also arise between ideas around child protection and children's rights. Advocacy emerged during the 19th century when the maltreatment of children emerged as a societal issue and it continued to operate from the protectionist stance until the late 20th century.   Children's rights advocacy sometimes presents in conflict with ideas around child protection though there is a strong appetite for the two to merge (Cascardi at al., 2015).

Advocacy groups continue to use a variety of methods to achieve their goals. In broad terms they involve the use of social media to capture the world's attention, civil disobedience, to highlight inequalities, lobbying through research and also consensus reaching methods.

3.3 Methods of Action

Since its establishment in 1995, the CRA began to appear in newspaper articles on a regular basis. Each publication and issue it addressed had a corresponding press release to accompany it making it more attractive for newspapers to publish. In 1996, the year following its formation, the CRA was mentioned in over seven articles but by the late 90's this figure over quadrupled. Every time a children's rights related issue came into the public arena, the CRA was included in the newspaper article as the advocacy group addressing the issue from the child's perspective. By 2000 and beyond, the CRA released at least one press release a month and

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[7]   See Appendix 3 for Article 12 wording.

sometimes up to four. Perhaps even more effective was their relentless pursuit of promises made by the government.

3.3.1 Social Media

Analysts suggest neither the internet nor social media create social change but are nonetheless a very important tool for creating an atmosphere which contributes to social change. In relative terms social media has been compared to the invention of the printing press, the argument being that society has been shown to utilise the latest developments in technology to assist with a social change agenda (Hill, 2013). Social media's capacity to bring about social mobility is clear. The beginnings of the social media revolution can be traced back to the economic crash of 2008. Hill describes how the period between 2008 and 2010 was witness to a revolution of people power exercised through social media.

> Three dictators fell in North Africa. Activists put corporate tax dodging on the mainstream political agenda. A global movement challenged attitudes to sexual violence. Israel and Quebec saw the biggest protests in their history. Greece came closer to electing a radical left wing government than any country in the European Union since it was formed. In the face of popular protests, the Chinese government reversed a policy on energy and Saudi Arabia gave the vote to women (Hill, 2013:11).

Social media tends to be utilised as a tool of change and not as a means of change. In other words, social media can be used to mobilise where acts of civil disobedience and consensus building create momentum for change. Many groups see it in this way and use it to mobilise while continuing to use proven methods to enact change such as civil disobedience (Obar, 2014). Not everyone is in agreement with the perceived success of social media as a tool for change. Instead they argue people who engage in social media in this way are just going along with the popular trend at that moment and do not have a deep belief in the cause Gelvin (2012). Others go a step further and dispute its power altogether (Morozov, 2011).

3.3.2 Civil Disobedience

Civil disobedience has its roots in the America Black Civil Rights Movement of the 1930's. In

those early days of protest it was mainly students involved in acts of civil disobedience. They opted for this tactic as they had no other means of reaching the centre of the political system. Similarly, in more recent years those who engage in civil disobedience are doing so as a means of grabbing attention. Usually groups who engage in such activity perceive themselves to have no other means of enacting change. Since the emergence of social media as a tool for change the mobilization of people to participate in acts of civil disobedience is easier. In that sense the role of civil disobedience is critical as it provides an alternative to the status quo (Habermas, 1986). It can often be an option which 're-opens' formal deliberations between the State and civil rights groups and as a means to 'connect organized political will' between State and individual groups (Habermas, 1996: 383). In other words civil disobedience can lead to opportunities of discussion and collaboration with both parties.

3.3.3 Research and lobbying

Research and lobbying can act as an avenue to working towards agreement or consensus as an advocate. As professional advocacy developed more emphasis has been placed on the importance of research for this purpose. Many philanthropists funding advocacy work now look to a more professionalised type of advocacy. Part of the funding requirement from One Foundation for the CRA included the development of a business plan and consulting research and undertaking lobbying to 'shore up' traditional advocacy work (One Foundation, 2015). Research into the use of research shows governments are more likely to use advocacy research and take it seriously than to ignore it (ibid). The challenge for advocates is to present research in an accessible way to governments and civil servants as there is an inordinate volume of research which is being presented to them (ncbi, 2018). Regardless of the type of research or how it is presented, it is important to understand that governments are influenced by political agendas and voters (ibid). In other words if there is a political will there is an appetite for change.

3.3.4 Consensus

Addressing social disquiet using methods of consensus so that all parties reach an agreement, can be traced back to post World War II Europe and the foundation of the welfare State. During

this period where social equality was addressed through State intervention, it was possible to see how agreement was achieved and stability restored (ref). By the 1960's social unrest in Black America began to emerge which challenged issues around race and material inequality (Marcusse, 1991). Examining the American Civil Rights Movement it is possible to identify where consensus was used by both activists and State to achieve meaningful change. Specifically the March on Washington in 1963 culminated in months of negotiations between African American activists and the US President John F. Kennedy. The march was originally intended to highlight the lack of social and economic equality experienced by African Americans despite the end of segregation in the 1950's. By 1963 the experiences of African American's were very different to their white counterparts and a decision was taken to highlight this disparity by marching on Washington. Then President John F. Kennedy invited the six main leaders to talks as he was concerned the march would lead to civil unrest and ultimately damage his 1963 Civil Rights Act. Ultimately, both parties achieved agreement and the march went ahead without any incident. Arguably, the main achievements of this act of consensus was it created a space in which both parties were able to acknowledge the challenges for African Americans and in doing so created a platform for many non-African American to get involved in the protest in a show of solidarity (Chafe 1981; Walker 1996; Henry with Curry 2000; Barker 2010).

In more recent years however the use of consensus as a method of achieving change is made more achievable through greater transparency and accountability of those in power. This is achieved mainly through the use of social media and its ability to give instant access to information. Given societies' innate drive to achieve consensus; (Habermas, 1996) tools like social media have created an atmosphere where historically dominant groups such as the State and governments, have lost their ability to control the information and thereby often are forced into a position which makes them accountable.

3.4 Children's Rights Advocacy

Child advocacy: Any action intended to empower or elevate the status of children by promoting their self-expression and participation, while recognizing that the improved

status of children depends on the welfare of the families and communities in which they are embedded (Cascardi et al, 2015).

The concept of child advocacy is not a new one but has existed in one form or another for centuries. This section will describe how child advocacy as we know it today emerged from the early 1800's in response to familial neglect of children (De Mause, 1976). Child advocacy is viewed as action by others which place the child at the centre of its work. Critically, the success of child advocacy is measured by its use of empirical research and a move away from ideas based on 'good intentions' (Axford & Morpeth, 2013; Cascardi et al, 2015). Child advocacy was originally rooted in concepts of child protection which were brought into focus during the industrial age when there was an increasing number of children involved in child labour activities as well as significant levels of begging and child poverty (Gittins, 1998). Child saving laws emerged in response to wider awareness of the vulnerability of children in the family home.

The Mary Ellen Wilson case in the US is widely seen as the beginning of the 'child protection movement' (Shelman & Lazoritz, 1999; Cascardi et al, 2015). The type of protection which developed was one which was rooted in ideas of paternalism in Roman law; which takes the broad view that the duty of care for children resides with the State. Within this structured system of protection, there is little or no regard for autonomy or preferences of the individual. In other words, there was no acknowledgement of the individual rights of the child. Ideas about protection and rights often seem oppositional but the UNCRC attempts to bridge this gap by acknowledging that children do need protection while also acknowledging the child has a right to self-determination (Tordres, Wojcik, & Revaz, 2006; Cascardi et al, 2015). The challenge for advocates working on behalf of children has been to reconcile ideas of protection and rights. Protectionism is rooted in the 'child saving era' of the 19th century which was heavily influenced by values and assumption of that period (ibid). This created a challenge for children's rights advocates as much of these assumptions viewed children as passive and subordinated beings with little or no recognition of their personhood (Takanishi, 1978). Key to these opposing views locating a neutral space was the publication of the UNCRC in 1989 as

well as empirical evidence which showed children as having the capacity for self-determination. The UNCRC acknowledges that protection and rights are not mutually exclusive, arguing that children should be given rights around voice and capacity. The role and contribution of the new sociology of childhood and childhood studies in the expansion of ideas about childhood and children's rights cannot be overstated.

From the 1980's the new sociology of childhood began to recognize children as autonomous agents in their own lives. The shift in discourse from childhood being seen as an homogenized experience to one which recognized the importance of cultural and social experiences as being unique to each individual child. The New sociology of childhood is not a panacea to understanding childhood nor has it managed to create an atmosphere of consensus about meanings of childhood. It has however expanded the discourse and the debate about childhood and advocacy. While protection remains a core issue for child advocates, researchers continue to expand the discourse to incorporate ideas about children's rights and latterly, concepts of child participation and autonomy. The New sociology of childhood of the 1990's contributed hugely to the shifting discourse from protection to rights. Children were increasingly becoming seen as social actors with strong views on their own childhood experiences which were now being seen as part of the expansion in their personal rights. Historically, social workers have played a key role in advocating for children in terms of protection and 'best interest' practices but increasingly there has been a call for independent child advocates to work with children who feel disempowered (Boylan and Dalrymple 2011). To this end the role of the independent advocate is twofold: to remove barriers which prevent children from realising their full participatory rights as well as the promotion and monitoring of legislation and policies which promote children's rights (Boylan and Dalrymple 2009; Percy-Smith 2010 and Boylan and Dalrymple 2011).

Since the passing of the Children's Referendum in 2012, children have a greater opportunity to advocate for themselves. 42A 1. Of the Irish Constitution explicitly affords children with human rights: "*the State recognises and affirms the natural and imprescriptible rights of all children*" (Bunreacht na hÉireann, 2018: 170). However, the Constitution goes further by

affording children the right to be heard in matters which affect them and their views to be considered allowing for age and maturity (Article 12): "*the views of the child shall be ascertained and given due weight having regard to the age and maturity of the child*" (Bunreacht na hÉireann, 2018: 172). The impact of the results will be long lasting but much of the credit has been placed with the NGO sector:

> The referendum 'win' was viewed as a testament to the power of the NGO sector to effect change, and as having the potential to give advocates greater persuasive power in bringing about the legislative changes that the amendment prompts (Child Law Clinic, 2015: 4).

Melton (1987) suggests there are two types of advocacy; self-advocacy by children themselves and advocacy on behalf of children through the work of NGO's. Historically, and as described earlier, self-advocacy is rooted in the disabilities movement. One of the earliest examples of self-advocacy occurred in the United States when a physically disabled man Ed Roberts self-advocated in the late 1950's for his right to attend college. Part of his argument included his call to be viewed as a regular student and not through the lens of a medical disability. The common theme emerging in the 1950's and 60's America was one based on the participatory rights of people with a disability (Shapiro, 1993 Hartley, 2012). In the US the self-advocacy movement for people with disabilities was modelled on the American Civil Rights movement (Longhurst, 1994; Williams & Shoultz, 1982). It is associated with ideas around self-determination. The benefits of self-advocacy in the disabilities movement were clear (Wehmeyer & Palmer 2003; Wehmeyer & Schwartz 1997).

3.4.1 Children and self-advocacy

Children and self-advocacy continues to be an emerging concept. It is rooted in the new framework of children's participation rights which followed the publication of the UNCRC in 1989, Article 12 of which argues children have the right to have their opinion heard and for it be taken into account when making a decision concerning them. Children are increasingly playing a larger role in the self-advocacy space. Within the field of child participation there has been a slow evolution which saw children move from being protected and controlled to

participation through empowerment in recent decades (Shier, 2010; Shier 2014). However, ideas rooted in Foucault's theory of governmentality highlight how participation can be viewed as a type of consumption rather than as an 'active citizen'. This type of tension sees the child as a passive participant rather than an active agent (Shier, 2010; Taylor, 2007; Smith, 2014). It is argued that while child participation is welcome the challenge is not to enforce types of participation rooted in governmental ideas based on current adult representative structures, such as youth parliaments, but rather offer children the freedom to decide for themselves the kind of representation and participation they want. Further, it is argued with regard to a governmental framework that this type of participation is concerned primarily with moulding children into future worker, citizens and voters (Tisdall 2012; Wyness 2013; Ruby 2012; Horgan et al, 2017). However children now see themselves and are increasingly being viewed as 'citizen' rather than 'child'. In other words, viewing child participants as active citizens creates a discourse of empowerment which gives true meaning to ideas of self-determination and self-advocacy. Civil society has historically been very active in advocating for children's protection rights, and more recently this has extended to the full range of rights as outlined in the UNCRC. Equally child participation has been primarily based within civic participation ideas of youth parliaments. This narrow view of participation however does not allow for the participation of children who are excluded by this through lack of access as a result of disability or visibility. In short, to only include a narrow version of participation ignores examples of child participation which exist in children's everyday lives in school, at play and through social media. Horgan et al. conclude:

> Participation, then, must be acknowledged as the everyday and diverse and as a process of engaging in matters related to children themselves in their daily lives (Horgan et al., 2017: 278).

Ideas about child participation are contested. Hart's ladder of participation (1997)[8] creates a clear structure of what meaningful participation means. At the top of the ladder is co-operation

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[8]   See Appendix 5 for diagram

between adult or parent and child at the bottom is young people who are being manipulated by adults or parents. While in theory this may appear to be a justified definition of pure participation on the part of the child it is argued that a more horizontal approach to adult involvement should be taken (Wyness, 2012). The argument being that it is not overly important that a child participates in an adult free environment but rather the institutional context in which participation or advocacy self or otherwise takes place (Treseder, 1997; Wyness 2012). For example if a child is self-advocating in a tokenistic structure then the argument is no meaningful change will come about? But if a child is being advocated for by an adult or an NGO in, for example a Social Partnership structure, change in policy can come about. Wyness goes further to argue, similar to Pinkerton's (2004) argument that adult involvement in child related policy can be beneficial to the child that adult involvement in child related advocacy can be more beneficial. While acknowledging the child's literal voice will not be heard, the adult may be in a better position of power to be heard (Wyness, 2012).

There are however recent cases of child self-advocacy which have gained huge public momentum. The most recent one being the children of Florida schools protesting against a recent gun attack in their high school. Their protests were broadcast around the world with Time magazine referring to them as 'the real grown-ups'. One of the leaders of the Florida group Emma Gonzalez's speech went viral with over 3 million views around the world. She pledged to onlookers:

> We are going to be the kids you read about in textbooks. Not because we're going to be another statistic about mass shooting in America, but because we are going to be the last mass shooting (Time, 2018).

What continues to be a challenge for those prompting the participation of children in policy formation is that it remains an area of child participation which is complex and therefore arguably a more nuanced approach needs to be adopted. As described by Martin's research (2015) children participating in Comhairle Ná nÓg (local youth councils) gained personally from the experience including in confidence. But there was little if any policy changes as a result of their engagement in this process. While in theory children are the central focus of the

policy process, they are firstly not the only stakeholders and secondly have no real power (Pinkerton, 2004). In other words, children need adults as part of this process of engagement to make it more meaningful. This 'bottom up' approach to policy formation can be successful but needs to acknowledge that it is a complex process involving power relations which encompass both adult and children. Pinkerton concludes:

> This requires attention to the complexity and dynamics, including unintended consequences, within the various levels and types of interactions between the ranges of stakeholders in the development of policy (Pinkerton, 2004: 127).

3.4.2 Child Labour: Hull House

As described earlier children and concerns about their protection became an issue in the 19th and 20th centuries. In the U.S. and in Europe, the industrial age brought with it conflicting opinions about child labour. This led to early manifestations of child related advocacy (Hall et al 1987; Boylan & Dalrymple 2009). The key issues related to concerns about children's health, exploitation and the lack of formal education for those engaging in full-time work. The equivalent in Ireland during this period was the farming out of children as child labourers from the Industrial school system. Boys were generally placed in farms for manual labour while girls were used as domestic helpers (Raftery & O'Sullivan 1999; Considine & Dukelow 2009). This occurred under the watchful eye of both State and Church. Child labour was a significant issue in America as far back as 1820 with up to half the factory workforce made up of children of nine and ten years. They were treated as adults and worked between 12 and 13 hours a day (Hall et al. 1987). Industrialised European counties including England had a strong record of child labour. By the 1830's many industries including mining and textiles were dependent on children both for their size, nimble fingers, and cheap labour costs. During the early 19th century children contributed more to the economy than women (Cunningham, 2000).

Children worked with adults for economic and practical reasons. Poorer families needed the income and children were also able to do jobs which adults could not do because of their physical size (Walkerdine 1984). Advocating for children engaged in child labour began to take place in Toynbee Hall in London in early1900's (Toynbee, 2018). In Chicago, Illinois

Jane Addams and Ellen Gates Starr founded Hull House which was established as a settlement house in the 1889. The aim of the house was to bridge the gap between rich and poor by offering social, educational and cultural programmes to help the poorer members of the community (Hall et al, 1987).

The groundwork carried out by the women of Hull House culminated in the passing of the 1903 Child Labour Law which offered protection to children in the workforce. In order to achieve this goal, the women undertook a campaign of research, education and negotiation between State legislators, factory owners and parents. Key to the success of their achievements was in how they approached their task. Firstly, in order to understand the complexities of the problem they undertook research which helped identify the underlying issues of child labour; secondly they engaged with factory owners and parents of children. Hall et al (1987) suggest that there are two essential elements needed in order for social change to occur. These are advocacy and resistance. In the case of child labour, the women of Hull House provided the advocacy while factory owners and parents provided the resistance. The factory owners saw the women as a threat, describing them as potentially 'putting them out of business' (Linn, 1935: 182). Parents of children working in factories during this period were also resistant to those advocating for an end to child labour as many depended on their children's income to support the families (Cunningham, 2000; Gittins, 1998).

In the late 1800's and early 1900's residents of Hull House undertook an extensive information campaign to inform wider society about the poor working conditions of children in the city. The campaign involved open public meetings, trade union meetings as well as a wide variety of social clubs and other organisations. The women joined forces with other labour movements in seeking better working conditions for all workers and not just children. Two members of Hull House were part of a successful team of trade unions which helped pass the first Factory Legislation in Chicago. Addams hated violence and decided very early on that she would approach the issue of child labour not by sit-in or protests but rather through consensus. She addressed the factory workers concerns about the potential loss of labour and parents' concerns about loss of income by appealing to their logic. Teachers were being trained by the State and

therefore needed to be put to good use by educating children who would have greater opportunity with greater education. A 'Special Investigation of the Slum of Great Cities;' was order by Congress and published in 1893 which formed the basis of their education campaign. The research, which was funded by the Department of Labour, was the first report into the working conditions of those engaged in industry in Chicago. Its recommendations led to the first factory law being passed in Illinois which subsequently was to inform the Child Labour Law 1903. The Child Labour Law recognised children as a vulnerable group needing protection. It tried to strike a balance between children working and needing rest and therefore limited the number of hours children could work in a week (Hall et al 1987).

Similar to the work in the U.S., in the UK an alternative narrative began to emerge in relation to children and childhood. Societal challenges relating to child labour and poverty began to emerge with recognition that children were vulnerable, even under the care of a parent, and therefore needed protection. Childhood as a separate and different experience to adulthood began to emerge with a greater emphasis placed on schooling by 1880 (Steedman 1990; Gittins 1998; Walkerdine 1985; Cunningham 2000). The motivation for wanting to continue to have children in the workforce may have differed but there were undoubted obstacles to overcome in order to achieve the goal of protecting children. Similar to the advocacy work in the U.S., in Ireland and the UK, by the mid 1800's there began to be more awareness about children and their vulnerability in working environments and in the home. The next section will focus on child protection in Ireland and its links to child advocacy.

3.4.3 Child Protection: The Irish experience

One of the earliest child protection cases was that taken in 1874 by the American Society for the Prevention of Cruelty to Animals (ASPCA) in relation to Mary Ellen McCormack who was physically abused by her foster family in Hell's Kitchen, New York. There were no structured advocacy or supports systems for protecting children at that time. This prompted the beginnings of the 'child-saving' era which continued until the First World War (Parton, 1985). The rediscovery of child abuse is attributed to the work of Henry Kempe (Powell & Scanlon 20915) and there have been numerous State inquiries into child abuse systems failings over recent

decades (ibid).

Advocating on behalf of children in Ireland was similarly focused on child protection issues with the establishment of the National Society for the Prevention of Cruelty to Children, first established in the UK in 1884, and in Ireland in 1889. The aim of the society was to protect children from neglect and cruelty. The National society was renamed in 1956 when it separated from the UK branches and was renamed as the Irish Society for the Prevention of Cruelty to Children (ISPCC). Described as the 'beginning of a modern child protection movement', the Society was legislated for under the Children Act, 1908 and was explicitly established to 'meet the needs of poorer children' (Ferguson 1993; Powell & Scanlon 2015). The legal framework would remain as the cornerstone of child protection for the following 80 years. The work of the ISPCC involved investigating suspected cases of child neglect and bringing them to the attention of the Gardaí. Suspected cases of neglect were usually reported anonymously or came to the ISPCC via the Church or other groups dealing directly with children and families. Within this structure, the ISPCC acted as an arm of the State, investigating and removing children from alleged situations of neglect. The inspectors from the Society were used as witnesses in court cases where the State was seeking to remove the child 'at risk' from the family home and as such employees gained the notorious title of 'the cruelty man', most being male (Ferguson 1993; Powell 1992; Raftery & O'Sullivan 1999; Powell & Scanlon 2015). Early reports from the NSPCC indicated that their main efforts in protecting children were driven by the need to protect children from the impact of poverty many families experienced at the time. In retrospect it is argued their efforts were punitive and often led to 'protecting' children at a high cost to the family unit (Buckley, 2015). There seemed to be a correlation between protection and punishment when dealing with child protection issues. This is unsurprising when considering the conservative catholic culture which was pervasive at the time (Powell 1999; Powell & Scanlon 2015)

As more understanding and awareness of issues of child protection developed so too did the work of the society. Up until the 1950's when the ISPCC was still under the administrative control of the NSPCC in the UK, 478,865 children were assisted by the ISPCC in Ireland. (Irish

Times, 2000) The cases dealt with were predominantly cases of neglect. Physical abuse cases dealt with by the Society amounted to only 10% with 1% of these being sexual in nature (Ferguson 1996, Irish Times 2000). Powell & Scanlon (2015) describe how in the 1960's 'physical abuse of children was 'rediscovered'' by Kempe (1962) who brought into focus once again two important facts; children are most vulnerable within their own family and physical abuse of children is a reality. The reverberations of his work were felt throughout the United States, the UK and in Ireland. Running parallel to this were new ideas about case work and the professionalization of social work (Dingwall 1989; Kelly 1995; Powell & Scanlon 2015). The publication of the 1970 Health Act in Ireland succeeded not only in changing the landscape of social care, it created a whole new meaning of how a State should respond to children at risk. The responsibility of investigating such cases was removed from the ISPCC and given over to State control and management.

In the early conceptions of child protection there was limited understanding of children as rights holders with greater emphasis placed on removing children from families. Protection of children, while viewed as a right, was problematic as there was little understanding of how children at risk should be protected from neglect within their family. History would show that the States solution of placing children in institutional care was not what was best for children on many levels - physical, educationally, socially and emotionally (Considine & Dukelow, 2009; Powell & Scanlon, 2015). Key to the development of the concept of children as rights holders was the expansion of social care as a professional role of the State and removing other influences, such as the Catholic Church, of child care responsibility. The establishment of the eight Health Boards made this possible. It resulted in the demise of the influence of the Catholic Church in child protection issues, more specifically the influence of Archbishop Charles McQuaid. who up to this time sought 'complete control' of social work in Ireland (Ferriter 2009, Powell 2015). The shift towards professional social work created a new discourse around abuse and neglect which incorporated the use of medico-legal language (Powell & Scanlon, 2015:13). The emphasis then shifted from one of control to one of protection and rights.

Reflecting on the development of child protection allows us to understand the relationship with

the general discourse about childhood. As new ideas of childhood emerged focusing on agency there was also a space afforded to children's rights. As new ways of protecting children emerged so too did ideas about children. Jenkins (2003) concludes therefore that how we view children as rights holders at any particular time reflects a particular set of values and prejudices of society at that time. Central to this is finding a balance between the rights of children and the rights of the family. Historically, the tensions created while striking the balance between State and family evolves depending on the socio-political context, cultural forces as well as professional opinions (Ferguson 1993, Parton 1985, Rose 1985). Contributing to this evolutionary process is the force of the children's rights advocacy movement as a source of legitimate knowledge. There is agreement that children's rights advocates are very dedicated to bringing about meaningful changes in policy and practice in relation to the rights of children. There was however a recognition that advocates values and ideology was not enough to support the children's rights agenda. Evidence was needed in order to promote change (Griffin et al., 2011; Cascardi, 2015).

While in theory the sentiments and ideas about children's rights as outlined by the ISPCC in the early 1990's was ground-breaking in a rights context, it became very clear throughout this decade that there were many obstacles to children experiencing such rights. Specifically the Irish Constitution which had very clear boundaries about protecting the rights of the family which superseded the rights of any individual within the family unit, including children. Coverage of cases of abuse, neglect and incest became common place in the media during the 1990's which brought into focus two emerging issues of concern: children as autonomous rights holders separate to their family, the acknowledgment that such rights could only occur through constitutional reform. A series of Inquiry reports was published into familial and institutional abuse of children throughout the 1990's and 2000's. Arguably one of the most influential of these reports was the Kilkenny Incest Report published in 1993. Headed by then Senior Counsel Catherine McGuinness, the report was damming of the State's lack of response to the prolonged physical and sexual abuse of a girl at the hands of her father.

Powell & Scanlon (2015) describe the reporting of the case as unprecedented. It brought into

the public domain the issue of child sexual abuse within the safety of the family unit and in doing so created a sense among the general population that this case was the tip of the iceberg, *'from being a barely acknowledged social problem, child abuse suddenly appeared to be endemic within Irish society'* (Powell & Scanlon, 2105: 56). The final report published in May 1993 made key recommendations which mainly addressed the lack of implementation of the Child Care Act 1991 and also highlighted the importance of having 'joined up thinking' or services in dealing with children. It also recommended that the Irish Constitution be changed as soon as possible to recognise children as rights holders. The influence of the media and civil society in the form of individual interest groups, in highlighting this case cannot be understated. It was widely discussed on radio, television and in newspapers. Unlike any other previous report it set in motion a national conversation about children's rights.

3.5 Advocacy and Communicative Action

Habermas theory of Communicative Action can be applied to situations such as the Children's Rights Alliance's drive to achieve a consensus approach to children's rights in Ireland.

> In its simplest terms, communicative action – that is action oriented toward understanding – is action in which the speaker carries out a speech act whereby the success of the interaction depends on the hearer's responding to the validity claim raised with the speech act with a 'yes' or a 'no'. The speaker must be able to supply reasons to support the validity claims (Cooke, 1994: 12).

According to core periphery theory, which was initially put forward by Bernhard Peters (1993) (translated by Wessler, 2008) and later adopted by Habermas into his theories of communicative action, the source of power in any society is located at the 'core' of that society. The core is comprised of governments, civil servants, the courts system and other institutions which create policy and legislation. The theory holds that if an interest group or NGO is to be successful in its endeavours for change, it needs to get close enough to the core in order that it may influence those who are in a position to change policy and legislation. There are two parts to the periphery which are located outside the core; the outer and inner peripheries. Interest groups for the most part occupy the outer periphery (Habermas, 1998) while organisations such

as business interest groups and other influencers of policy occupy the inner periphery. Key to the location of the various groups is their relationship to government. The primary goal therefore is to find a way to move from the outer to the inner periphery where they will have the opportunity to negotiate through communicative action to achieve their goals. Use of Habermasian theory of communicative action and core-periphery can help illustrate how advocacy successfully archives social and political change. Communicative action is the method through which groups achieve an inner-periphery position.

3.6 Conclusion

Child advocacy is not a new concept and can be traced back to 19th century industrialised society. Rooted in ideas of protection, early advocates sought to protect children from the lack of regulation of child labour. Advocates sought to educate parents and governments about how damaging child labour can be on the child and its development. Advocates such as the women of Hull House were strategic in their approach to child labour. They researched the issues and were able to present a knowledge based argument supporting their views. Ultimately they succeeded in creating legislation which protected children in the work force and also generated an understanding of the importance of education for young people.

Ideas of advocacy and protection developed to include children rights. New sociology of childhood expanded the discourse of rights which included concepts of the child as a social actor and autonomous being. Child advocates shifted the focus from solely one of protection to include ideas of emancipation. Significant events occurred in Ireland contributed to the growing strength of advocacy. These include the Tuairim (1966), the Kennedy Report (1970) Kilkenny Incest case (1993) and the Ryan Report (2009). Each new report continued to expose the lack of rights for children as being an obstacle to both protection and autonomy.

4. Chapter Four

4. Theoretical Framework

4.1 Introduction

The aim of this thesis is to situate the Children's Rights Alliance (CRA) as a new social movement and examine the central role it played in the positioning of children's rights on the Irish political agenda. The chapter will first outline the theories of traditional and new social movements as developed by Habermas, Touraine, Castells, Holst, Marcuse, Edwards and Thomassen. When comparing traditional social movements to new social movements it is important to understand how they differ while also describing where the two coverage. Part of this examination, then, will involve looking to the social, economic and cultural circumstances under which social movements and new social movements arise. The chapter will next outline what is 'new' about new social movements. This involves discussing the types of social conflict which new social movements are concerned with. Habermas proposes the 'newness' relates to the changed 'stake' or type of conflict. He argues that the call for change is no longer rooted in issues about distribution but instead relate to the 'grammar of life' which is concerned with how we live in a social or cultural context. To this end there will be a discussion about the issues that drive or motivate social movements (stake) and those who participates (actors). Arguably, the type of actor who participates in new social movements - younger and more educated - has a 'knock-on' effect on the forms of mobilization. The use of social media and the role it plays in successful mobilization of new social movements will be briefly outlined.

The next section of the chapter will then briefly examine the intersections between new and old social movements. This will be followed by a brief critique of new social movement's theory. Critics of Habermas suggest that at the core of new social movements is the quest for equality. On the surface the conflict may be about social or cultural ideals, but all movements, they argue, are rooted in class and politics. While Habermas' theories have been criticized as lacking in practical application, later in this chapter his theories of Communicative Rationality

as a central mechanism by which new social movements achieve social change will be examined. Working on the basis that new social movement's measure success through political or policy change, the final part of the chapter will examine how successful new social movements achieve these goals. Utilizing the theories of Bernhard Peters, Habermas describes how core periphery theory illustrates how an issue can move from the edge of power (periphery) to the centre of power (core) where tangible change occurs. This thesis argues that critical to the success of new social movements and their move to the core of political power, is their use of communicative rationality as a mechanism of change. Communicative Rationality or Communicative Action is rooted in ideas of 'social reproduction' and its aim is to achieve consensus. The final part of this chapter will examine how social movements can utilize 'trigger events' to move through the sluice gates of communication bringing issues to a public forum and thus forcing the source of power to address contested issues in meaningful ways or risk losing the support of the general public.

4.2 Social Movements

> *"The history of all hitherto existing society is the history of class struggle."* (Marx & Engles, 1848)

To describe the history of social movements; their motivation and their form, it is first necessary to go back to early theories of social action. There are differing views on what motivates individuals into taking action. For Marx, social change represents an evolution of processes from one epoch to another creating new norms and values. Weber suggests it is new ideas and values which instigate a need for change while Durkheim argues that social change creates a space where new ideas can emerge (Rugiero & Montagna, 2008). While theories and ideas about why and how social change differ, one common thread emerges from all theories and that is social change and social action will always exist as long as societies are made up of free thinking individuals. This section will introduce different ideas around social movements and offer a basis for understanding how social movements shifted from being motivated by class and distribution to incorporate an emphasis on social and cultural rights.

> *"The main condition for social movements to take shape is the consciousness that we*

are entering a new type of social life" (Touraine, 2008:217)

Ruggiero & Montagna (2008) argue that some of the fundamentals of sociological questioning lie at the heart of social movements: *"How can we live together? How do differentiated interests co-exist? When and how do grievances turn into collective action? When does the latter lead to social change?"* (Ibid: 3). For the most part this thesis is concerned with the last two questions with a particular emphasis on the supplementary question of 'how' social change occurs. In other words, how do issues which begin with small pockets of people move from the periphery to the centre of society, ultimately contributing to societal action or even change. In order to fully interrogate these questions, we must first outline what social movements are struggling against and what form they take.

Habermas argues that all movements can be categorized as either emancipatory or resistance and retreat (Habermas, 1981). Early social movements were concerned with the working class struggles against those who owned the means of production, and could therefore be classified as emancipatory in nature, but as this thesis will show, some new social movements contain the same motivation. Social movements were seen in the 19th century through the social action of the workers movement. At the core of this movement was, as Touraine describes it, a shift in consciousness which demanded a change in the status quo and in the social life. In short, traditional social movements were rooted in issues which were class driven and sought to create change around distribution. Touraine describes the 'actor' of social movements as 'struggling against his class adversary'. Drakeford (1997) addresses this notion of a shift in social consciousness suggesting that it is a rapid social change which fuels the fire of social action. Similarly Touraine concludes *'at the heart of society burns the fire of social movements'* (Touraine 2008:214). Drakeford further argues that once a shift in consciousness occurs, it is possible to see the ripple effect. He looks to the American civil rights movement and the global feminist movement as examples of how such a shift in consciousness can create global awareness through social movements which have far reaching consequences. He concludes of the conditions: *"Social movements arise at a time of social dislocation and distress as responses to [such] feelings of strain, releasing anxiety into action"* (Drakeford, 1997: 5).

While the desired outcome of social movements is social change, whether that is increased rights for African Americans or women, Maheu (1995) suggests, this is the result of years of work. He describes social movements as: *"the end result, the fruit of labour of theoretical construction and analytical demonstration'* (Maheu: 1995: 11). In other words, social movements do not exist in a vacuum but are the result of an on-going resistance against the social norms and structures which continue to prevail.

Where Touraine speaks of a change in consciousness, Holst (2011) speaks about the socio-political contexts from which social movements emerge. He argues that the context in which traditional social movements emerged are rooted in a rise in socialist thinking, citing the labour movements of the 19th century in support of this argument. He further suggests the rise of new social movements were a consequence of the fall in socialist political systems and the rise of neo-liberal politics, or perhaps more accurately, new social movements are a reaction to neo-liberal politics.

Theorists continue to question the relationship between politics, democracy and social movements. Habermas argues that social action serves to strengthen democracy by continuing to raise debates and discussion. He suggests that such debates strengthen a declining public sphere (Habermas, 1989). Edwards further suggests that Habermas' theory reinforces the argument that debate, discussion and social action contribute to holding institutions publicly accountable for their actions (Edwards, 2014). While theories abound about the relevance of social movements in strengthening democracy, what role has politics in suppressing social action? According to Ranciere (2007) politics is a tool of the State which is utilized to suppress collective action by convincing citizens they are happy with the status quo. It is therefore the role of democracy to hold politics accountable and individuals participating in social action play a pivotal in this process.

4.2.1. What is 'New' about New Social Movements?

New social movements began to emerge in the 1960's from the student protest movements in the United States and in Europe (Habermas, 1981). They were diverse in their form and addressed issues such as the environment, feminism and educational reform. Despite their

differences, they all united under the theme of 'new politics'. These were movements which were rooted in ideas of culture, identity and human rights as distinguished from traditional movements which were concerned with distribution (Edwards 2009).

> *"New social movements have sought to develop [this] system of power through cultural politics that is redefining the meanings of civil society"* (Powell, 2007: 175).

The new social movement's paradigm has three key differences from traditional social movements. They are firstly representative of a post-industrial era, are unique in their makeup and are concerned with the quality of life rather than distribution (Buechier 1995, Burklin 1984, Inglehart 1990, Parkin 1968, Pichardo 1997). In other words, new social movements can be described as the explicit 'reaction to the perceived deficiencies of Marxism' (Pichardo, 1997). For Habermas, new social movements are based between the 'System'; (the source of political power, the markets and economy) and the 'Lifeworld'; (all other aspects of social, cultural and meaning of life is located).   He further argues that at the root of new social movements is the struggle between both worlds for control (Habermas, 1981). He categorizes all social movements into two types: The first is an emancipatory movement and the second is a resistance and retreat movement. The former is a traditional movement while the latter is founded in new social movements. He argues that emancipatory movements were originally rooted in the labour movements of the 19th century and the American civil rights movement of the 19th. Emancipatory movements are motivated by change or progression. Actors seek to change the status quo; to remove barriers to equality. New movements are interested in resistance and retreating. This is based on the systems attempts to colonize the lifeworld which will be outlined in greater detail later on this chapter. Such movements he argues *'do not seek to conquer new territory'* but rather hold onto what they already possess. An example of resistance and retreat movement would be the green or environmental movements. This movement was formed as a direct opposition to the destruction of the environment in the form of air pollution, climate change and a lack of well planned developments; the negative health implications resulting from the development of pharmaceutical production and industrial pollution. Such developments were seen as visible and tangible attacks on the lifeworld by the

system, *'The new conflict thus arises at the seam between system and life world'* (Habermas, 1981: 36).

Further, Habermas holds that what makes new social movements unique is the 'stake' or the driving force, which is not distribution of wealth or the 'old politics' of movements, but rather a particular set of values held by society and described as 'new politics' (Habermas, 1981). Therefore, he continues, unlike traditional labour movements, actors in new social movements cannot be compensated in an effort to conform to the system, the issue is about *'how to defend or reinstate endangered lifestyles or how to put reformed life styles into practice'* (Habermas, 1981:33).   Piven and Cloward (1979) outline three key components they believe are present in all new social movements. The first relates to the system; when it loses legitimacy with the people it seeks to serve, members of society argue against it. This brings about a shift in people using the system who recognize that it no longer holds meaning for them reinforced with the belief that it is no longer fair and just. In other words, awareness has emerged that not only is the system not working and unfair, but it is wrong that this is the case. This leads to the second change which relates to the psyche of people who now believe they have rights in relation to this difficulty. The third component is a belief among the people that they have the power to change the system (Piven & Cloward 1979). *"Most generally stated, the major axis of these debates (between Old Social Movements/New Social Movements) was on the theory and practice of socialism"* (Holst, 2011: 120).

Old social movements are linked to a particular socio-political context, as are new social movements. Traditional social movements emerged in the 19th and 20th century during a period of working class mobilization. With socialist thinking informing the movement, it fought for workers' rights; good working conditions and pay. New social movements emerged in a time when the political landscape was informed by neoliberal thinking. (Holst, 2011)

Critics, including Holst, argue that NSM's have been in existence as long as old social movements working off the basis that old social movements are rooted in class inequalities and new social movements are concerned with social and cultural rights, Holst looks to the women's movement and the peace and anti-war movements as two examples of new social

movements which existed in the same timeframe as the labour movement and in the case of the women's movements predated it. Equally, Holst suggests that the lines which divide old and new are sometimes blurred. Taking the Gay, lesbian and bisexual movement as an example where LGBT trade unions would have involvement in union issues as well as LGBT rights issues, transcending the line which divides old and new movements (Holst, 2011). Pichardo argues that while the intention may be to operate new social movements in this manner, the reality can be quite different. He suggests that despite what new social movements espouse to be, there are too many similarities with traditional social movements to categorize them as unique. He concludes that while many new social movements are non-hierarchal, others are and while they consider them to be anti- institutional politics, some are consulted by government bodies while others, such as the Green Party, have become enshrined in the organized political system.

He also argues that while; non-traditional tactics such as social media are used traditional tactics such as protests are also utilized on a regular basis (Pichardo, 1997). In this sense some theorists argue there is little difference between new and traditional social movements while some go even further by suggesting there is no difference, or at least no 'stark' differences (D'Anieri et al 1990, Calhoun 1993).

Critics of Habermas' theories on new social movements identify two aspects of his work in particular as being flawed. His theory on the colonization of the Lifeworld and his argument that new social movements transcend class but focus more on culture, 'the grammar of life'. In the first instance it is argued that Habermas' theory about colonization is more aligned to capitalization, what Honneth et al. call 'the capitalist modernization' (Honneth et al 1981; Edwards 2009). Where Habermas speaks of System/Lifeworld conflicts, Honneth et al speak of capital/labour tensions. A dynamic which they argue would be ever present in societies which operate a system based on capitalism. In other words, the impact of capitalism will always be felt by the labour force. Equally, they argue Habermas' contention that class is not an issue in social movements is inaccurate as class and culture are intrinsically linked. They argue that Habermas' focus on cultural movements is in fact a focus on the middle classes.

Further, they argue that the class struggles outlined by Marx remain but lack 'cultural expression' and therefore were ignored by Habermas (Honneth et al 1981; Bagguley 1992 and Rose 1997). In short, culture and its relevance to class struggle was not interrogated enough which left a huge gap in the understanding of social movements. Cohen (1995) further contributes to the critiquing of Habermas theory which looks solely to culture and identity. She uses the feminist movement as an example where identity and culture were issues but argues that the movement was also about equal pay and therefore redistribution was an important aspect of the movement.

Critics further argue that Habermas' view, like Marx's, is narrow and marginalizes new social movements which do not come from a 'left' perspective. They argue that the focus of Marx, Habermas, Touraine and other contemporary theorists, remains to be the 'left' or working classes. Therefore contemporary movements such as Christian right wing movements are ignored (Pichardo, 1997). Pichardo describes this as 'ideological bias' within the new social movements paradigm and argues that to gain greater understanding of social change we need to examine all movements whether they are coming from the left or the right as each helps 'broaden our knowledge of social change' (Pichardo, 1997: 413). Perhaps more relevant at the moment is the consequences when we do not take far right movements as credible threats to the status quo. This is evidenced in the successful election of the Republican candidate Donald Trump to the position of American President. Now termed as the 'Trump effect', the ideology of division, in the guise of national pride, has taken hold of the most powerful position in the western world with the argument that nobody saw it coming. In the case of the US, Pichardo may argue that is because nobody was watching due to ideological bias.

In the context of this research new social movements theory is utilized as opposed to social movements, because the 'stake' or issues being addressed here are social and cultural. Traditional social movements were concerned with equal distribution and workers' rights but as described in the next section, new social movements are concerned with the meaning of life.

4.2.2. What is at 'stake' in New Social Movements?

Taking Habermas' and Touraine's ideas about new social movements' focus shifting from the

political to the socio-cultural, this next section will examine the types of new social movements and their mechanisms of change. The early shift in collective consciousness from distribution to 'grammar of life' (Habermas, 1986) can be traced back, as described earlier, to the student protests of the 1960's. Key also to the 'stake' is the location of movements. Traditionally, movements were concerned about economy and distribution therefore the system was the location of social action. The focus of the student protests was about rights; social and cultural. This drew attention away from the economy, which occupies the System world, and towards the cultural and social, which exists in the Lifeworld. This is fundamental to what is new about new social movements; not just the type of movement but where it is located (Pichardo, 1997; Powell, 2007).

For Touraine, new social movements exist in a post-industrial society, which is informed by 'new' motivations for collective action. Whether the motivation is based on human rights issues, environmental or cultural issues, the struggle is about controlling the 'historicity' of that society. Historicity means a social actors desire to create their own meaning or reproduce themselves. When this is blocked by the State it creates a conflict (Touraine 1981:78). It is the struggle between 'those who direct the self-production and transformation of society' (those with power and influence in society) 'and those who are subjected to its effects' (communities, families and individuals) 1992: 125). Touraine demonstrates that a conflict contains very specific components; opposing 'actors' and a 'field', sometimes referred to as 'stake'. The conflict arises when two opposing actors compete for control of the field. In social movements' terms, Giddens (2000) describes those in favour of maintaining the status quo as a 'counter-movement'. Such movements are pitched within a rights framework and at the core of the debate, or the stake, is usually who has ownership, or rights, to these rights. Key to Touraine's theory is who controls the societal narrative. Society, he argues, is the permanent battleground for 'historicity', the power to determine the rules of society and its values and principles; *the system of meaning which sets dominant rules in a given society'* (Touraine, 1981:81). Touraine's new social movement's theory is rooted in sociology of action'. Within this theory he holds that *'cultural orientation must never be separated from the 'social conflict''*. Indeed, he suggests the two are intrinsically linked. A key question he identifies is; *"what is it that the*

ruling social elements present that provokes social movement?"

For Touraine, social movements are considered a positive rather than a negative call for social change because of their call for 'affirmation' of human rights as opposed to the 'negation' of a system. He concludes that rather than a call for the negation of unequal distribution rooted in capitalism, social movements are continuing to move towards ideas associated with human rights, focusing on what actors should have rather than focusing on what they don't have (Touraine 1988: 89). In other words, Touraine, argues social movements are the location where issues relating to the defines of human rights take shape and gain momentum and while they may have begun by seeking particular liberties associated with income and distribution, they have evolved into ideas rooted in human rights. As ideas about rights evolved so too did the situations which caused social action. Touraine looks to the American and French revolutions as an example of how issues of 'liberty' at that time related to workers' rights but as we moved into the 20th century women sought their liberty or rights in a way which related to a different kind of equality. In short, each new epoch addressed issues of 'liberty' in its own unique way. Today we align it more to human rights but it is liberty by a different name. Touraine concludes:

> The history of liberty in the modern world is that of a closer and closer association between the universalism of the rights of human beings and the particularity of the situations and social relations in which these rights must be defended (Touraine, 1994: 263).

The concept of rights plays a central role within the context of new social movements. Arguably, it is the evolving nature of human rights which has contributed to the shift from traditional movements to new social movements. In other words, the focus of social action is no longer grounded in concepts of distribution but instead is grounded in ideas of cultural, social and human rights which influence the circumstances or the conditions from which all human life can flourish. The emergence of such ideas coincides with the emergence of a new stake or meaning in social movements - one which is concerned with equal distribution but rather how we live or as Habermas describes it 'the grammar of life'.

4.2.3. Rights as a 'stake' in New Social Movements

Tourane's theories outlined in *The Voice and the Eye* (1981), clearly define the essential elements and circumstances under which social movements emerge. The relevance of human rights is detailed in in his 2007 publication, *A New Paradigm for Understanding Today's World*, where he States the subjectivity of the self has changed and therefore so too has how we perceive a social movement. He attributes this to society's evolving view of human rights (Touraine, 2007:83).

It could be suggested that progress in the unfolding awareness around ideas of rights continues to develop with every epoch. Similarly it could be argued, that each new epoch creates a vehicle for change. However, the evolution of rights is not a linear process and demands the attention of new social movements as a vehicle for change. Touraine argues that the potential for social change through 'historicity' always existed but under the constraints of the religious systems of pre-modern times, there were limits to all social action. With the advent of modernity, however, actors became more aware of their capacity for social change, and this evolution continues to emerge. Touraine concludes that; *'we are only approaching an analogous stage of evolution of the new social movement'* (Touraine 2008: 217).

Rights based movements such as the feminist movement and the gay rights movement continued to push their agenda of inclusion throughout the 1970's, 80's and 90's. But a global shift in consciousness emerged in the early turn of the century when the target or 'stake' moved its focus to democracy or, in the case of the Arab Spring in late 2010, the absence of civil and social liberties. Beginning in Tunisia and throughout the Middle East, people took to the streets to protest against the lack of democratic political systems which dominated the region (Castells, 2015). It culminated in a coup in Egypt with its then leader Mohamed Morsy overthrown.

Increasingly human rights NSM's are pushing a political agenda and moving away from protests and creating alliances between NGO's and government. The impact of this means more legislative progress around areas of human rights (Merry, 2006). In short, NSM's are utilizing a human rights framework and the laws governing this, in which it is possible to create change.

4.2.4. 'Actors' in New Social Movements

The actors of new social movements are said to be different to that of their predecessors. Habermas describes how the 'old politics' is supported by 'entrepreneurs, workers and the professional middle class' while 'new politics' is supported in the new middle class, the younger generation and those groups with higher levels of formal education (Habermas, 1981).

There are two views on who the participants of new social movements are. The first categories are drawn from the 'new middle class', *'a recently emerged social stratum employed in non-productive sectors of the economy* (Cotgrove & Duff 1981; Lowe & Goyder 1983 and Rudig 1988). This stratum makes up the core of the participants because they are not bound to the capital world in the same way workers form traditional movements were (Pichardo 1997). The second category of new social movement participants are those outside the traditional labour market and are driven not by their own personal experience but by their values. Pichardo argues members of new social movements are not bound by class but are instead connected through a shared sense of social issues which are rooted in a particular ideology. New social movements also claim to be anti-institutional and organize accordingly a flat structure responding to the needs of individual members. (Zimmerman 1987).

New social movements shifted the focus from matters of economy to culture and social life and brought into focus the importance of the civil sphere. It could be argued that the civil sphere is the 'new' area of contention, held previously by the 'economic and political sphere' (Pichardo, 1997: 425). On a practical level, this allows for the involvement of more demographics in new social movements. The 'stake', cultural or social, transcends class and intellect. Cultural and social rights and the 'meaning' of life affects everyone in society and therefore the avenue for individual involvement in social action has widened to include all parts of society. Everyone has their own version of meaning which is important to them, in that sense they are all fighting for what Touraine describes as 'historicity'. Powell concludes of the type of actors participating in new social movements: *"Social movements are not simply the reserve of the intelligentsia"* (Powell, 2013:158).

4.2.5. Means of mobilization and action

As described earlier in the Advocacy chapter, there are several methods of action undertaken by advocates seeking social change. Similarly, these methods can be applied in the context of New Social Movements. As described in the Advocacy chapter, similarly NSM's adopt the use of social media and civil disobedience as a means of action.

The use of social media has irrevocably changed the landscape of new social movement's practice (Castells, 2015). In the same way that new social movements differ from traditional social movement in terms of what motivates them into action; this is also the case in terms of how they act. This section will outline how new social movements differ from and converge with traditional movements in terms of how they take action. Traditionally movements utilized mass media to publicize their cause, with Welton (2001) suggesting that the power of mass media is such that it has the ability to send an issue directly to the 'parliamentary gates' (Welton, 2001). However, the Occupy movement is an example of a movement which was largely ignored by the mainstream mass media and so had to look at other avenues to gain publicity. In September 2011, the Occupy Movement activists in the United States looked to the example of the power of social media in the Arab Spring which took place earlier that year with activists calling for direct democracy as a means to deepen 'real democracy' in the Arab States through the use of Twitter and Facebook. While mainstream media reported events as they unfolded in New York and other countries, their beginnings were facilitated through social platforms (Castells, 2015).

New social movements have the capacity to mobilize in a matter of hours through the use of social media. But they also, through deliberative democracy and communicative action (Habermas, 1980), have the capacity to achieve their goals though methods other than protest and therefore arguably have the capacity to legitimize themselves. Traditional social movements of the 19th century utilized protest and civil disobedience as a means of creating public awareness and by refusing to work, placing a financial penalty on employers. These early manifestations of 'people power' created a new awareness among the perceived 'powerless' of society about how they could use civil disobedience to make a strong Statement.

The impact of protest and civil disobedience, as seen through the American and French Revolutions and the American civil rights movement (Castells, 2015)) had the power to change the political landscape. While civil disobedience continues to play a critical role in social action, for example the Occupy movement which sought to redefine the gap between the wealthy 1% of the world's population and the rest of the world, other methods of action continues to play an important role

Habermas describes civil disobedience as a means to 'connect organized will-formation with the communicative processes of the public sphere' (Habermas, 1980). But not all movements have the opportunity or are in a position where they are able to negotiate their demands with the State or other sources of power. They remain outside the democratic space. Arguably, one of the most fundamental differences between old and new social movements is the capacity for new social movements to be included in democratic processes. This can be achieved in the context of deliberative democracy structures and utilizing communicative action processes.

Hussain and Howard (2012) concluded that while social media does not cause revolutions, platforms such as Twitter and Facebook create an infrastructure which helps mobilize and inform actors long before any of the protests are organized. They argue that the sheer numbers which mobilize can be attributed to the far reaching impact of social media. Turner (2013: 378) describes the internet as the 'virtual civil sphere' concluding that it is the very nature of the internet which allows it to reach and mobilize millions of people at the same time. When the American civil rights activists organized the March on the Mall in the US in the 1963, it took months to mobilize African Americans throughout the country. Posters and flyers had to be printed and distributed throughout the States (Hall et al 1987; Hall 2005). Today protests can be mobilized in a matter of hours as witnessed during the Women's March on Washington in 2017 following the inauguration of Donald Trump as President of the US when an estimated 100,000 women and men marched in protest against Trumps election.

Children are very active through social media and use it as a means of communication with other children (Powell & Scanlon, 2015). However, there is little evidence to suggest they use it to self-advocate but instances where they do appear to be accidental. For example the case

of Emma Gonzalez, described earlier in the Advocacy chapter, became world famous for speaking out against gun laws in Florida when her speech at a protest went viral. Equally, in the next section, ideas around who occupies civil spaces and the possibility of children being included in this sphere will be described.

4.3. The Public Sphere and Deliberative Democracy

Habermas' public sphere is the space located separate from the State and is solely made up traditionally by members of the bourgeois. The location of this space for discussion and debate was in the coffee houses of England, salons of France and reading rooms of European bourgeois. This assumption that the public sphere of the 18th century comprised solely of members of the emerging bourgeois has been challenged by many academics. Daniel (2002) argues that an examination of the public sphere shows that in fact bourgeois constituted a smaller number of members than Habermas suggests. He argues that for the most part, the public sphere constituted elites of nobility as well as civil servants and academics. The principle aim of this space, whoever occupied it, was to debate and discuss social issues of importance and relevance. The public sphere which emerged with the development of capitalism while present an opposition to the State was not 'limited from debating economic issues' (Habermas, 1989). In fact, it was essential to democracy that the public sphere existed and any threat to the continued success of the public sphere was viewed as a threat to democracy itself. It was this idea of a declining public sphere which Habermas addressed in his book which Gestrich describes as:

> Thus, the chief purpose of the book was to understand and criticize the threat to democracy resulting from the decline of such a critical public sphere in late capitalist society (Gestrich, 2006: 416).

Habermas first addressed ideas of the public sphere and how it relates to democracy in *The Structural Transformation of the Public Sphere* (1962). He holds that it consists of three central ideas argument or discussion, agents of the public sphere, and principles of inclusion. He argues that the main aim of the public sphere is to provide a space where argument and discussion rooted in ideas of inclusion is fostered. Critical to the process is the agent whose argument

transcends individual 'interests' with the focus relating to public concern or wider societal issues. The third component of his theory is a little more controversial. Habermas talks about inclusion in the public sphere but it doesn't include equality of inclusion among agents as it is the bourgeoisie who act as the agent. In other words, he believes agents should be included in the public sphere, but recognises that not all potential agents are included. Excluded from Habermas' agents are women and the poor with his argument that they are not treated equally in society and therefore would not be included in the public sphere process. Children too have been excluded from this space of discussion and debate. While he doesn't condone this, his argument suggests that those agents included in the discussion can create change in society which will ultimately benefit all members of society. Habermas concludes:

> The bourgeois public sphere may be conceived above all as the sphere of private people come together as a public; they soon claimed the public sphere regulated from above against the public authorities themselves, to engage them in debate over the general rules governing relations in the basically privatised but publically relevant sphere of commodity exchange and social labour. The medium of this political confrontation was peculiar and without historical precedent: people's use of their reason (Habermas, 1991: 27).

According to Habermas society consists of two parts; the 'System' and the 'Lifeworld'. The System is the seat of power; legislators, judicatory, institutions and the markets all dominate the System. The Lifeworld is the social and cultural 'meanings of life'. Part of the natural status of the 'System' is to try and dominate the Lifeworld. Therefore, Habermas' theory of the public sphere argued the way in which the dominant (System) group can be held back from overshadowing the rest of society Lifeworld) was through a mechanism of democracy which gave power to both. Deliberative democracy is at the centre of his theory. Habermas agreed with Weber that the consequence to modernity, the drive to rationalize, was an alienation and loss of liberty for individuals. The root cause of this alienation was increased levels of bureaucratization. The only solution Habermas saw was to keep the system in check through deliberative democracy. Vitale (2006) summarises Habermas' principles of deliberative

democracy in the following way:

> Therefore, to the degree that a society allows for the effective discussion and deliberation of public issues – issues of common concern - the channels of communication and interfaces between individuals who act in an everyday context, and professionals who act politically, would be improved. And as these channels are strengthened and public issues better understood, politics will become more meaningful in the dimension of lifeworld (Vitale, 2006: 744).

Habermas theory of deliberative democracy is often referred to as a complex theory. Scheuerman (1999) disagrees and describes it as 'relatively straightforward'. The theory is based on what Habermas describes as a 'two track' system of democracy. The first, 'organised public' is made up of what is recognised as organised public bodies and elected bodies including parliament and State institutions. The second is 'unorganised' and is made up of civil society (Scheuerman, 1999:156). Arguably what sets Habermas theory apart from others would be the use of civil society as a mechanism of democracy. A key element, and one which is highly criticised in Habermas' theory, is the role of institutions. For deliberative democracy to work it must be institutionalised but without the support of organised public bodies and groups, deliberative democracy cannot be institutionalised (Habermas 1992). Scheuerman concludes of this theory:

> Habermas' model places special weight on the importance of civil society, it is the free-wheeling character of discourse outside the formal political arena which now takes on the absolute pivotal role of identifying, thematizing and interpreting political concerns (Scheuerman, 1999: 156).

Gestrich (2006) describes Habermas' aim in his theory of the public sphere as an 'exploration of the prerequisites of democracy'. He further elaborates on Habermas' ideas of democracy as being linked to the 'implementation of reason, truth, morals and justice in political life' (Gestrich, 2006: 415).

> In true enlightenment fashion Habermas finds the main support for such a democratic

political culture in public political reasoning in an environment in which the individual can speak freely and arguments are not distorted by fear or political or social power (ibid).

Indeed, it is this notion of speaking freely which is at the root of all Habermas' theories relating to democracy. Without this ability the very idea of democracy would flounder. Habermas first addressed the idea of the public sphere and how it relates to democracy in *The Structural Transformation of the Public Sphere*, which was published in German in 1962. While initially it may be logical to assume that the public sphere is positioned in opposition to State and government with the sole purpose of changing and impacting the State driven policies democratic avenues, it is however much more than that. For Habermas, the State needs the public sphere as much as the public sphere needs democracy.

> Whereas the "Sphere of Public Authority" dealt with the State, or realm of the police, and the ruling class, the public sphere crossed over both these realms and through the vehicle of public opinion it put the State in touch with the needs of society (Habermas, 1989:30).

Critics argue the idea of inclusion was a false reality as, post enlightenment, public sphere constituted white, bourgeois men (Thomassen, 2010:41). Habermas however is more focused on the spirit of the public sphere arguing that the mere promise of inclusion is enough. Powell (2013) outlines his view on inclusion in the public sphere:

> Private association is characterised by exclusivity. Civic association, on the other hand, takes place in the public sphere and is broadly inclusive, albeit that inclusion may be circumscribed by space (for example, residence in a local neighbourhood) or identify (gender, race and so on). However it is defined by its orientation towards democratic participation (Powell, 2013: 60).

Gestrich summarises the role of the bourgeois in the public sphere in the following way:

> They debated in Parliament and used the media for their purposes without having to

fear censorship or political prosecution for their open criticism. These were the ideal public, as viewed in a liberal theory of democracy. According to Habermas their emergence is based on the rise of private property and on the consequent division between State and civil society (Gestrich, 2006:415).

Further, he identifies how the division of State and civil society resulted in the emergence of the public sphere; an opportunity for debate through public discourse. However, with the emergence of modernism the lines between State and civil society became more blurred which has had a negative impact on both democracy and public sphere. Powell (2013) concludes:

Modernism resulted in a fusion between the State and civil society. Postmodernism has refocused that relationship into a potential fusion with the market. Civil society struggles to maintain its autonomy as a public sphere where democratic association can flourish (Powell, 2013: 60).

It is this very idea of the blurring of lines between State and public sphere which brought into focus the importance of core-periphery theory originally the work of Bernhard Peters and later adopted by Habermas into his Communicative Action theory. Before moving on to the next section which introduces the key concepts of this theory and shows how it plays a key part in the workings of new public sphere theory, the final piece of this section will conclude with a brief examining of children in the context of Habermas' Public Sphere.

Throughout this thesis the idea of child participation has been a recurring theme and has been examined in the context of policy, advocacy and developing ideas around children's rights. It is pertinent then that children and how they relate to the Public Sphere should be described at this juncture. Research undertaken by Horgan et al (2015) described children and young people's experience in engaging with the child and youth participation initiatives established by the DCYA. The research was the first of its kind to examine the experiences of children having a voice in discussions of issues which impacted them as well as policy formation. An initiative by the government to establish participatory initiatives as part of one of the goals identified in the Children's Strategy 2000-2010. The initiatives included Dáil Na Nog (Youth

Parliament) and Comhairle Na nÓg (local youth councils) among other local groups. The results were clear and very positive for children's own experiences engaging with the groups. On a personal level it created more confident and they three quarters of the group questioned were happy to have had access to people on positions of power. While there were many positives the results showed more could be done in terms of influencing policy. Children could and should have more opportunity to influence the policy and legislation which governs their lives (Horgan et al, 2015).

Examining the ability of children to occupy a space in the public sphere it could be argued that the child's #public sphere' continues to be controlled by adults and the State. The State decides what form the public sphere takes and, according to the research findings of Horgan et al (2015) limits the amount of 'power' children have in the formation of policy. In this case it could be suggested that components necessary to create authentic public sphere space, separate from the State (Habermas, 1962), is absent for children. Further it eliminates the possibility for children to engage in the language of communicative action which allows for consensus to be achieved by opposing groups.

4.3.1 Communicative Action

Ordinary language is the medium of communicative action through which the lifeworld reproduces itself: in it too, the components of the lifeworld interpenetrate one another (Habermas, 1996).

To understand Habermas' theory of communicative action, it is first necessary to place it in the context in which it was developed. Habermas viewed post enlightenment society as having a 'problem' or the presence of obstacles to the success of the project of modernity. Habermas' critical social theory sought to both pathologise and propose a cure for the problem of modernity. His solution was the theory of Communicative Action; a theory which he argues was based on 'reason', further suggesting that people in the lifeworld want to communicate through reason to achieve understanding.

The solution for Habermas was a belief in the basic human need, as he saw it, to achieve

understanding. Criticised as Utopian, Habermas' theory argued that inherent in all human communication is a need to understand one another. It is this notion of reason, or rational thinking, which is the cornerstone of his theory. Thomassen described it as such:

> Communicative action and (rational) discourse are aimed at mutual understanding that is not imposed but based on the forceless force of the better argument. Although not a blueprint for a future society, the theories of communicative action and rational discourse nonetheless point to a solution to the pathologies of contemporary society (Thomassen, 2010: 52).

Habermas sees communicative action as not having an agenda, or as a means to an end, other than understanding. Unlike rationalization which is rooted in economic prosperity, communicative action is rooted in a striving for a greater understanding through discourse. Habermas acknowledges the limits to this theory as not all spheres or worlds in society want to exist in the 'forceless' position where agreement is attained through open and honest discussion. Indeed, he concedes that aspects of society such as the markets and economy have different motivation for communication which is usually about prosperity. He therefore creates clear a line of demarcation and places the Lifeworld and the System world in direct opposition (Habermas 1996; Thomassen 2010). Key to understanding the limits of the theory of communicative action is to understand the differences between the Lifeworld and the System.

The system is a world of objective structure and it can be dominated by 'steering media' such as money or markets. Steering media do not have a need for interpretative understanding; they have no cultural relevance and can be understood in a globalized sense. The Lifeworld is an inter-subjective sphere and is structurally made up of wider society such as people and culture. Arguably the key difference between the Lifeworld and the System is in how it relates within itself and to others. The Lifeworld is influenced by discourse and driven by mutual understanding or communicative action (Habermas, 1981). The System is dominated by strategic communication to instrumental reason. The main purpose of this type of communication is to achieve a particular end through the most efficient means dominated by steering media (Habermas, 1981; Thomassen, 2010). The system's use of this type of

commutation makes rational sense when applying it to the markets and an economy driven by the market, but applying such as system to the Lifeworld would be catastrophic as it has a different motivation or 'steering media' (Ibid). The System and its methods of communication align with rationalization theories and Habermas goes further by describing the consequence of rationalization on the Lifeworld, is for the System to colonise it. Such colonization takes place through the hijacking of discourse by the system and the repression of consensus agreement (Habermas 1981). Weber described the consequences of the markets domination of society leading to 'disenchantment and alienation' from other people (Thomassen, 2010: 60).

Central to Habermas' theory of Communicative Action is the desire to achieve understanding. It is through this mechanism Habermas argues consensus can be achieved. The next section describes this idea in greater detail.

4.3.2. Consensus

Reaching consensus is the goal opposing groups or actors hope to achieve through deliberative democratic structures. According to Habermas (1981; 1996) the Lifeworld utilizes this method in achieving its goals. Habermas argues that consensus is the natural conclusion of a well thought out and discussed argument. He holds that through rational argument the logical conclusion will be reached by both parties. At the heart of the theory Habermas suggest certain elements need to be present. These include a truth claim' on one or both parties but also the implicit understanding between the two which is rooted in an informal logic. The logic being that each will put forward argument on the basis that a logical conclusion will be reached as to what is the better argument. Key also to his theory is that neither side will uses force in their argument but rather instead adopts a better argument principle. This also eliminates the use of 'strategic action' as used by the System to achieve its goals (Peters 1993; Habermas 1998a;, Wehrenfennig, 2008).

Habermas holds that the principle of a rational collective life can be achieved when social relations are organized *according to the principle that the validity of every norm of political consequence be made dependent on a consensus arrived at in communication free from domination'* (Habermas, 1971: 284). The public sphere is the natural location for consensus

building discussions as it is based on inter-subjective interactions.

The inter-subjective component of the Lifeworld allows for people to relate to other people and have an understanding of how their actions impact others. This is a valued part of Communication Action if it is to be a successful means of communication and if the Lifeworld is to succeed in its goals. However, it is the very absence of this desire to communicate inter-subjectively, which allows the System world to be driven and motivated by ends with no regard for the consequence of the means. For Habermas, this is the key component which is absent in Weber's theory and his belief that the project of modernity is doomed. Weber sees rationalization, a consequence of modernity, has left society trapped in an 'iron cage' with no solution. While Habermas concedes rationality has created a space from which the Lifeworld can by hijacked by the System creating a type of iron cage, he sees communicative action, through inter-subjectivity, as holding the key to emancipation from this cage. Habermas argues that as social beings people cannot but chose a reasoned form of communication-communicative action - as opposed to strategic action which is based on manipulation and violence. Supporting this theory Thomassen argues that for the most part societies do act and integrate peacefully (Thomassen, 2010: 71).

The theory of Communicative Action saw a shift from Habermas' pervious theories to one of action based on language. Known as 'linguistic turn' the essence of the theory considered the 'reconstruction of the presuppositions of the universal conditions of knowledge and action' (Cooke, 1994: 1). Further he argued that at the root of society was its need to reproduce itself through reaching understanding; co-ordinating action and the socialization of individuals. Cooke summarised it as follows:

> In its simplest terms communicative action – that is action oriented toward understanding – is action in which the speaker carries out a speech act whereby the success of the interaction depends on the hearers responding to the validity claim raised with the speech act with a 'yes' or a 'no'. The speaker must be able to supply reasons to support the validity claim (Cooke, 1994: 12).

At the core of the potential success of any such communication was the issue of the subject. Weber, like Marx and Kant argued that the subject for the individual is more important than anything else. Or to use Kant's' theory, human beings are inherently selfish. It was this very idea of meeting the individual needs which Habermas sought to address as the main obstacle to the project of modernity. Deliberative democracy was at the core of this solution and created evidence of how communicative action could be put into practice. Habermas would later utilise the theories of Core-periphery to show how through Communicative Action, social change could be achieved.

4.3.3. Core-periphery theory

Habermas looks to Bernhard Peters' (1993) model of communication and decision making to explain how 'constitutionally regulated circulation of power might be established'; that is core-periphery theory (Habermas, 1996: 354). Constitutional systems of power have a form of communicative power which has two methods of 'problem solving'. Within one, the core is the centre of power where judiciary, government and government institutions exist. The core ultimately is the location of power and decision making. However each institution has varying degrees of power and their 'capacity to act' is dependent on their own internal structure. The periphery is split into two sections depending on their position of influence. Closely positioned to the core on the inner periphery (that is closer to the core) there exists State positioned institutions and organisations which act as informers to the government and other core institutions. These are made up of public agencies and business associations and are positioned in such a manner which can and do influence public policy. The core is known as 'customers' (Peters 1993; Habermas 1996).

On the other hand there are two types of 'supplier' groups. Both types of groups give voice to social problems and act as suppliers of information to the State or State institutions such as courts system or government. But the key difference is the kind of social problems they raise. The first are closer in position to the core and are presenting normative perspectives, in other words they are addressing broad issues which can be defined by party politics. On the outer edge of the periphery are those who occupy the 'real periphery'. These are 'public-interest

groups' such as human rights, environmentalist and animal rights activists and exist in the 'civil-social infrastructure of a public sphere'. Habermas describes them as being based on informal structures with 'highly differentiated and cross-linked channels of communication; this public sphere forms the real periphery' (Habermas, 1996: 356).

For the purpose of this research the focus of attention is with groups located in the 'outer periphery'. Habermas describes groups located in the 'real periphery' as being public interest groups. Mainly made up of those with specific and seemingly marginalised social problems, in a sense these groups are marginalised within the minority cluster of those who occupy the wider periphery. In short, their ability to influence the core and subsequently policy is limited. The groups in the inner periphery, according to Habermas interpretation of Peters' theory, have a direct route into the core as they publicise and identify normative social problems. The argument of this thesis holds that the CRA, through core-periphery theory, moved from the outer periphery to the inner periphery where it acted as a 'supplier' to the government and State on child related issues.

Ultimately Habermas' incorporation of Peters' theory has resulted in the expansion of his public sphere theory. Originally Habermas viewed the public sphere as a place for debate and discussion of important societal issues. He argued that this space was not one that could be occupied by the average citizen as they did not have access to the spaces. Debate and decisions took place in café's and other such venues. However, by adopting Peters' core- periphery theory, Habermas argued in favour of the possibility of action by those who occupy spaces on the periphery of power. Key mechanisms of action are through 'sluice gates' which act as communication channels. Once open, these sluice gates offer an avenue for information to reach from the periphery to the core and back ultimately resulting in change.

Downey et al (2012) have taken this theory and applied it to recent events relating to the establishment of a national DNA base in the UK. Specifically, they identify how this was facilitated through the mass media, how the discourse went through an evolution which was driven primarily through 'claims' made in the media which in turn were steered by semi-independent journalists, politicians, NGO's and 'triggers events'. Their findings show how

Peters' theory of core-periphery, adopted by Habermas to extend his public sphere theory, can be used to explain the changed discourse and ultimately policy at the highest levels in the UK. By taking a specific timeframe and identifying 'claims' made by media and public figures about the use of a National DNA database, they were able to map changes in discourse. Perhaps more importantly Downey et al.'s research identified the role played by NGO's on the inner periphery. Such NGO's funded by the State have, they argue, greater access to the core and therefore more influence over policy formation.

4.3.4. Sluice Gates and Trigger events

As described earlier Habermas' original theory on the public sphere, society is made up of two parts; the Lifeworld and the System. The system is where government, State, State institutions and the judiciary reside. While all matters pertaining to cultural, social, family and civil society exist in the lifeworld. His theories held that those who live in the Lifeworld do not have access to the System world and therefore the means to create change from outside their world is limited. Habermas' adoption of Peters (1993) theories on core periphery, created an expansion on this view. He now argued that it was possible for the Lifeworld, located on the periphery, to impact the System, located at the core. According to Habermas', change is possible through what Peters describes as 'sluice gates' which allows information move from the periphery to the core creating an opportunity for change through public discussion and debate. This next section will examine how the opening up of sluice gates allows an issue to be placed on the political agenda.

According to Bernhard Peters 1993 theory of core-periphery, it is possible to influence change in policy and legislation if a group or organisation has access to the source of power; the 'core'. His theory, adopted by Habermas in 1996, suggested society into two groupings; those who have power to make decisions (System) and those who are outside this position and have no elected or constitutional powers (Lifeworld). Further he argued that given the right conditions, an organisation could move from a position of no power (outer periphery) closer to the power (Core) where it could influence decision making.   Key to influencing change is the opening up of Sluice Gates through Trigger Events. This occurs when there is a build-up of pressure,

usually through media about a particular issue. The opening of the Gate has a twofold effect; it creates public discourse on the issue and it offers the opportunity for the organisation to create a public platform and stand on the issue.

According to Habermas (2006), the opening up of sluice gates occurs through the activation of 'trigger' events which contribute to a widening of the narrative. A build-up of pressure relating to a particular issue occurs and is eventually released through a sluice gate on foot of a trigger event. Such occurrences may be facilitated by mass media or, in the last decade or so, social media, which act as means through which knowledge about the issue, is deepened and widened across society. Habermas argues that the test of a good democracy is how it responds to such events (2006). For Habermas (2006: 419) the media plays a critical role, acting as a "self-regulating system". However with the rise of social media and the collapse of traditional journalism, Habermas has called for the subsidising of traditional media outlets as a means through which independent thinking and challenges to the System can be channelled and supported (Habermas, 2006).

The mechanisms of action are through 'sluice gates' which act as communication channels, which, once open, offer an avenue for information to reach from the periphery to the core and back, ultimately resulting in change. This change can be experienced through discourse, at worst, or policy at best.

> *This is known as the 'sluice-gate' model of the public sphere and has been greeted with some enthusiasm because it provides the possibility of both explaining and enacting social change from below, without which it would appear difficult to fathom how the feminist and ecological movements have influenced public policy (Downey et al 2012:440).*

Ultimately Habermas' incorporation of Peters' core-periphery theory has resulted in the expansion of his public sphere theory. Originally, Habermas viewed the public sphere as a place for debate and decision of important societal issues by elites. He argued that this space was not one that could be occupied by the average citizen as they did not have access to the

spaces. Debate and decisions took place in café's and other such venues. However, by adopting Peters' core periphery theory, Habermas was able to recognise the possibility of action by those who occupy spaces on the periphery of power.

4.4 Conclusion

In conclusion, this chapter has outlined how new social movements emerged from the student protests and civil rights protests of the 1960's. The 'new' issues were less concerned with equal pay or fair distribution of assets, but rather issues related to who we are as a society and what we value socially and culturally; 'the grammar of life' as described by Habermas (1981). New social movement 'actors' share a common goal, which is to create a particular way of living in which they see themselves as responsible for 'historicity' (Touraine). To that end, 'actors' of new social movements tend to transcend class and are a diverse group of Individuals struggling for a 'stake' is rooted in cultural values rather than distribution. With the emergence of new ideas about how rights are viewed, there was a surge in new social movements which addressed these issues including environment, human rights, gay, lesbian, transgender and the continuance of the feminist movement. Touraine argues that rights have become the central or common thread by which all NSM's can be measured.

Having outlined the case for new social movements, the second half of this chapter was concerned with the mechanisms of change. If indeed new social movements are concerned with rights, how do such movements achieve meaningful change? While social movements adopt many methods of activism including protest and civil disobedience, Habermas identifies how change can also occur through political means. In order for this to occur there needs to be in place deliberative democratic structures which facilitate the public sphere; the location of public and critical debate. A key element of deliberative democracy is its ability to hold accountable its public representatives. This facilitates communicative action, which seeks to achieve consensus by all parties, based on the theory that the logical argument will win. Habermas' theory on core-periphery offers a clear avenue for social movements to move from the outer periphery, where they have no say, to the inner periphery where they can become 'informers' to the core.

This thesis will apply the theories of Habermas against the success of the CRA in its work in the promotion of children's rights as well as policy and legislation formation. It will also consider whether or not through the workings of these theories, the CRA can be considered a new social movement. The next chapter identifies a methodology which is best suited to interrogate these theories and draw explicit conclusions.

5. Chapter Five

5. Methodology

5.1 Introduction

This chapter will outline the methodology adopted for examining the research questions and objectives. The objectives are: to examine if children's rights advocacy in the form of the CRA is a NSM? To interrogate, through core periphery theory, if the CRA contributed to a changing landscape of children's rights in Ireland. To examine if and how the CRA played an instrumental role in securing children's rights in Ireland and finally to examine the role of the CRA in policy and services for children in Ireland.

The methodology is described as being a strategy in how best to conduct the research (Denscombe, 2010). Lahdesmaki (2014) is more specific in the description arguing the methodology creates a strategy with a clear set of rules which will direct the course of the project. In other words, the methods adopted play an integral part in the trajectory of the research as described by Bryman (2008) who suggests methods are a non-neutral tool. The first issue to be addressed is the type of methodology itself; qualitative, quantitative or mixed methods? According to Onwuegbizie & Leech (2005) limiting research to one method or a 'mono-method' is a 'threat to the advancement of the social sciences' (Onwuegbizie & Leech, 2005: 384). The argument being that to use more than one method reduces the risk of weak research. However, Smith (1983) disagrees and cautions that mixed methods are not always complementary. In the case of this research qualitative methods are most suitable as it is seen as the most effective way to answer the research questions and to further understand the processes engaged in by the Children's Rights Alliance (CRA). In short qualitative methods look beyond quantification of something and look instead to find the meaning, allowing for an in-depth analysis. For example, in the case of this research what is more meaningful is to know how the CRA achieved certain goals rather than how many. By examining the 'how' question an even deeper understanding of the methods used by the CRA can be identified. This could

be critical information for future NGO's and originations in the future. In other words, by examining the how, it can create a road-map for future NGO's trying to influence change.

Bryman (2008) suggests the type of methodology adopted by the researcher is directly linked with how they envisage 'social reality should be examined' (Bryman, 2008: 5). In other words the type of methodology chosen by the researcher can be informed by their subjective beliefs; the methods adopted will match their epistemological position. Within the qualitative methodology there are several research strategies which tie in with this approach. These include inductivist, constructionist and interpretivist. For this research an interpretivist and constructivist strategy is deemed most appropriate. What makes this method appropriate for this research is its value on interpretation; *'it requires the social scientist to grasp subjective meaning of social action"* (Bryman, 2008:16).

To achieve the primary goals of this research, which is to examine the CRA through the lens of core-periphery theory and New Social Movements theory, I conducted an elite interview coupled with analysis of secondary sources. Among these sources I examined policy and legislation both from a current and historical perspective. I looked at CRA's publications to include all Shadow Reports, Report Cards as well as their own in-house research which ranged in topics from children's rights; voices and participation, to research on citizenship, corporal punishment and separated and refugee children. In the case of this research a qualitative methodology is most suitable as it is seen as the most effective way to answer the research question and to understand the processes engaged in by the CRA. The next section will examine closely the relevance of interpretative research as a strategy and why it is most suited to this research.

5.2. Interpretative research

> *"An epistemological position that requires the social scientist to grasp the subjective meaning of social action"* (Bryman, 2008:694).

Interpretative research is the response social scientists have to criticisms to the application of natural science methods to the social world. It offers an alternative to the scientific model of

examination and in so doing acknowledges the complexity of the social world as being different to the natural world and thereby judges that it needs a different set of tools of examination. Bryman suggests;

> "They share a view that the subject matter of the social sciences - people and their institutions - is fundamentally different from that of the natural sciences. The study of the social world therefore requires a different logic of research procedure, one that reflects the distinctiveness of humans as against the natural order (Bryman, 2008:15).

In this way interpretative research seeks not just an explanation of the social but an understanding of human behaviours and processes. The job of the social scientist is twofold; to understand the meaning of social action of individuals or groups and to gain access into their thinking in this process of social action. It is with this in mind that I felt interpretivism was the appropriate method for my research. The essence of my research is the examination of the role of the CRA as a new social movement in promoting children rights in Ireland and arguably more importantly, what were the processes they engaged in to achieve their goals (understanding). The goal of interpretivism is to identify the 'subjective meaning of social action' which is at the core of this research.

The role of the literature review in interpretive research is to 'generate understanding rather than by accumulating knowledge' (Bryman, 2008:93). The challenge for the researcher in this case is that the process of reviewing the literature is a little more ambiguous, as you may not know where it is leading you. I found this to be true in my own research as while I had in mind the role of the CRA as a new social movement, I did not have a clear direction of where this would take me in terms of my questioning. It was the literature review which very much informed my thinking and helped form my questioning. In this sense the literature review is an important first step in informing the research direction.

5.3. Qualitative research strategy

The research strategy is an essential part of the research process as it offers a clear and defined structure to the approach the researcher must take. Identifying the correct strategy needs careful

consideration as it dictates the direction of the work (Denscombe, 2010). In the case of this research, I decided the best approach would be to conduct a secondary sources data search along with an elite interview. However, this was not my original direction. Initially I thought a secondary source search would be sufficient in answering my research questions but as I engaged with the literature in a more critical way it failed to capture and answers key questions about the relationship between the State and the CRA. For further data on this question I needed to go to the source; the CRA.

5.4. Literature Review and Secondary data collection:

The literature review is a key part of the research work as it informs the direction of the research. It is an opportunity to engage in material which has already been published to assist the research on two levels. Firstly it is an opportunity to become more familiar with the area of research in general, but perhaps most importantly it offers the researcher a base in which to ground the theory of the work. In other words, as researchers we can come into a literature review with an idea of what it is we are researching or questioning, but it can and very often does change based on the literature review. Bryman concludes:

> The literature acts in a certain domain as the spur to an enquiry. The literature acts as an impetus in a number of ways: the researcher may seek to resolve an inconsistency between different findings or between different interpretations of findings; the researcher may have spotted a neglected aspect of the topic; certain ideas may not previously have been tested a great deal [..] and so on (Bryman, 2008).

Bryman further elaborates to suggest that while some research in the social sciences may not have an obvious connection with a theory; it doesn't mean it is not grounded in a theory derived from the literature search. In the case of this research the literature review very much informed my theoretical framework and helped identify my research question as well as the theory it would be grounded in.

The secondary sources collection of data has two main strands to it. The first is a general search through publications such as books, journal articles, policy documents, official publications,

newspapers and other public domain sources. The main purpose of this review is to create a comprehensive understanding of how children have been viewed historically in Ireland and how that view has evolved over the past twenty five years, specifically in relation to children's rights. The second strand involves a review of existing data sources directly linked with and emanating from the CRA. The main purpose of this is to identify how significant an influence the CRA has had in forming and informing the children rights agenda in Ireland. In other words, trying to understand the role of the CRA's role in terms of setting the children's rights agenda and its role in pushing the State to move and change its position. This can be examined through investigation of the CRA's own reports and publications including annual reports as well as other research which was undertaken by the One Foundation (2015) examining the progress of the CRA in developing the children's rights agenda.

The CRA has produced a wealth of publications and reports available online which include their Annual Report, the Report Cards as well as numerous research on issues which are key to children's lives including children's voice and participation, children living in direct provision, corporal punishment and citizenship of children[9]. Furthermore, every year they produce a response to the government budget from a child's perspective. Through the CRA website it is possible to access a comprehensive database of information including their responses to government child related policy but also information about the initiatives they have undertaken for children rights since 1995. Accessing this information was crucial as it provides insight into the work the CRA has undertaken in its 20 year history. I attended several presentations given by the CRA in UCC during the course of this research. For the most part these related to the Referendum in 2012. I also watched Ireland's reporting to the UN Committee on the Rights of the Child in 2016 which was streamed live via the UN website. To access journal publications I used Google Scholar and Academic Search Complete as well as other academic search engines. These engines gave me direct access to articles published by experts in the area of children's rights, child participation, the children's rights referendum as well as the impact the changing discourse in these areas had on policy and children's own experiences. Through this

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[9] See Appendix 6 for list of Reports published by the CRA and responses to child related issues

I was able to piece together the key actors involved in children's rights issues in Ireland in the past 20 years and a timeline of the developments.

While undertaking my literature review I became aware of how shifting discourses impacted the children's rights movement. Heavily influenced by new sociologies of childhood and the UNCRC, I knew that theories of childhood and children's rights were part of a shifting landscape. But it still did not tell me how, despite opposition to change, children's policy and legislation changed to become more child centred and child rights focused. How did Ireland move from viewing children as independent rights holders and how did those changes occur in policy? What were the mechanics or mechanisms of change and who was driving the change?

It became clear that there was resistance to addressing children's rights status in Ireland and yet the changes were occurring, albeit slowly and incrementally. The earlier part of my literature review was concerned with understanding childhood and children's rights in Ireland. What informed their status historically and so on? For this I accessed books and journal articles which took a historical look at Ireland and its relationship with children. The role of the State and Catholic Church in the architecture of Irish social policy and social constructions was clear. A deepening review of the literature showed a shifting paradigm and I wanted to know what was behind this. It was clear that Ireland resisted children's rights and the reason for this was explained in part by Powell (1999):

> Children's rights have always been regarded with scepticism in a society with an abidingly traditionalist conception of the family" (Powell, 1992:136).

Following the review of the literature I moved to digital and broadcast aspects of the work of the CRA. Consistently since the mid 1990's any debate on Irish television, radio or in the newspapers and latterly on social media, which addressed issues relating children's rights, has increasingly been accompanied by an input from the Children's Rights Alliance (CRA It became clear that the CRA was gaining more public momentum to speak about the children's rights issues they felt needed addressing. Not only that but they have thousands of followers on social media and regular appearances on radio, television and newspapers, by the late 1990's

the CRA was identified as a group which could be taken seriously on issues relating to children and their rights. I Dáil debates, Committee debates and read dozens of transcripts on line on Dáil Eireann website. The purpose of this was to establish insight into how important a role did CRA play in the debates on these issues and most importantly were they now the 'go to' organisation when members of the media wanted expert opinion. Reordered debates and the reading of transcripts identified without ambiguity the level of input the CRA had either directly or indirectly when it was quoted or its research was quoted by members of the Oireachtas.. I then began to engage with the CRA's own publications, most of which are available on-line. Their on-line resources are comprehensive with reports and publications available in each area of child related policy and legislation addressed by government and the UN Committee. Each time the government produces a policy or piece of legislation which impacts on the lives of the child, the CRA responds with their view on the issue. My questions began to become clear: How has the CRA impacted children's rights discourse in Ireland and what were the mechanisms of change employed by them to impact on policy and legislation?

Having a greater sense of what it is I was looking to question, I then began to examine the theory options which I felt offered me the means of answering my research questions. I looked to the theories of social movements and began to see how well children's rights would map against new social movement theory. I then looked to Habermas and Peters as a means of explaining how the CRA gained access to the core of political power occurred and the mechanisms which led to that access. Core-periphery theories seemed to offer the best means of explaining how the CRA became such an influential force in children's rights discourse. But it was important to also identify the political conditions which facilitated the movement of the CRA from the periphery to the core. For this I looked to deliberative democracy which facilitates a voice for those not involved directly in political life, but instead offers a voice for non-political people and groups. In short deliberative democracy is concerned with making politics more meaningful for all of society and not just the political elites. In so doing it offers platforms for the average citizen where they can engage in discussion and debate with political and non-political groups and individuals (Vitale, 2006).

Bryman concludes that what the literature review is to the theory and question, the data collection and analysis is to the answer. He argues that it is through data collection and analyses that the researcher can illuminate or resolve the research question (Bryman, 2008). For my data collection I looked to an elite interview as I believed it was the only way I could gain an understanding of what the CRA set out to do and how it achieved its goals. I was also keen to gain an understanding of the relationship between the State and CRA as it was possibly the key to them having access to the State and becoming influencers.

The literature review informed the design of the interview schedule. Having established through this work the dichotomy which exists within society's views of childhood and children's rights, it became clear that the only way to get to the root of understanding 'how' the CRA influenced government policy on children's rights. While my research gave me great insight into the history of child related policy and the many influencing forces including the Catholic Church, it could not answer key questions such as, identifying the prevailing relationships between the State and others. In the case of this research, I wanted to understand how a State which presented as colluding with other institutions such as the Church against children's rights in the past, could be part of a shifting landscape which now placed children's rights at the centre of policy and legislation. The answers to these and other questions could not be addressed solely through a literature review and needed to be put directly to an elite source.

The clear route was to take a semi-structured approach as I had many questions which would give me solid data but I also needed to allow for my elite respondent to tell me their story in their way and in doing so deal with issues I may never have considered (Harvey, 2011).The semi-structured nature of the interview facilitated the gathering of good clear data from the questions prepared prior to the interview, while also allowing for the emergence of other data that I had not previously identified.

Therefore, the structure of the interview gave me a clear direction of where I was going in terms of my organised questions but the semi-structured aspect gave the capacity to raise issues and for me to further develop on topics or questions raised. Thorough preparation for an elite

interview, over and above other interviews, is essential because of the expertise of the interviewee. It also establishes trust with interviewee by demonstrating your background knowledge of the area. It also allows you to ask questions, the answers to which are not available in public (Mikecz, 2012).

5.5. The Elite interview

Once this examination of secondary sources was completed I then organised an elite interview with a key longstanding member of staff of the CRA. The staff member I chose to interview was Maria Corbett, Deputy CEO and Legal and Policy Director. Corbett has had a longstanding association with the CRA dating back to 2001 when she assumed the position of Policy Development Specialist. During her career with the CRA, Corbett held the role of Acting CEO on two occasions and held the position of Deputy CEO and Legal and Policy Director from 2005 until she left the CRA in 2016. Her legal background gives her a unique understanding of the challenges which exist between meeting the needs of the child in policy terms while also being aware of the restrictions of the law. This coupled with her 15 years' experience of advocacy work gave her a unique insight into the developments within the CRA and the policy field of children's rights more generally in Ireland. These characteristics/attributes ensured expert credibility which would enable her to answer my questions comprehensively.

Elite interviews fall under the category of ethnographic research. This family of methods includes focus groups, case studies as well as interviews (Harvey, 2011). There are many different interpretations of what an elite interviewee is and for many it relates to their influential position within a company or organisation (Zuckerman, 1972), but others argue it could be related to the social position in relation to the researcher and wider society. While there are varying definitions of what an elite interviewee is, Smith (2006) argues researchers categorise their classification based on their respondents profile and in so doing create a subjective view of their respondent. In short, the elite interview offers an insider perspective which is unique in terms of answers to the questions the research seeks to address. Harvey concludes:

> In many cases it is not necessarily the figureheads or leaders of organisations and institutions which have greatest claim to elite status, but those who hold important

special networks, social capital and strategic positions within social structures because they are better able to exert influence (Harvey, 2011: 5).

5.5.1. The Elite Interviewee

Harvey's description of an elite respondent fits closely with the respondent selected for this research interview. Maria Corbett has been at the centre of the CRA's work since 2001. Although Corbett has recently moved on from her position in the CRA, at the time of the interview she had been employed in the CRA for 15 years. In her various positions within the CRA she had access to key people of influence such as civil servants and government Ministers as well as to the very broad membership organisations of the Alliance. She held the position of Deputy Chief Executive & Legal and Policy Director from 2005 to 2106, having previously been the Policy Development Specialist from 2001-2004. During her time with the CRA, Corbett also served as Acting CEO on two occasions spanning a total of fifteen months. Corbett played a central role in the shaping of the children rights agenda for the CRA, producing policy documents which formed key strategies for both the CRA as well as the government. As Legal and Policy Director she would have been in regular contact with the membership of the CRA enabling her to have a good sense of what the pressing issues were for them and the satisfaction of the membership in how these issues were being addressed by the government. Corbett was present for key meetings between the CRA and the State during the process of writing the shadow reports as well as attending two of the three oral examinations of Ireland by members of the UN Committee on the Rights of the Child in Geneva. Her position of influence is clear. For example, part of her role in reporting to the UNCRC committee involved reviewing a report from the State on progress made in relation to children rights. This Report was reviewed by civil society organisations in a consultation in January 2013 coordinated by the Children's Rights Alliance. Corbett was part of the team which undertook this process of review. Her work as an insider in those meetings coupled with the number of years she was in the CRA, afforded me a wealth of insight into the relationship between the CRA and the State in the early years, but perhaps more importantly into how the relationship evolved over many years from one of opposition to more collegial in its form.

5.5.2. Positionality of Researcher

Trust between the interviewer and the respondent is an essential part of the process of elite interviewing (Harvey, 2011). Mikecz (2012) suggests building up trust with an elite can be very challenging as the researcher would not have the same kind of access they might to other types of interviewees where there is less power disparity. But the elite interview itself may be critical and often is the 'key determinant' of the research and therefore can be essential to undertake (Mikecz, 2012:482). In the case of this research, the Children's Rights Alliance has previously worked with the School of Applied Social Studies, UCC where the researcher is located. Corbett and her colleagues at the CRA have presented on their work at various School events and academic colleagues at UCC have produced research for the CRA. To this end I believe trust had been established between the CRA and UCC which made Corbett very open to and interested in my work. However, this did not remove the fact that I am a post graduate student and she is a legal and policy expert in her field.

The structuralism position of power fits closest to this research as it suggests that the elite is in a position of power based on the position given to them by the organisation which they represent (Smith, 2006). In this case, the CRA has placed Corbett in an elite position by virtue of the fact that she has held the highest possible position, Director, in her knowledge area. My positionality also had to be given careful consideration. For example, some social scientists have acknowledged that they have treated their elite interviewees differently to others (Spencer, 1982) Smith (2006) suggests this at the very least raises questions of power relations. Smith further argues that we need to re-conceptualise notions of power to help with this disparity. I was also aware that as a postgraduate student my position was even more exposed than an experienced social scientist working in the field for many years and as such I would be considered a junior researcher at best. I was aware that for some researchers the power dynamic can be so great between elite and researcher that it can impact on the researchers' ability to collect good data (Conti and O'Neil, 2007).

In considering the power disparity between the researcher and elite interviewee I looked to Mikecz's view that a good way to try and gain the trust of the elite is to have a good knowledge

of their background and interests. To this end, prior to organising the interview I had reviewed Corbett's own work to gain a greater understanding of her and the work she undertook with the Alliance. Allen's (1997) view on power is that while some may be in a position of power not all will use it against an individual or group. This I believe was certainly the case with Corbett. On the contrary, from my initial contact with her right up to the conclusion of our interview Corbett acted from a position of openness and transparency allowing me to feel relaxed in my dealings with her.

While my position as a post graduate could be seen as placing me at a disadvantage, I did have many years' experience as both a journalist and business person which has given me good inter personal skills. This was of great benefit to me as I was relaxed during the interview enabling me to collect excellent data.

5.5.3. Face to Face Interview

Her willingness to participate in an interview with me was made clear following my initial contact with her. I was prepared to wait for weeks even months for her to engage in an interview but she agreed almost immediately and we scheduled the interview for the coming weeks. She did not put in place restrictions though she did request the list of questions prior to the interview taking place. This is not unusual, and particularly not for elite interviewees, as Harvey (2011) suggests, especially those who are in the public eye and subject to regular scrutiny by the press and social media.

Corbett was willing to do a telephone interview or face-to-face interview. Harvey (2011) suggests that interviews by telephone are effective most especially when there may be a time constraint, where several interviews are being conducted, or if there is a long distance involved. Considering none of these were issues in relation to my work I decided a personal interview would be the best option. This decision was reinforced by the work of Sturges and Hanrahan (2004) who suggest interviewees are often less responsive by telephone. According to Healey & Rawlinson (1993) face to face interviews are also more effective when it comes to establishing trust between the interviewer and the elite as opposed to having a conversation over the telephone which can often feel like a barrier and can be considerably shorter. Face-to-

face interviews make it easier to probe for lengthier and more detailed answers. Arguably, also, an elite may agree to a face to face interview as they find it easier to control the timing and ending the interview (Healey & Rawlinson, 1993).

Identifying the type of questions to ask the elite respondent is a crucial part of the interview preparation process. Aberbach and Rockman (2002) argue that in considering the questions, the interviewer must be cognisant of the fact that many elite interviewees are highly educated and thus prefer to be asked open questions which allow them to tease out why they think the way they do about a particular subject or issue. Therefore, and in consideration of this fact, Harvey (2011) suggests that particular attention must be given to the structure of the interview to allow for open questions within the limited time allowed.

Prior to meeting Corbett, I had already established with her that the interview would take between an hour and an hour and a half. There are differing views on the length of time an elite interview should take. The argument being that if you ask for too much time the elite may refuse, given their often very busy schedules, and if you ask for too little it can lead to restrictions around the quality of data collected (Ostrander, 1993 and Harvey, 2011). Equally there are also differing views about whether to record the interview or not. I decided to opt for recording as it would give me the opportunity to engage more freely with the interviewee and not worry about taking notes. I decided to audio record as I felt it gave me ability to record with great accuracy. It is also viewed among researchers as in keeping with 'best practice' (Bloor et al, 2001; Denscombe, 2002). This contributed to the trust relationship between interviewer and elite. It also allows for verbatim transcription and therefore subsequent thematic analyses. On a practical level during the interview, recording it facilitated me to be in a better position to pick up on anything the interviewee may say which I had not previously thought about and tease out further that information (Aberbach and Rockman, 2002 and Harvey, 2011). During the interview I took 'field notes' which allowed me to note something which may be mentioned which I needed to return to but also as the interview progressed I was able to identify themes which were emerging. I noted these themes, such as 'evolving relationship with the State' and was therefore able to consider their inclusion later during the

data analysis phase. Flick (2002) notes that, for many researchers, field notes were traditionally the only means of recording researcher's observations but have been replaced by recordings. The positive aspects of field notes are that they can provide greater accuracy as they are a supplementary form of data collection.   In my own case this proved to be very much the case as I was able to listen attentively while also identifying key themes of the interview. It also offered me an opportunity to watch Corbett in her responses to some questions; pay attention to her body language which would possibly give an indication as to how comfortable she is about answering questions on a specific topic or discussing the relationship between State and CRA. Had I not recorded the interview I may have missed out on important data. While some elites may be a little reluctant to be recorded (Mikecz 2012), others can find it reassuring as it is a very accurate depiction of the conversation. Elites can feel reassured by this as they feel everything is on record and this helps eliminate the possibility of misquoting. According to Lincoln & Guba (1985) this can contribute to the elite feeling they can trust you. For Wulf-Andersen (2012), the importance of audio recording is in how it has the ability to capture tone and other nuances which may not be picked up from field notes or manual recording.

When interviewing an elite it is important to build trust from the outset and it is therefore recommended to ask the difficult questions in the middle of the interview rather than at the beginning (Richards, 2011). I felt this was relevant to this research in the sense that while the documents and publications were in the public domain, I was more interested in learning about the relationship between the State and the CRA. This possibly may be seen as a sensitive point of discussion as it is important for any NGO to be seen as independent and having a critical voice. I was interested in what was going on behind the scenes regarding the relationships and the communications between the State agencies and the CRA. I was particularly interested in how the CRA conducted itself as a professional organisation. I was aware that the CRA was established as a professional umbrella organisation and was funded in part by the One Foundation in accordance with their ideas of 'professional advocacy' (One Foundation, 2015). I was interested in how the CRA went about creating a professional atmosphere within its own organisation which helped to legitimise them as children's rights advocates. I was also keen to see how they were able to create an environment where others, including the State agencies,

government ministers; civil servants; trade unions and others viewed them as experts. This was perhaps a key point of information as it further led me to questioning how, if at all, the CRA managed to remain independent despite becoming close to the State and its groupings[10].

5.5.4. The Venue

On the morning of the interview I travelled to the office of the CRA in Dublin and met with Maria Corbett. I had arranged to meet her at this venue as I felt it would enhance the quality of the interview by giving me a sense of the environment and surroundings of the CRA. There are mixed views on how best to approach the issue relating to the location of the interview. Harvey (2011) notes that many interviews take place in neutral settings as it can help create equality between interviewer and elite. McDowell (1998) argues a neutral location offers fewer distractions for elites, but Dexter (2006) disagrees and suggests the workplace is the best location as it offers clear focus and boundaries for the elite. I chose to meet Corbett in the offices of the CRA as I wanted to gain some insight into how the CRA operated on an average day. It allowed me to experience the interactions between colleagues and it offered me insight into the working environment of the CRA. Prior to beginning the recording of the interview I had an informal chat with the interviewee about my work. I reiterated that the interview would take about an hour but may run a little longer. Berry (2002) and Harvey (2011) suggest that being interviewed for a long period of time can be quite strenuous on the respondent and therefore it is important to gauge this throughout the interview and respond accordingly. For example, if the person being interviewed is starting to become a little more restless or their responses are becoming shorter, it is advised to indicate to them how many more questions are left. In my own case I found that near the end of the interview Corbett began to tire a little as the responses required were sometimes quite detailed and often related to events which occurred a long time ago and needed careful consideration. Near the end of the interview I indicated to her that we were nearly finished with just a few more questions left. I felt this helped focus the discussion. By the time we had concluded, the interview had lasted for an hour

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10   See Appendix 4 for interview schedule

and ten minutes.

At the end of the interview I indicated to Corbett that I may, if she was agreeable, follow up with some questions by email. She was happy to accommodate this. I did follow up but Corbett had moved on from the Children's Rights Alliance. My questions were passed on to the CRA's new Legal and Policy Director, Saoirse Brady who answered all of my follow-up questions comprehensively. I was initially concerned that my having to address my follow-up questions to another member of staff would impact the quality of the data collection but the follow-up was straight forward.

5.5.5. Transcription

A paid professional transcribed the interview for me as it reduced the element of human error on my part. I know many researchers undertake this process themselves as they feel it gives them further insight and familiarity with the interview. Having conducted and recorded the interview myself I listened to it many times to give me the clarity I needed. Transcribing the interview is very important as it creates trustworthiness of the data collected (Horgan et al, 2015). Equally, Kyale (1996) and Mishler (1986) suggest this is important when it comes to being able stand over your findings. This is really important as taking notes or manually recording can sometimes mean some of the meaning is lost. Transcribing and audio recording it eliminates this risk. The recording is of the elite interviewee and not someone else's interpretation or reduction of what they were saying (Haglund, 2004).

5.6 Data Analysis

Once my data was collected it was important to code it in such a way that it was accurately presented and interpreted. For many researchers this is a challenge and there are two options - manual or computerised coding. The computerised data coding is essential where the research involves many interviews as the data can amount to hundreds or even thousands of pages to transcribe. In my research I decided the computerised coding was not necessary as not only was there only one interview to examine but manual coding allows for a deeper understanding of the content of the interviews. It gives the researcher the capacity to identify nuances which

would not otherwise be identified in a computerised coding system (Basit, 2003).

5.6.1. Coding/Thematic analysis of the data

Once the interview was transcribed and having listened to the recording I returned to my research questions and interrogated even further what I was trying to identify in this work. Looking back over my field notes taken during the interview I identified key themes which emerged during the interview. I highlighted those which I felt were critical to answering my research questions and I read and re-read the transcript to identify where those themes were identifiable in the interview. My elite interview was my main source of primary data collected and as such I perceived it as being the most valuable in terms of identifying new knowledge in my research. It was therefore critical that I utilised methods of analyses which could best identify the richness of the data. I looked to Byrne, Canavan and Miller's (2009) work on voice-centred relational methods (VCR) which aims to interpret the hidden narrative of interviews through a layered system of analyses. They describe how the VCR method is successful in identifying how the interviewee sees themselves in relation to others around them. I found it useful in helping me to identify the changing relationship between the CRA and the State. It also helped me to identify key themes from which I could examine my data. The themes which emerged were the following: the early years of the CRA; relationships with government, civil servants, Ministers and its own membership and creating creditability in the children's rights sector. The themes were an essential part of the data analyses as they allowed me to examine the meaning of work of the CRA within a particular context (Spencer et al., 2003; Creswell, 2013).

Once I concluded the process of coding the data I could see how the emerging themes and my questions were being supported by Corbett's interview. The challenge with interviewing an elite, or any interviewee, is you can never be entirely sure going into it that your research questions will be answered or even addressed. What became clear was how important it is to be rigorous in the initial literature review and this coupled with the detailed examination of the CRA's own publications, gave me a great insight into the gaps in the research around children's rights in Ireland. In other words I could see through the data as it emerged, that my questions

were relevant to my area of research and arguably most importantly, my elite interview addressed those questions comprehensively.

Once I completed the elite interview with Corbett, I revisited the literature review. Returning to review the literature following an interview isn't uncommon as the process of undertaking an elite interview is very often not a linear one. In many cases some new information is identified which warrants further investigation. In the case of my research I went back to the literature to gain further insight into the events referred to by Corbett to gain a particular sense of the political atmosphere at that time. Corbett's interview created a deeper understanding of events which may have been in the public arena, such as the reporting to the UN committees, however by returning to the literature it offered me a better understanding of the wider social and political landscape and competing discourses around children's rights at the time. I believe this is important as much of the progress made in relation to children's rights has taken place against a backdrop of divided opinion. While it isn't always possible to measure this in a scientific manner, it is important to understanding the context of change and therefore the kind of obstacles and resistance experienced by advancing children's rights. This gave me confidence in proceeding to the next stage of the process; writing up my findings.

5.7. Ethical considerations

There were no vulnerable groups participating in this research and as such there was no need to gain ethical approval from the UCC ethics committee. However, there were ethical considerations. I sought approval and consent via email from Maria Corbett for her interview. I recorded our interview and as such have a responsibility to store this data in a safe and appropriate manner. All secondary data I have sourced is credited to the original author and source. These ethical considerations are in line with the Ethical Guidelines of Sociological Association of Ireland. My work aligned with the guidelines of the Association which addresses issue of Integrity and Professionalism. To this end I was cognisant of the guidelines which address relating to interviews. It argues: *"They [the researcher] should strive to protect the interests of research participants, their sensitivities and privacy, while recognising the difficulty of balancing potentially conflicting concerns"* (SAI, 2018: 6).

5.8. Limitations of the study

Initially I identified two limitations to the study but have since revised this to one. However I will include both in this section as I believe if it is not discussed at this juncture, the work may be criticized on this basis. By including and justifying why it is no longer a limitation allows the research to hold a stronger position against critiquing. I first identified that my research would be more enriching had I interviewed a State stakeholder. The research has offered good data in terms of the CRA's working relationship with the State and how it has impacted on the development of policy and legislative change. I believed the research would have been further strengthened had I gained the perspective of the State in their dealings with the CRA. I believed going directly to the CRA was the best possible way of gaining insight into the relationship between the CRA and the State. While the interview was rich in content and did address the questions I needed answered, a State perceptive would have offered another perspective. However, what I have since revised my view of the importance of State inclusion as the State perspective on its relationship would not have offered any clarity about the CRA's relationship with it and one of the central questions to this work as the relationship between the CRA and the State, not the other way around.   As a researcher my instinct is to question and interrogate as much data as possible, but on this case the data would not have generated any further insight into the fundamental questioning of this thesis.

The second limitation I identified and one hic remains addresses the idea of political will. I believe what the data has identified is how the CRA, as a new social movement, created not only an appetite for change but also methods/mechanisms of change which allowed them to steer the State towards a children's rights perspective. However, what has also emerged in the data is that there was already an appetite for change on the part of the State. The State had signed up to the CRC in 1992 and therefore declared its intention to make changes in the area of children's rights. It could be argued that the CRA helped steer the State in a direction it had already intended to take but the State by signing up to the CRC the State began important work creating a space in which the CRA could emerge. Therefore, key questions which warrant further discussion would be whether or not the CRA would have been as successful had there not been a political appetite or will for change? Is a successful social movement one which has

a certain amount of political support behind it?

5.9. Conclusion

From the formation of the CRA in 1995 there seemed to be a momentous shift in public discourse in the area if children's rights. The State too appeared to be more willing to hear other voices on the issues. I was interested to know how the CRA by all appearances seemed to catapult the children rights agenda on to the main stream political agenda. Having decided the best means to achieve an understanding of how the children rights agenda evolved in Ireland over the past the past twenty five years was to speak with the CRA, I settled on an elite interview. The elite interview is seen as offering a more comprehensive insider insight into the organisation they represent which is unparalleled by any other means. In other words, the information I sought could only come directly from the CRA. Having identified suitable elite to interview I went about researching the CRA's work to help build my knowledge base which would be essential in the undertaking of any elite interview. The themes from the interview which emerged were clear indicators that this was a good decision to have made. The data collected was rich in its content and addressed my research questions. I did identify a clear shift which took place between the State and CRA which facilitated the strengthening of the Children's rights agenda.

As described earlier however, I do feel the research would have been further enriched had I sought an interview with the State stakeholders. This could have given me a deeper insight into the relationship between State and CRA. However as it does stand I believe my strategy was a good one as it allowed for good access to the CRA's elite which produced strong data.

6. Chapter Six

6. Findings

6.1. Introduction

This purpose of this chapter is to show connections between the developments in child related policy and legislation in Ireland and the work of the CRA. In previous chapters the development of ideas about childhood have been outlined and discussed showing how often conflicting notions of childhood has created a void in legislation and policy which has placed children in vulnerable positions within society but also largely ignored their capacity for decision making as active agents. Already identified in this thesis are moments in the history of childhood which were defining. Largely in an academic sense this can be attributed to the role of research around childhood which has evolved through new sociologies of childhood. This chapter aims to show how in a wider societal context ideas of childhood and the role of children in their own lives have been challenged in civil society contexts. It will be argued that the Children's Rights Alliance (CRA) played a pivotal role in the process of wider society's acceptance of children's rights. Now mirrored in policy and legislation, this chapter is an examination of how the CRA moved from being on the edge of influence to taking a leading role in children's rights issues and ultimately helping to inform and shape child related policy and legislation.

An interview conducted with Maria Corbett, Policy Officer with the CRA, will be used to identify and illustrate the origins and functions of the CRA and how it impacted on children's rights as a movement in Ireland. Secondary sources will also be used to discuss the work of the CRA and its role in the wider context of children's rights advocacy in Ireland. These will be mainly from Dáil debates and transcripts, newspaper articles, One Foundation and Atlantic Philanthropies publications. The CRA's own research will also be utilised to show how they used research to create both credibility as experts in their field as well as generating a larger public discussion and understanding of the issues relating to children's rights in Ireland.

Credibility will be examined first as it could be argued it was the first and most important building block for the CRA. More specifically, the methods adopted by the CRA to position themselves as experts will be outlined. These include creating alliances with experts, Shadow Reporting to the UN, producing credible and expert driven research and adopting a Report Card system which held successive governments accountable for commitments made in respective programmes for government. The work of the CRA in creating an atmosphere of consensus both within its membership and its work with Minsters and civil servants will be outlined. Finally there will be two 'snap shots' which will test Habermas theory against the findings of the research. They will detail the work of the CRA on two of its main issues; the children's referendum and children and homelessness and identify where sluice gates existed as well as consensus and movement from outer to inner periphery.

The opening up of Sluice Gates through Trigger Events will be outlined. These events contributed to both the widening of the national discussion about children's rights, but also helped to reinforce and strengthening the case of the CRA in relation to its call for explicit rights for children in Ireland. The chapter will close with a discussion on the broader work undertaken by the CRA.

6.2. The Children's Right Alliance

Children's rights advocacy emerged in the 1990's as a potential social movement. A significant propellant in this process in Ireland was the publication of the report into the Kilkenny incest case in 1993. In its findings the report identified the primacy of the family unit in the Irish Constitution (1937) with parents possessing 'inalienable and imprescriptible rights' as being an obstacle to children's rights. One of the recommendations arising from the report was the need for constitutional change which would recognise children as rights holders separate to that of their parents (Kilkenny Report 1993). The publication of the Report was significant in that it created increased public awareness of the challenges and obstacles for children rights in Ireland. In 1993 a group of practitioners working with and on behalf of children came together to discuss the possibilities of creating a group to work on promoting children's rights on foot of the ratification of the UNCRC. Following scoping exercise undertaken by the US

philanthropic Gulbenkian Foundation to examine whether or not there was an appetite for a children's rights NGO, it was established that there with the sole purpose of addressing children's rights issues. Significantly, the recommendations which came from the research were for the establishment of an independent group to be a standalone organisation for the purpose of advocating for children's rights in Ireland. The resulting Children's Rights Alliance was the first organisation of its kind in Europe (One Foundation, 2015).

This section will concentrate on the establishment of the Children's Rights Alliance and the work it carried out between 1995 and 2012, when the Irish public voted in favour of Irish constitutional change to give children explicit rights. Commonly referred to as the Children's Referendum, the amendment represented a seismic shift in legislation and policy which irrevocably changed how Ireland deals with children and child related issues (One Foundation, 2015). Since its establishment, the CRA as part of a wider lobbying group, achieved many goals in the name of children's rights including the establishment of the first European Ombudsman for Children, a full Ministership and Department for Children and Youth Affairs as well the passing of the children's referendum. The remainder of this chapter will examine how these goals were achieved by creating an atmosphere of consensus (One Foundation, 2015).

Despite the publication of the Child Care Act 1991 cases of child abuse and neglect continued to be exposed in the media throughout the 1980's and 1990's (One Foundation, 2015). Prior to this, children's issues had not been on the political agenda and this was attributed to their lack of explicit rights and their age; children didn't have a vote (ibid). The case which captured the attention of the country in the early 1990's was the Kilkenny Incest case. An investigation headed by then Justice Catherine McGuinness conducted an investigation into the circumstances of child abuse within a family based in Kilkenny. Its focus on the Irish Constitution received a broad welcome from child advocates as it argued the then constitution could be interpreted as allowing greater rights to parents over children. It recommended immediate change of the wording to include explicit rights to children (SEHB, 1993).

Running parallel to these events, stakeholders in children's rights were working in the

background and were examining the possibility of putting together an organisation which would address issues relating solely to the rights of children. The findings of the Kilkenny Incest Report catapulted the group into action and the Children's Rights Alliance was established in 1995. Initially the membership was just 11 and the main focus of the group was to promote a change in the constitution (CRA, 2018). A key contribution to the success of the CRA was the financial support of the One Foundation which allocated funding to Barnardos and CRA in two waves of funding. The first was between 2004 and 2008 and the second was between 2009 and 2013. The One Foundation was established by Declan Ryan and Deirdre Mortell. Declan was a member of the Board of Directors in Barnardos and was passionate about children's rights. The One Foundation aimed to focus its philanthropic funding in Ireland and Vietnam with the explicit aim to improve the lives of disadvantaged children in both countries. Most of the first round of funding from One Foundation went to Barnardos (€1.2m) with the CRA receiving a smaller portion (€517,000) (One Foundation, 2013). However by 2009 there was a reversal with the CRA receiving the larger share as they were seen to be more specialised in the area of progressing children's right with Barnardos main focus on the delivery of services to children (ibid).

From the outset the main focus of the CRA was to establish itself as a creditable expert in children's rights and related issues. The focus of the CRA for the first few years was the production of the Ireland Shadow Report to UN Convention on the Rights of the Child. The organisation collaborated with Irish academics to undertake this work and this is detailed further in the Findings Chapter.

During those early years of the CRA as the membership grew so too did the need for the organisation to achieve consensus among its membership. The main areas they sought cohesion on were the Shadow Reports of the UNCRC which it submitted to the UN committee alongside the government report and the annual Report Card system which it used to test the government's own commitments to children's rights. Arguably, it is the relationships within the Alliance and between government and the Alliance which play a critical role in the success of children's rights as a social movement in Ireland. As described in more detail later, the

Alliance took a consensus approach to achieving their goals through successful 'inter-subjective' relations with governments and State departments. In other words they used formal political structures of the 'System' world utilising the communication style of the 'Lifeworld' to achieve their goals. It is also important to note the clear distinction between utilizing political structures and wanting to be part of a political system. Advocates do not strive to be part of that power structure but do seek to influence it. Obar concludes: "*Advocacy groups seek to influence policy, but do not strive to exercise the formal powers of government*" (Obar, 2012:4).

Significant developments in the early years of the CRA involved the research which they undertook in relation to children's rights. Similar to the women of Hull House, it allowed them to create an expert view. One of the early pieces of research which was undertaken by the Alliance was its first submission to the UN Committee on the Rights of the Child in 1997. Researched and written by an Irish academic in children's law, Ursula Kilkelly, the Shadow report set the tone for the next 15 years of research produced by the CRA. The report was a comprehensive examination of children and their lives through the lens of the UNCRC. By the time it was published the membership of the CRA had grown from 11 to 60 members (The One Foundation, 2015).

The CRA was aware that the UN welcomed submissions from NGO's and strategically set about creating the Shadow Report (1997) knowing an invitation to sit on the State hearing would come. Having submitted the report to the Committee, the CRA received an invitation to attend a private meeting with the UN committee and to attend the subsequent State hearing. Arguably, this was a seminal moment in the history of the CRA as they moved from being on the outer periphery, to being invited into discussion at the inner periphery. From this vantage point the CRA had the ability to be heard and to positively influence the UN committee. As part of the recommendations on foot of the CRA's first submission to the UN, the UNCRC committee recommended the Irish government utilise the work and experience of the NGO sector in dealing with children's rights issues. This was a huge endorsement of the CRA at a very early stage of their work.

Their credibility was built upon their use of research and associating with key expert

individuals such as the respected High Court Judge Catherine McGuinness and law professor Dr. Ursula Kilkelly. Also contributing to their credibility was the invitation by the UN Children's Rights Committee (UNCRC) to the CRA to contribute to Ireland's reporting to the UN. The CRA was seen as a professional NGO with a specific and targeted remit. Very quickly, reputable public figures in politics and academia became associated with the group which deepened their credibility as experts in their area (One Foundation, 2015).

An early indication of the trajectory of the relationship between the State and the Children's Rights Alliance came when the State took on board the recommendations of the UN committee which were part of the CRA's Shadow Report in 1995. The Irish government gave an undertaking to implement three recommendations made by the CRA. The first was the establishment of the Ombudsman for Children; the second was production of a National Children's Strategy and thirdly the government gave funding to the CRA to produce an information film about the UNCRC directed at children and parents activating the requirement that the UNCRC be disseminated to children. It set in motion an explicit undertaking from the government, it was willing to negotiate and make changes put forward by the CRA. But perhaps most importantly, the CRA was now seen as an 'expert voice' in areas relating to children and their rights.

Within the CRA there appears to be a sense that the goals set out in the very early years could only be achieved through incremental change. By the time the second reporting phase to the UN Committee came around in 2007 the CRA had a clear agenda - the weaknesses in the Irish Constitution as they related to children. Prior to the CRA making their recommendations to the UN Committee, they met with the then Minister for Children, Brian Lenihan. He engaged with them in a rigorous process to address the recommendations as identified by the CRA. This process would ultimately lead to a constitutional referendum relating to children. Following his return from the UNCRC sessions in Geneva, the Minister announced that there was to be a constitutional review.

The shift in the relationship has been so significant that there now exists an almost collegial respect between the State and the CRA, while according to recent research the goals of the

CRA continue to be ever-present (One Foundation, 2015). For example, the last consolidated State submission to the UN committee in 2016 saw the CRA identify areas the State was underplaying in terms of achievements and encouraging them to include those, while also identifying where the State needs to improve its children's rights record. However as Meade (2005) argues in the context of Social Partnership, the State controls this particular civil society space with the consequences to those who occupy it consider being there 'as a victory in itself' against the State (Meade, 2005: 367). However, she concludes, more critical voices are excluded from the process. In other words, the State was very deliberate in who it invited into the Community and Voluntary pillar. The next section will give a brief overview of communicative action as it relates to advocacy.

Children were subordinated entirely within the family in the Irish Constitution based on the firm belief that their needs were best met within the family. However, there were some who argued against this idea as it placed children in potentially vulnerable positions. A series of reports including the Tuairim Report (1966), the Kennedy Report (1970), the Kilkenny Incest Report (1993) and the Ryan Report (2009), all contributed to the evolution of thought relating to children's rights. While the reports spanned 50 years, they all held a common theme; children were vulnerable to abuse and neglect by the adults with responsibility for their care. What emerged from the Kilkenny Incest case and the Ryan Report was the role played by the Irish Constitution in the continuing neglect of children at the hands of both the State and the family. While there was wide societal agreement on the importance of children and their care, the issue created a dichotomy of opinion as to how the State should respond to the issue. In an Irish context the dichotomy was played out in the public discourse of the campaign for the Yes and No sides of the Children's constitutional Referendum in 2012. What emerged was a very clear difference in how children are viewed with each side claiming to come from a position which sought the best for the child but both with very different views on what that entailed. With the establishment of the CRA in 1995, a new type of professional advocacy was adopted. It coincided with a wider societal shift in thinking about children, childhood and the meaning of children rights. This new thinking was informed by childhood studies and the new sociology of childhood which explicitly addressed issues of rights of children (James et al 2010). While

other organisations such as Barnardos and the ISPCC were mainly concerned with services and supports for children and their families, the CRA was solely addressing issues relating to children's rights, *"The purpose of the Alliance is to raise awareness of the UN Convention on the Rights of the Child and to seek its implementation in Ireland "*(CRA, 1997; mviii).

The United Nations Convention on the Rights of the Child (UNCRC) was published in 1989 and ratified by the Irish government in 1992. It argued for placing children and their rights at the centre of all policy and legislation. Further national debate occurred following the publication of the Kilkenny Incest Report in 1993, which examined the State's response to a case of neglect and physical and sexual abuse of a young girl over many years within her family. The report described a series of systems and human errors but a key focus of the report was the lack of explicit rights for children in Ireland arising from their position in the Irish Constitution (1937). Running parallel to this a group of practitioners working with and on behalf of children came together to discuss the options for creating an organisation to promote children's rights in Ireland, beginning with implementing the ratified UNCRC into Irish law. Following a scoping exercise undertaken by philanthropists, The Gulbenkian Foundation, it was identified that there was a need for such a group to be established with the sole purpose of addressing children's rights issues. Maria Corbett, Policy Officer with the CRA describes how the recommendations made in this research suggested the group should be stand-alone and independent to any other organisations. It did however recommend the organisation be a coalition of other organisations which addressed issues relating to children. Prior to the establishment of the CRA groups advocating for children's rights did so as part of agenda of child related issues. The CRA would be the first NGO of its kind in Europe which advocated solely for children's rights. Following an initial meeting of a small group of interested people, which included academics, child protection groups, human rights originations and disability originations, the Children's Rights Alliance was formally launched in 1995 with 11 members, including Barnardos and the ISPCC. The organisation took on board the commissioned research in relation to the CRA's issues and acted as an independent umbrella organisation for other groups.

The importance in the growth of children's rights advocacy and the influence on this by philanthropic activities cannot be overstated. In the early 2000's, groups such as Atlantic Philanthropies and One Foundation targeted non-profit groups such as the CRA whose aims were specific and goal orientated. In the case of One Foundation, set up in 2004 by Declan Ryan and Deirdre Mortell, their goal was to improve the lives of disadvantaged children in Ireland and Vietnam. During the course of the next ten years €75 million was invested in this area. The CRA received nearly €2 million for their work in children's rights advocacy between 2004 and 2013 and €400,000 from Atlantic Philanthropies (One Foundation, 2013; Atlantic Philanthropies, 2018). Arguably, the involvement of philanthropic organisations created a new professionalism in the sector as there was a high standard of professionalism required prior to investment. One Foundation noted in those early years of investment:

> Initially the idea was to invest a million into each organisation, but it was clear that many, many NGO's were intrinsically weak and underdeveloped. There was a real weakness in terms of leadership and organisational capacity. That had to be strengthened first. That was the starting point (One Foundation, 2013; 7).

In 2002 the CRA appointed its first Chief Executive, Ray Dooley. Dooley was well respected in social justice circles and was a seasoned campaigner. He had particular difficulty with the treatment of children in the Irish health system as well as in other areas of Irish life. The relationship between One Foundation, Atlantic Philanthropies and the CRA was a symbiotic one with each group gaining from the others agenda. In the case of philanthropists they each sought an NGO which would advocate on behalf of children and their rights. The CRA needed funding to undertake their work and support in developing its organisation and governance structures. Following the appointment of Dooley in 2002, Corbett describes the early phase of funding from Atlantic and One Foundation as significant as it facilitated the recruitment of staff and other resources in the CRA offices resulting in the consolidation of staff and other internal workings necessary to build a strong organisation. Of this period in CRA's development One Foundation concludes:

> With One Foundation's grant, CRA developed a strong business plan, put in place

performance measurement systems, and developed its governance and management systems. These improvements were to shore up the advocacy work, in particular the lobbying (with civil servants and representatives of all political parties) to build political will, as well as offering potential solutions, conducting research and monitoring progress (One Foundation, 2013: 9)

The main aim of the CRA in the early years remained unchanged, 'making children rights real' (CRA, 2018). Key to its growth was receiving funding from philanthropists such as One Foundation and Atlantic Philanthropies. By 2008 One Foundation had switched its main investment from Barnardos to the CRA as it believed its focus on children's rights and 'making children's rights real' reflected the Foundations' own evolution of thought in terms of how best to support such organisations, but also had the potential to create better outcomes for children by ultimately creating an equal society for children (One Foundation, 2013:9). The two main goals of the CRA in those early years were to change the Irish constitution to incorporate children as having explicit rights and the establishment of an Ombudsman for Children. Corbett describes the goals as *'going for gold'* (Corbett, 2015: 3) in the sense that the goals were idealistic. The CRA set about achieving them through '*elite advocacy at ministerial level, with civil servants and other State insiders* (One Foundation, 2013: 9). In order to achieve their goals the CRA needed to be taken seriously at government level and part of that process involved building credibility with Department Ministers and civil servants. In the early years this was achieved through alliances with key experts, high quality research of children's issues and ultimately their role in the shadow reporting process to the UN Committee on the Rights of the Child.

The establishment of the Children's Rights Alliance (CRA) in 1995 created a shift towards professional advocacy work. The CRA approached the work of advocacy to include research as a priority. The research the CRA undertook from their early work proved invaluable in placing them as legitimate experts in the area of children's rights. This contributed to what Habermas describes as 'consensus building', part of communicative action theory. A consequence to the success of creating consensus was that it facilitated a shift in the position

of the CRA from outside the political arena to the 'inner periphery' where they had direct contact with the government and civil servants. Their positioning contributed to pushing the children's rights agenda to the core which ultimately led to the Children's Referendum in 2012.

6.3. Building Credibility

6.3.1. Alliances with key experts

Since the foundation of the CRA the organisation has worked tirelessly with the help of experts in advocating for children's rights. This section will demonstrate how before the CRA became synonymous with quality research used to support its stand on children's issues, the organisation used its associations with key experts in the areas of child law, child protection and rights to play a pivotal role in the early success of the organisation.

The CRA continues to have close links with Irish experts. Many of these experts continue their long association with the CRA as members of the independent Board which rates the government through its Report Card System. One such expert is respected High Court Judge Catherine McGuinness whose work has had a huge impact on many social issues across Irish society. Her work in the courts helped shape new ideas on how children should be viewed and treated in the eyes of the law. She chaired the Kilkenny Incest Enquiry which published its report in 1993. In it, McGuinness explicitly named the Irish Constitution as being the greatest block to children's rights in Ireland. Her long association with the CRA continues to this day with the establishment of the Catherine McGuinness Fellowship for law graduates with a particular interest in child law. She also continues sit on the Report Card's Independent Board.

Key legal professionals such as Professor Ursula Kilkelly of University College Cork (UCC) has been allied with the CRA since its foundation. Kilkelly also sits as a member of the Independent Board. The first Shadow Report was written by Kilkelly and she is considered to be a leading expert in the area of children's rights in Ireland. Kilkelly is Director of the Child Law Clinic in UCC, a research initiative which precedes student-led research for practitioners

in the area of child law. She was recently appointed Chair of the Board of Management of Oberstown Children Detention School in Dublin by Minister for Children and Youth Affairs (University College Cork, 2018). Now Professor of Law, Kilkelly has continued to have a close working relationship with the CRA and has been principal investigator on several research projects for the organisation.

Professor Geoffrey Shannon was the first patron of the CRA, a position he continues to hold. He is the Irish government's Special Rapporteur for Child Protection and is the Irish expert member on the Commission on European Family Law. His expertise in child and family law has seen him awarded Person of the Year Award in 2005 and the 2013 Irish Law Award. He also sits on the independent Report Card Board. The CRA utilises their strong association with experts to both legitimise their work and inform it. Being associated with a respected academic has been very positive for the CRA. Corbett describes the early relationships with Judge Catherine McGuinness, Geoffrey Shannon (the government's Rapporteur on Child Protection) and Prof. Ursula Kilkelly as being very important both from a knowledge perspective but also their association with the CRA has 'legitimised' them in the eyes of the public and the State (Corbett, 2015).:

> And they're a huge help for us in terms of legitimising it [CRA] but also in terms of direct support. I mean, we're very fortunate to have good links. So Professor Geoffrey Shannon is our patron – first patron. …And then the other thing is, as you said, these public figures. I mean, Geoffrey Shannon and Catherine McGuinness, we would invite them to speak, invite them to chair, invite them to engage with us. So they do legitimise our work. Ursula [Kilkelly] wrote an introduction for our book recently, engaging with us, you know, giving us ideas, really very valuable. Valuable in terms of their intellectual kind of knowledge, their contacts, their ideas (Corbett, 2015: 30).

The CRA's status as 'expert' is noted in its appointment to the Ryan Report Monitoring Group which oversees the implementation of the Ryan Report (2009) recommendations. The CRA was invited into the group by then Minister for Children, Frances Fitzgerald, T.D. (DCYA,

2012) in 2012. In 2018 Chief Executive of the CRA, Tanya Ward, was appointed to the National Advisory Council by Minster for Children and Youth Affairs, Katherine Zappone, T.D. The Council acts as advisory to the Minister on progress of the implementation of the Better Outcomes, Brighter Futures policy framework document which tackles issues related specifically to children and their lives (DCYA, 2018).

6.3.2. Shadow reporting

The first significant piece of research undertaken by the CRA was in 1996 when it produced a Shadow Report, currently known as Parallel Reporting, for the UN Committee on the Rights of the Child on Ireland's progress in relation to the UNCRC. This coincided with the government's publication of its report for the UNCRC. The CRA's report, 'Small Voices- Vital Rights' (1996) was undertaken by Dr. Ursula Kilkelly of University College Cork. Corbett emphasises that the Shadow Reporting is at the core of what they are about; fundamentally the CRA challenges the State on its progress in relation to children's rights under the UNCRC:

> So, I mean, it was always core work with the Alliance to lead on it. There was never a question that we wouldn't. So we were established to do that role. And when the third one came around - which we've just completed – it was that's core work, you know (Corbett, 2015: 16).

The Shadow Report was submitted to the UN Children's Committee in 1997. On foot of the submission, the CRA was invited to attend the Ireland hearings in Geneva and report directly to the committee. Arguably, this was a turning point for the CRA as they were invited directly into a powerful arena and were therefore seen as legitimate voices on issues relating to children's rights in Ireland. Following Ireland's reporting to the UN, the committee made several recommendations to the Irish government in 1997. Specifically, the UN Committee in its concluding observations and recommendations to Ireland addressed the relevance and importance of the NGO sector. The committee concluded:

> Although the Committee welcomes the willingness of the State party to collaborate

with non-governmental organizations, it is of concern that the potential of the non-governmental sector in contributing to the development of children's rights' policy is not fully realized. (UN, 1997:3)

The Committee further recommended the Irish State *'continue and strengthen its efforts to develop a closer relationship with NGO's'*(ibid). It further went on to recommend the Irish State undertake an information campaign for children and adults about the UNCRC, a recommendation the CRA had previously made in its Shadow Report (CRA, 1997). Subsequently the CRA was given a commitment by the Irish government of the day in relation to three key developments in children's rights. Firstly was the commitment to engage in a longitudinal study, *Growing Up in Ireland*; secondly, the establishment of an Ombudsman for Children; and finally, funding to undertake a public information campaign telling children and adults about the UNCRC. Corbett reflects that having secured the undertaking from the government there was great optimism within the CRA. She concludes of that time: *"So, there was that kind of sense of this is really successful, this is how you create change"* (Corbett, 2015:18). Significant also during this period was the growth of membership of the CRA which had risen from 11 founding members to 60 illustrating that those working in the area of children services and advocacy wanted to be associated with the new group (Children's Rights Alliance, 1997).   Key to the success of the CRA, according to Corbett, is their on-going consultation with its members both as a source of activism and as a source of expertise:

> I mean, I think they're a huge support for us [members]. Then they come and they can network at our meetings. We can introduce them to each other and stuff. But it just means that because we're knowledgeable about a wide range of issues you just have a much better analysis than if you were just looking on one issue, you know.

It could be argued that the process of the Shadow reporting system is where the CRA was most able to build and develop on its credibility. Since the initial shadow report of 1996, there have been two subsequent reports – a Second report in 2006 and a consolidated Third and Fourth report in 2016. How the CRA was viewed and treated by the government of the day in that process had changed significantly by 2016. Corbett explains that during the writing of the first

report in 1997, the CRA requested an opportunity to review the State submission to the UN committee. On that occasion they were only allowed to view the State submission under strict conditions. The document was not to be removed from the State department and the CRA representatives were supervised in their viewing of it. By the time the second shadow report was being viewed for submission in 2006, it was sent to the offices of the CRA via email for review. Significant changes occurred between the second and third submission in relation to the CRA and its working relationship with the State. This was evident by the process engaged with for the latest submission in 2016. For that the CRA and a small group of its members were invited to the Department of Children and there was a round table discussion held between the civil servants, the CRA and its members. Corbett describes the evolving relationship between the CRA and the civil servants as significant.

> [….] groups that may not necessarily get to meet those officials and get to be part of that were there, you know…it's a huge change…to go from almost being monitored while you read…to be invited to have the discussion (Corbett, 2015: 12).

Part of the work in trying to create credibility for the CRA was in building good relations with government Minsters and civil servants. Corbett describes how a key part of this work relates to the ability of the CRA to reach out to other people who may be experts in the area of children's rights. Having a strong network of experts is essential as it helps to nurture good relations with the State. She concludes:

> And I think we have built up over the years a level of credibility and trust. And I suppose we've built it up but we've maintained it and we've maintained it through, you know, changes of Minister (Corbett, 2015: 7).

The evolving nature of the relationship between the civil servants of the State and the CRA is clear. Building credibility as a legitimate NGO was always going to be a challenge, but from the beginning it was their continuous use of research which assisted them in being taken seriously by government and wider civil society. The Shadow reporting system played an important role in the legitimization of the CRA. Since its first Shadow report in 1997 and for

every subsequent report since then, it is possible to see the CRA's stamp on the recommendations made by the UN Committee. As already outlined, the 1997 UN recommendations included the strengthening of relations between State and NGO as well as recommending a direct suggestion made by the CRA, to form an information campaign for citizens of Ireland about the UNCRC (1997). Following subsequent reports the UN recommended the Irish State address the lack of children's rights in the Irish Constitution (2006) which the CRA had recommended in its Shadow report. In its 2016 Concluding Observations, the UN welcomed the National Policy Framework for Children and Young People 2014-2020 ("Better Outcomes, Brighter Futures") which it incorporated from the CRA's own research.

6.3.3. Research

> We generally would be careful not to speak unless there was evidence to back up what we were going to say; that it wasn't just anecdotal or a once-off incident; that it was a systemic issue that had substance behind it before we'd speak (Corbett, 2015: 8).

Arguably, the shadow reporting system can be used as the litmus test for the CRA's growth in credibility during those 20 years. There was a combination of many developments which assisted the CRA in building its credibility including the UN committee's acknowledgement of how significant a role the NGO could play as well as other factors including the publication in Ireland of a series damming reports in the 1990's and 2000's which described the failings of the State in relation to children's rights. There was a series of damaging reports which left little doubt that the issue of children's rights needed to be addressed. This thinking was reinforced by the call from the UN in its second report on Ireland for changes to the Irish Constitution ….. But beyond those external forces, the CRA worked tirelessly to promote itself as a leading voice in the area of children's rights and this was supported through the research they undertook during the 20 years leading up to the Children's Referendum in 2012.

From its inception in 1993 the CRA was research driven. As mentioned earlier in this chapter, the first piece of research undertaken by the CRA was its Shadow Report to the UN committee

on the Rights of the Child, *Small Voices* in 1997. It was successful on two levels. Firstly it offered an alternative perspective to the one offered by the State in relation to Ireland's work in the area of children's rights. Secondly, it created a map for the CRA from which they could work towards achieving their goals. Corbett describes those early reports as being very important as they allowed the CRA to take a firm position on specific issues relating to children's rights, as well offering the State a clear view on their long term goals (Corbett, 2015).

> So she (Kilkelly) wrote the first shadow report. And that obviously allowed us to have a set of policies so everything then could be drawn from that…… So those kind of core reports, having those in those early days was great because it gave the staff always a backup of like, well, what will we say on that? Well, what have we said? What is our position in that space? (Corbett, 2015:5).

Research carried out by the CRA was also a successful means of identifying the key failings of the government of the day in relation to children and their rights. The Minister at the time used the research to strengthen the government's agenda on children's rights. This was evident on several occasions including the very early research carried out between the CRA and the National Youth Council. Corbett describes how this was the first in-house research the CRA undertook. Published in 2002, *Hearing Children's Voices*, addressed the challenging issue of child participation as outlined in Article 12 of the UNCRC. The research was ground breaking as it consulted directly with children asking them how they would like to participate. The government requested they use the findings of the research as the basis of government guidelines on how to consult with children. It was an indication that the government was taking the work of the CRA seriously. Corbett described the process in the following way:

> We were approached then by the Department of Children – it probably was the Office of the Minister for Children at the time – to say that they were really impressed with the guidelines and they wanted to effectively republish them as Government guidelines. So rather than reinvent the wheel they needed to do something. And so we actually transposed those, updated them, amended them (Corbett, 2015: 4).

The CRA's use of research has been a significant tool for them as a means of reinforcing their argument on various issues. During their 20 year history they have tackled contentious issues including the detention of children. Similar to those believing in State intervention which emerged through the Fabian Society of the 19th century, the CRA argued in favour of a juvenile system which focused on prevention rather than punishment (CRA, 2002). In 2008 they examined the State's response to separated children in its care, arguing that the Irish State operated a two tired system for children in care, with separated children being treated unequal to their Irish counterparts (Corbett, 2015). In 2012 the CRA commissioned research into the care of trafficked children in Ireland (Horgan et al, 2012). The report identified the issue of child trafficking in Ireland as a growing issue and challenged the State to create a child centred solution to address the problem (Ibid). What emerges from their research is fearlessness when it comes to addressing the tough issues and in some cases issues which have been taboo subjects in Ireland such as slapping of children.

The CRA was successful in its fight against corporal punishment but it was a contentious issue. Corbett describes how for the CRA there could be no compromise in what they were looking for from the government, they needed the removal of the 'reasonable chastisement' clause in the legislation which allowed for children to be physically slapped. The issue was recognized as being a 'tough one' for the CRA to address and could not be addressed until after the passing of the Children's Referendum. Part of their campaign involved producing research on this issue and presenting it to the Seanad Public Consultations Committee on the UN International Covenant on Civil and Political Rights (Children's Rights Alliance, 2015). The issue of corporal punishment is a contentious one as it can be seen as giving the State the power to direct families how to parent. However, the CRA described the use as 'reasonable chastisement' as very damaging both emotionally and physically to children (CRA, 2015).

Despite the many successes of the CRA, there were occasions when they did not achieve their goal. The CRA produced *The Case against the Citizenship Referendum from the Standpoint of the Rights and Well- Being of Children* in 2003 where it addressed the fears a No vote would create. The government called for a 'yes' vote which would remove current status at the time

for every person born on the island of Ireland the right to automatic citizenship. The CRA believed it was not in the best interest of children to change the status quo. The government disagreed and there were many heated public debates between them in the media. The referendum was passed and the CRA lost its fight. Despite this, good relations on other issues were maintained. It does raise the question about political will and how difficult it is for the CRA or any other NGO in their position to influence the government on issues they do not want to address or change. In other words, the progress made by the work of the CRA in accessing the core, was achieved through consensus but it could be argued that consensus is based on mutual political will. On this occasion, the CRA lost its battle with the government but there is acknowledgement that the work they do is far reaching on many issues and therefore good relations need to be maintained:

> I mean, there have been points whereby we have been very clearly in opposition to the Government of the day. One that always will stick in my mind is the Citizenship Referendum. We would have taken a position that that was not the right thing to do for children. We would have opposed that amendment and would have had, you know, really heated media debates between our Chief Executive and the Minister of the day. And obviously the country did not vote with us, so I don't think we particularly dented them on that, unfortunately! But like in terms of our relationship we've always been positive whilst we've been able to maintain an ability to criticise publicly the State, the State agencies, whilst keeping the doors open, you know (Corbett, 2015: 8).

A clear indication that the CRA was producing good research was the response from the State to their work. *"The government has actively sought CRA inputs on many occasions because its knowledge is respected"* (One Foundation, 2013. 23). This is echoed by a government senior policy-maker who describes the CRA's submission to government as thorough and confirms they are used by respective governments.

> CRA provided the intellectual analysis for the politicians and the civil servants who often did not have the time to explore policy issues and solutions. Their submissions

were evidence-based, substantive and were perceived as having merit *By continually monitoring and making public the issues for children ...[CRA] has helped to bring children's rights to the fore in Ireland* (EI:31). (One Foundation, 2013:20).

The more recent research the CRA is undertaking continues to address issues relating to children's lives. The work includes the impact of Brexit on children's lives on the island of Ireland and the digital age of consent. The latter issue is a contentious one which according to the CRA, the responsibility for protecting children lies with the State on this issue. Ward questions; *"If we are truly concerned about how children are being manipulated by advertising and exploited commercially, we have to put the onus on industry to do a better job. Why can't our politicians pass a law forbidding industry from using our children's data for marketing and commercial purposes?* (Irish Independent, February 2017). Similarly, the CRA continues to undertake research around early year's childcare. In March of this year (2018) they submitted their report to the Joint Oireachtas Committee on Children and Youth Affairs. The CRA continues to use research as a tool by which to highlight particular issues impacting on children's lives but also forcing the hand of the government to address these issues.

6.3.4. Report Card

The Report Card system was established in 2009 as a means by which the CRA could examine progress made by the State on issues relating to children's rights. It is a measure and a rating system by which they CRA can examine the government progress on children's issues based on commitments made in programmes for government. An independent panel of experts were used to measure and grade the progress of government on an annual basis based on its programme for government commitments relating to children. From a rights perspective issues such as health, education and housing as well as child protection and material wellbeing were examined in the first report in 2009. Irish life has evolved and changed socially but also culturally since that initial report and the latest report in 2017 reflects this. Children's rights are now examined through the lens of equality with LGBT issues, Traveller and Roma rights as well as refugee and asylum seeking children all examined as well as rights in early childhood. The Report Card format has developed since 2009 to now work in a similar way to

the Shadow Report, which examines each issue relating to children individually. The government also benefits from this process as it is given credit where it is deserved and clear information where it needs to address child related issues.

Since the Report Card system was established in 2009 an independent group of experts make up the panel which is chaired by Judge Catherine McGuinness. Corbett describes the panel as being modelled on the social partnership system and its members represent various aspects of Irish life including trade unions, the judiciary, academia and social commentators. The independent aspect of the panel allows the CRA a little distance from the results which allows for relationships with the civil service and government departments to be well maintained.

> *"We've an external independent assessment panel that grade it for us. There's a bit of gap between us and the civil servants on that one"* (Corbett, 2015: 24).

The CRA acknowledges the success of the Report Card system as a tool which has been used to push meaningful change in the area of children's rights. Drilling down into the mechanisms of the Report it is possible to see how both the CRA and the government have benefited from its existence. Similar to the Shadow Reporting, the relationship with civil servants in the intervening years has moved from a place of resistance to reciprocity and respect. Corbett describes how the process works; the CRA either sends an early draft to the civil servants of the Department of Children and Youth Affairs or they meet with them directly to discuss the Report Card. Over the years a strong respectful relationship has developed, partly because the panel grading the government is independent of the CRA but also because there is a mutual understanding that everyone ultimately is working towards the same goal (Corbett, 2015). She concludes:

> On many sides people are working for the same goal. They may not be doing it as quickly as we want. They may not do it as well as we want them to do it, you know, in terms of as comprehensively… but they're generally working with the same goal (Corbett, 2015: 10).

Describing how the negotiations take place, Corbett explains that on occasion the CRA will

support the government by publicly acknowledging the work they are doing behind the scenes for children, and also the civil servants will help the CRA identify an issue of importance which they may not have been aware of. She explains:

> And we would go in and have meetings with different officials on it, you know. And, I mean, they will also… I mean, we've had some pretty good engagements with officials who say, 'Look, we're really frustrated with this. We can't get the budget.' Or: 'This is hugely… everybody's focusing on this, but this other thing over here is actually more important, but people are missing it. You know, this is really good. You need to focus on this.' (Corbett, 2015: 28).

Equally, the CRA engages with civil servants in an open way which sometimes means taking into account other external factors blocking progress on issues relating to children which the government cannot control. In such scenarios the CRA takes on board the new information from civil servants and includes it in the Report Card while also acknowledging government failings. Corbett describes such a scenario:

> And you might get the odd other engagement with 'I think you're being a bit unfair there; I don't think you're understanding that actually this is happening.' 'Okay, that's fine. Send us all that information we don't know. We'll put it in too. We'll still leave our criticism in but we'll also be fair you and acknowledge something else is happening' (Corbett, 2015: 28).

Arguably, a useful by-product of the Report card system is that it has allowed the CRA to produce trend data on progress made by the State in relation to children and policy commitments made in relation to them (One Foundation, 2013) The Report Card was a system adopted by the CRA from an American NGO, Children Now, which undertook a similar process. Children Now, like the CRA, describe itself as an umbrella organisation for others working on behalf of children and child related issues. It currently has over 1,600 members and produces an annual Scorecard which rates the government on the work it undertakes on child related issues (Children Now, 2018). It was a unique way of challenging the State on child

related issues as they had little choice but to respond to its publication. This very nature of the Report Card meant the government is forced to give information about government policies which they might not otherwise be privy too: *"The Alliance just kept on rating certain areas poorly until the information was released [by the government]"* (One Foundation, 2013: 20).

Reflecting the social cost of austerity, the 2017 Report Card graded the government an 'E' grade for its lack of progress on children and homelessness but granted an overall D grade. The latest Report Card, 2018, captures how Ireland has evolved socially and culturally over the past two decades. The early Report Cards were concerned with issues relating to early years education and education for all children. It was also concerned with issues relating to material wellbeing arguing that those children in wealthier families had the ability to combat poor government provision as they could afford to utilise private services to bridge that gap (Children's Rights Alliance, 2009). While many of the issues continue to be the same such as early year's education, health and material wellbeing, other social and cultural issues have emerged.

The 2018 Report gives a good overall grade to the government, a C-, but it is quite damning on issues relating to child homelessness, awarded an F reflecting the child homelessness figure of over 3,300 (January 2018). Other areas of examination include the area of Mental Health. Ireland has the fourth highest rate of suicide amongst teenagers in Europe. The CRA's rating of a D+ reflects the long waiting list of over 2,700 children waiting on appointments to see mental health professionals. On issues relating to Equality, the Report welcomes the LGBTI+ Strategy of the government but argues more to support young people in these groups can be done and needs to be done faster. Similarly, the Report acknowledges the positive impact on children the recognition of Irish Travellers as an ethnic group has had and will continue to have in the future but it once again points to the children in Direct Provision as a failing of the government while at the same time welcoming the commitment to end the system of Direct Provision (CRA, 2018). Overall the Report acknowledges the changes made by the government in previous Reports, but it could be argued that as a tool, the Report Card systems continues to play a vital role in these changes.

Research was a significant way in which the CRA could demonstrate their credibility and professionalism as an NGO but there were other external forces which were on-going at the time which contributed to the children's rights agenda becoming a point of discussion for wider society. The CRA used these issues as a means of demonstrating the vulnerability of children in the eyes the law. The next section will detail a series of events which occurred between 1989 and 2009 which contributed to a debate on a much wider scale abut children and their position in Irish society. While there were several high-profile cases of child neglect and abuse during the same period, for the purpose of this thesis three key events will be highlighted as it is argued they were instrumental in pushing the children's rights agenda forward.

6.3.5. Consensus

> "In terms of our relationship we've always been positive whilst we've been able to maintain an ability to criticize publicly the State and the State agencies".

Part of the work of the CRA involves building consensus with government and State but also creating consensus among its members. Part of this process is undertaken through the Community and Voluntary Pillar of Social Partnership and the Wheel, an organization set up in the 1990's to strengthen bonds between the community, voluntary and charity sector.

In 2003 the CRA joined the Community and Voluntary Pillar of Social Partnership which had been established in 1995. It was following consultations with the National Youth Council of Ireland that the CRA approached the Taoiseach's office requesting they be included in the pillar. The government accepted the request and the CRA were part of the negotiations which culminated in the 'Towards 2016' agreement. As part of that agreement the government made a commitment to address specific issues relating to children such as health and education as well as children and family related issues. Corbett describes the benefits of working with the social partnership as hugely beneficial to building relationships with civil servants and other voluntary and community sector groups.

> [….]I think it was hugely important. I mean, I think, you know, it is developing the relationships with the civil servants. I mean, the social partnership was really fantastic

for that. So getting to go to bilateral meetings, getting to engage with other community voluntary kind of organizations, you know, colleagues but possibly in other realms (Corbett; 14).

As part of the Towards 2016 agreement the government gave specific commitments to children. These related to child care, play, access to quality child services as well as the overall the quality of a child's life (Stationary Office, 2006). The CRA was able to return to those commitments through their Report Card system. By 2013 when child homelessness grew expediently the CRA looked to the government to follow through on commitments to social housing made in the Towards 2016 agreement (CRA 2013; 2014; 2015).

6.3.6. Membership consensus

"And then the membership. So within the membership we would have key members on certain issues - you know obvious ones. You kind of consult with the early years groups on early years. You kind of consult with the Irish Penal Reform Trust on the youth justice section. So you're consulting directly with members where you know there's relevance, like saying, you know, 'This is what we're saying. What do you think? Have you any stats?' And people are really generous and engage, like.

So we're getting our steer from our members. So we're getting our steer through our own research work. So watching what's happened re publications, you know media, Government announcements, new legislation - all those kind of factual things – and then really our members.

Corbett's acknowledges that sometimes there are ideological blocks when it comes to some issues related to children, but concludes that change is possible:

You know, some of these psychological shifts did happen. They took time but they did happen, you know. So like acknowledging that conversation to get people there sometimes unfortunately takes a bit of time, but we need to evidence things and we need to be robust in our persistence in the dialogue (Corbett; 10).

The CRA used several mechanisms to achieve consensus. These include the Report Card System, already outlined earlier and Social Partnership. The CRA applied to the Taoiseach's office for membership to the Community and Voluntary Pillar. It followed consultations with the National Youth Council of Ireland, which was already a member of the CRA. The Council was a member of the Pillar and encouraged the CRA to apply for membership. Having been accepted by the government onto the Pillar, the CRA had access in a way previously unavailable to it. Corbett describes the new position the CRA found itself in as *'hugely important'* as it offered them *'access, visibility and status'*, (Corbett; 14). She concludes by suggested the CRA were able to use the process of Social Partnership to put forward their own ideas and suggestions to government but also as an opportunity to meet other groups of like-minded thinking:

> Well, I think it was hugely important. I mean, I think, you know, it is developing the relationships with the civil servants. I mean, the social partnership was really fantastic for that. So getting to go to bilateral meetings, getting also to engage with other Committee voluntary kind of organisations, you know, who your colleagues are but possibly in different realms. So getting to know them. So that kind of cross-pollination. You know, so you're getting to know people who you're thinking, God, I need them in membership or I need to get them to talk to me (Corbett; 14).

6.4 Together and Children's Rights in Scotland

To fully understand the evolution of children's rights in Ireland and the significant role played by the Children's Rights Alliance in this process it is useful to compare the Irish NGO with a similar NGO in another jurisdiction. The aim of this next section is to draw some comparisons between the Irish experience of children's rights advocacy and that of Scotland's. Scotland was chosen because of its close geographical location as well as its similar cultural experiences to Ireland. Internationally Scotland is noted for its progress and progressive thinking in the area of children's rights (Mannion, 1999; 2003; Tisdall 2010). The first part will offer a contextual backdrop of the development of children's rights in Scotland. The next section will then examine the role of an NGO, Scottish Alliance for Children's Rights (SACR), also known as

Together, in the evolution of children's rights in the Scottish context. More specifically, Together will be examined using the same framework as that used to examine the CRA. To this end the work of Together will be interrogated using the themes of building credibility, alliances with key experts, shadow reporting, research, report card, consensus and membership consensus. Mapping the CRA against a similar NGO in a similar jurisdiction to Ireland will allow a more comprehensive understanding of how progressive or indeed regressive the development of children rights in Ireland has been over the past 20 years.

The United Kingdom ratified the UN Convention on the Rights of the Child (UNCRC) in 1991, Scotland, as a devolved part of the UK, is included in all its reporting to the UN Committee on the Rights of the Child. By 2016 the UK had submitted its fifth periodic report to the UN committee. The UN must consider all territories of the UK in their Concluding Observations. However, while the reports from the State and the Concluding Observations include devolved states, such as Scotland and Overseas Territories, the responsibility for acting on any recommendations made lies with the devolved administration. Not all territories associated with the UK are moving at the same pace in relation to children's rights as they each have their own domestic legislation and policies. However, in principle, each territory as part of the UK is supportive of the Convention. As described previously in this section, this research will focus on Scotland and in so doing does not draw any comparison with the experiences of children in England and Wales as well as other jurisdictions of the UK.

Similar to Ireland, the UK's evolving ideas around childhood has had a significant impact on how children are viewed and represented in policy and legislation. Arguably however, the single largest impact on children's rights was the devolution of power from the UK to the jurisdictions of Wales, Northern Ireland and Scotland. It was under Tony Blair's New Labour government in the UK that the devolved states were created and in so doing created a political space from which there was a shift from Conservative policy making to Labour dominated ideas (Tisdall and Hill, 2010). Traditionally children's policy would have come under several government departments, not dissimilar to the Irish case. In Scotland child related issues were intertwined within the existing framework of family and education policies. Notably with the

formation of the Scottish parliament in 1999, issues relating to children were moved from Westminster to Scotland (Ibid).

The Children (Scotland) Act 1995 was the first child related piece of legislation which straddled both old and new governments of pre and post devolution Scotland (Tisdall and Hill, 2010). While it was written by a Westminster government, it evolved over several years under Scottish rule. It promoted for the first time the recognition of the role of parents in their responsibility towards children's rights. As a result of this Act children had greater rights to become involved in legal proceedings. This promotion of the idea of children as active agents was more strongly promoted in Scotland than anywhere else in the UK (Tisdall, 2004).

Since the Children (Scotland) Act 1995 there have been some significant developments which have helped to further reshape children's rights in Scotland. These are the establishment of Together (Scottish Alliance for Children's Rights), the establishment of the Children and Young People's Commissioner in 2003 and more recently the enacting of the Children and Young People (Scotland) Act 2014. Similarly to the Children's Rights Alliance (CRA) in Ireland, Together was established in 1996 following ratification of the UNCRC by the UK in 1991 (Together, 2019). Acting as a focal point for NGO's in the children's sector, the explicit aim of the organisation is to promote the full implementation of the Convention. The organisation sees itself as playing an important role in bringing together its members to work towards change in child related policy and legislation:

> Non-governmental organisations (NGOs) have a distinctive role to play in the reporting process, and given the differences in policy and legislation, even in a pre-devolved Scotland, there was clearly a need to consult with and draw together the views of the children and young people's sector in Scotland (Together, 2018: 1).

The independent Commissioner was established to promote and protect the rights of children and young people recognising that they do not share the same economic or political power as adults. More specifically the Commissioner seeks out examples of good working relationships between adult and children and highlights them for others working with children to emulate

(CYPC, 2019).The Office also undertakes research into the lives of children identifying where children are not being respected by adults. The current incumbent of the office, Bruce Adamson, seeks to expand the work of his office by including in his research the voice of children and young people (CAYPC, 2019). Adamson describes a key role of his work as engaging with decision makers about issues affecting children. To this end he engages with them on education, healthcare and housing by trying to create a greater understanding of their responsibilities to children's rights within these areas of policy formation (CYPC, 2018). The Commissioner published a plan for the coming two years in 2018 in which he outlined his aspirations which have been informed through meeting with children all over Scotland as well as a Young Advisor Group made of up 11 young people representing different aspects of Scottish life. The Plan has three main aims:

> To be a successful Children and Young People's Commissioner who makes a difference to the lives of children and young people; to establish a culture of children's human rights in Scotland and to make sure that children's human rights are at the centre of laws, policies and practice (CAYPC, 2018: 7).

While the aspirations of the Plan are not new in terms of aligning to children's rights ideals, what is different about this work from the Commissioner is that it worked with children directly to hear from them. The Commissioner set up a Young People Advisory Group as well as holding workshops which included the opinions of 247 children from around Scotland. An on-line survey was also conducted through the Commissioners website and shared through social media to reach a wider audience. Arguably the most innovative aspect of the research was in the 'Young People's Human Rights Gathering' event. This was a three day event where over 60 young people were brought to gather to discuss the results of the survey and workshops. It was an opportunity for young people to offer their opinion not only on the data collected but highlighted from this data what they felt were the important issues. During this three day event the Commissioner gave an undertaking to report back to young people annually on how the Plan was progressing (CAYPC, 2018).

The Children and Young People (Scotland) Act (2014) was established as part of a wider

Scottish government agenda with the explicit aim of making Scotland the 'best place in the world for a child to grow up' (Scottish government, 2014). It is widely viewed as a continuance of the Scottish government's commitment to create policies and practice which align with the UNCRC framework of children's rights. Within the Children and Young People (Scotland) Act 2014, duties and responsibilities are placed with the Scottish government and public bodies who need to consider the CRC in any decision making processes and: *"keep under consideration whether there are any steps which they could take which would or might secure better or further effect in Scotland of the UNCRC requirement'* (Part 1 (1) Children and Young People (Scotland) Act, 2014). In principle the Act offers a basis from which services and policy makers keep children and their rights at the centre of all decision making around them. More explicitly however, Scottish Ministers are required to report to the National Parliament every three years under the Children and Young People (Scotland) Act (2014). The Act is part of a larger suite of polices and legislation which have been put in place by the Scottish government to further the rights and accountability of progressing those rights in Scotland. Similarly a commitment was made in 2018, during the Scottish Year of Young People, when the government set out a National Action Plan to further the rights of children between 2018 and 2021 (Scotland Government, 2018).

Despite the huge progress made by successive governments in Scotland and their willingness to listen to experts in the area of children's rights, the Children and Young People (Scotland) Act 2014 is not incorporated into domestic law. Instead it relies on polices and processes which adhere to the principles of the CRC (Gadda, 2019: 9). Its lack of a statutory footing has drawn strong criticism from the UN in its Concluding Observations (2016) when it urged Scotland to make the necessary changes to make it part of domestic law arguing*: "The Committee urges the State party to take, as a matter of priority, all necessary measures to fully incorporate the Convention into domestic law"* (UN, 2016). The issue of incorporating the 2014 Act into domestic law continues to be an issue which Together is striving to change. Working with the Children and Young People's Commissioner, Together convened one of its Children's Advisory Groups who put together a Bill, Children and Young People (Scotland) Bill, which is framed in such a way that it can be incorporated into Scottish law. The Bill is underpinned

by two essential elements which are absent from the current 2014 Act, they are the regulation of policy and law as well as a system of redress for breaches in children's rights (Together, 2018). In November 2018 Together presented the Bill to the Deputy First Minister and Minster for Children and Young People. More recently, Together joined forces with UN Special Rapporteur to co-sign a document which highlighted the importance of human rights defenders. The Special Rapporteur, Michel Frost concluded of the document that it was "a ground-breaking step in building a global movement of children human rights defenders [..] Member States and the UN to build on the Day of General Discussion's impact and continue to deepen the understanding of the rights and needs of children human rights defenders (Together, 2019). The document was presented to the Human Rights Council in March 2019.

6.4.1. Membership of Together:

Together has over 300 members. Its membership is comprised of a range of children's charities, from small local playgrounds though to large international charities, alongside individuals, academics and professionals with an interest in children's rights. The categories of groups included in the membership are similarly varied and representing issues ranging from child poverty to disability to children's advocacy and family support. Similar to the CRA the strength of Together is in its association with experts and professionals in the area of children's rights. The Commissioner for Children and Young People is a member of the NGO umbrella group as are many professional individuals and organisations including law groups who specialise in children's rights as well as the Scottish Association of Social Workers. Together's relationship with its membership is also a key strength. They represent a wide variety of groups and organizations with varying degrees of power. Some are grass root organizations while others, like the Commissioner, have a government mandate to do the work they do. What is clear however is they are all equal in the eyes the work of Together. Each has a voice and an opportunity to be heard (Together, 2019).

6.4.2. Alliance with experts:

 Working side by side with such professionals has helped Together align with key experts in the area of children's rights in Scotland. Similar to the CRA, such alliances offers the

organisation direct access to the knowledge base which helps them address key issues affecting children in Scotland. Together has a group of Trustees overseeing the work comprised of academics, lawyers and people with experience of working directly with children. Similarly to the CRA, the use of Shadow Reporting by Together and their associations with experts in the area of children's rights has afforded them a certain gravitas within the UN and the Scottish government. Like the CRA, Together has been invited to attend the oral hearings of the UK reporting to the UN.

6.4.3. Research:

Its alliance with experts is reflected in the research Together produces. Together, working with its membership, produces a Shadow Report for the UN Committee on the Rights of the Child and it also produces an annual report on the State of Children's Rights in Scotland. Similar to the Report Card system of the CRA, it examines and critiques the government's progress on issues affecting children. In the most recent reporting to the UN committee in 2015, Together and the CRA appear to share a common philosophy regarding the importance of good quality research as a means of forwarding the children's rights agenda. From the outset one of the main goals of the CRA was to produce a Shadow Report for the UN country reports as well as an annual review (Report Card) on progress the Irish government made in relation to their commitments on children's rights. Similarly, Together has produced five Shadow Report's to accompany the UK's report to the UN Committee on the Rights of the Child. The most recent report in 2015 focused on childhood poverty and educational and health inequalities experienced by children in Scotland. They have also accompanied children to the UN in Geneva where they each spoke directly to the UN Committee.

The CRA's Report Card has proven to be a hugely successful tool for the NGO on several counts. Firstly it acts as an annual examination of the government's progress in the area of children's rights, but it also demonstrates the credibility of the CRA as it is continuing to engage through research in this area. Similarly, Together has produced an annual report on the State of Children's Rights in Scotland every year since 2010. In its Report, Together examines progress made in Scotland against the UNCRC framework. It also looks at the latest and

previous Concluding Observations made by UN in relation to the UK and it looks at the everyday circumstances of children lives and how they are experienced by children in Scotland.

The UNCRC is used as a framework through which the Report can be measured in terms of progressing children's rights in Scotland. Togther undertakes a rigorous process in gathering the data for the annual Report. It is compiled though consultations with its membership as well as reviewing the Children Services Plan produced by local authorities which details how they use the UNCRC framework in service delivery to children. The main aim of the Report is not to list progress against specific indicators but rather to identity child based best practice in action and use them as examples from which others may learn how best to work with or on behalf of children. This examination of a rights based approach in the delivery of services for children differs from the CRA Report Card system. Where Together is hoping to identify examples of how to work best with or on behalf of children, the CRA uses a grading system to test government commitments to children's rights against the lived experience of children. Arguably, it is this level of engagement by Together on an annual basis with issues directly affecting children in Scotland which creates opportunities for them to keep rights issues uppermost on the political agenda in Scotland. In short, it forces the hand of those working with or on behalf of children to keep in check in relation to best practice.

6.4.4. Advocacy and Policy networks

Scotland has experienced *"social fragmentation [which] require new government methods that rely on governments collaborating with private and/or public sectors"* (Gadda et al. 2019: 3). As part of this shifting landscape, government is now engaging across the formal and informal sectors to including NGO's and other actors directly linked with the various issues. Gadda describes the process which leads to the establishment of 'policy networks 'which address specific policy issues relating to that group of people or NGO:

> This requires shifting from hierarchical top-down government, to more horizontal governance, where non-governmental actors liaise with government actors to develop and manage policy, through network (Gadda et al. 2019: 3).

It is by accessing the government through these 'policy networks' that the work of Together can be seen to influence child related policy. Some examples of areas in which Together is working with its membership on issues affecting children are Brexit and how it will impact children's lives, as well as research on childhood poverty, and the importance of Early Years Education for children. An example of how Together influenced decisions around children's rights, occurred in 2017. Despite clear commitments made by progressive governments, there is much resistance around utilizing the courts system to ensure children can make challenges around delivery of policy when their rights are not being adhered to. To try and prove how integral the use of the courts system is for those trying to exercise their rights, Together, in collaboration with other policy network groups, organized a series of seminars run over a five month period in 2017 and 2018 where law experts were invited to address issues relating to children's rights and the law which sought to improve and address gaps in the implementation and monitoring of the UNCRC in Scotland. Included in the panel of speakers were experts on international human rights law; Prof Ursula Kilkelly and Dr. McCall Smith. On foot of the seminars the Government has committed to exploring how to 'better implement children's rights domestically'. However Gadda concludes: *"Nonetheless, the legal accountability for children's human rights remains sensitive and an issue that those promoting incorporation [Children and Young People (Scotland) Act 2014 into law] need to address"* (Gadda, 2019: 7).

The similarities between the CRA and Together are clear. They each act as an umbrella NGO for children's rights and they each continue to work towards making children's rights in both jurisdictions part of children's everyday lives. Equally both the CRA and Together have a very strong and varied membership base which gives them access to groups working directly with children and the issues they face. Again, this contributes to their rich pool of knowledge in the area. In turn they each afford their membership opportunity to inform and form the Together agenda going forward. Their methods for achieving these goals are also very similar. They each use their networks with experts to produce expert-led research allowing them to build credibility and respect for their work and create real change in children's lives.

6.5. Trigger Events (Sluice Gates)

This next section will examine how the opening up of 'sluice gates' allowed the CRA to create enough momentum to put children's rights on the political agenda in Ireland[11]. A series of publications aided by the media acted as sluice gates which allowed information about children's rights through to the public arena. The opening up of the sluice gates allowed for the widening of the discussion on issues relating to children. According to Peters (1993) Core Periphery theory as adopted by Habermas (2006) the opening of a 'sluice gate' occurs when there is a build-up of societal pressure. The gates open to create a wider discussion of the issue following the emergence of information or events. In the case of the CRA, the opening of sluice gates created an opportunity for the organization to address issues publicly as they related to children's rights. It was a mechanism which facilitated them getting closer to the core.

The reports and publications outlined below, The Kilkenny Incest Case (1993), The publication of the UNCRC (1989) and the Ryan Report (2009) acted as Trigger events which brought into focus how children were viewed and treated by the Irish State in policy and legislation and how wider society responded to those circumstances. The reports facilitated discussions about the past and also how Ireland can protect children in the future. The CRA played a pivotal role in the widening of the discourse around children's rights on foot of these reports.

In the case of children's rights the publication of the UNCRC and subsequent ratification by Ireland in 1992 placed children's rights on an international platform. The publication of the UNCRC however did not take place in a vacuum. It was the result of decades of conflict relating to children and their rights. In Ireland, the State had been through a whole series of events including the Tuairim Report (1966), the Kennedy Report (1970) the Kilkenny Incest case (1993) and the Ryan Report (2009) all of which identified Ireland as a country which had failed children in State care and in the case of the Kilkenny incest report, their own family. The challenge for Ireland as a country was how to address the issues raised in the reports. By the

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[11]   See Figure 1.

time the CRA was established in 1995, there was already enough information in the public arena to nurture the debate about children's rights. Earlier reports such as the Tuairim Report and the Kennedy Report identified the legacy of the Irish Poor Laws. They began to identify and publicly name the failings of such legislation and their impact on individual children but the first report which used the language of rights was the Kilkenny Incest Report (1993). This new use of 'rights' language in relation to children coincided with the publication of the UNCRC in 1989.

Core Periphery Theory:

Figure 1

CRA 2018
CRA 2012
CRA 2009
CRA 1997
CRA 1995
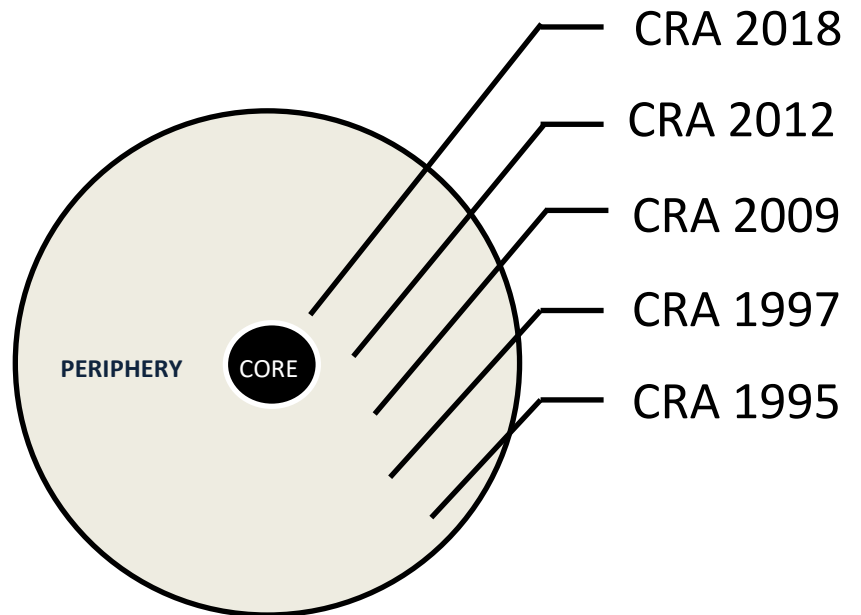
1995:   CRA established

1997:   UN concluding observations recommend government utilises CRA

2009:   "Trigger Event" publication of the Ryan Report

2012:   Children's Referendum – Government invites CRA input on Yes Campaign

6.4.1. The UNCRC (1989)

The publication of the UNCRC in 1989 is widely regarded as a benchmark in relation to

children's rights at an international level (Kilkelly, 2007). It was seen as a means by which all future child related policy could be measured and tested. *"Fundamental to the Convention is that it recognises the rights of children as autonomous Rights holders, and recognises the State as the principal duty bearer. Its provisions represent and reflect the meaning of a rights-based approach to children's issues and services*" (Kilkelly, 2007:9). The ratification of the Convention by Ireland in 1992 was viewed as significant and what followed was the most prolific decade of child related policy in the history of the Irish State (Considine & Dukelow, 2009). In the case of the CRA the ratification of the UNCRC acted as the platform from which children's rights in Ireland could be launched. Corbett describes what occurred following its ratification:

> [….] the following year, practitioners working in the area came together informally and, you know, were brainstorming about the fact that we have now ratified this international convention on children's right and that we should use that to create change in Ireland (Corbett, 2015: 1).

The CRA used the UNCRC reporting system as a means to keep the government in check in relation to its commitments made on child related issues.

> I mean, once we ratified the Convention we were automatically in the system that Ireland would have to put in a State Report and the UN offers the opportunity for NGOs to submit. So I think once the organisation was established they knew that was their goal. They were really established to promote the Convention and to use it as a tool. So it was the obvious thing to do (Corbett, 2015: 10).

The language of rights was introduced through the UNCRC into the discourse of child related policy and services and this would transform how Ireland would address all child related issues. As described earlier, following the first reporting by Ireland to the UN Committee, the government agreed to fund the CRA to undertake an information campaign about the Convention in 1997. It was a successful national campaign and included a short film at cinemas. It was a significant development in the relationship between State and CRA:

So it did change it [relationship between State and CRA] because suddenly they had a funding relationship. They [government] took them [CRA] seriously. They did engage them. They recognised the need to do it. So that was kind of a tangible thing, you know (Corbett, 2015: 14).

6.4.2. The Kilkenny Incest Investigation (1993)

By the time the report into the Kilkenny Incest case was published in 1993 included in the discourse around care and protection was the concept of 'rights' in relation to children. The report brought into focus a disconnect between policy and practice in relation to children and the role of the constitution in this failing.

The Kilkenny Incest Case examined the role of the State and State services in the rape and abuse of a child at the hands of her father. Between 1976 and 1991 the girl was continually raped by her father and in 1982 gave birth to his child. It found that despite over one hundred contacts with the family services did not remove the children from the family home. The committee found that although there was many times the girl, known as Mary, presented for physical injures to health professionals, because of a lack of central coalition of the information it wasn't highlighted. However, it was the Constitution which the committee felt held the key to greater protection. If changed, they argues, it would place a greater emphasis on protecting children from family abuses or neglect. The committee investigating the case published its report in 1993 with the main focus on the Constitution:

We [the members of the investigation] feel that the very high emphasises on the rights of the family in the constitution may consciously or unconsciously be interpreted as giving higher value to the rights of the parents than the rights of children (Southern Health Board: 1993: 96).

While the Report itself outlines failings of the system in the protection of the girl, following the prosecution of the father at the centre of the abuse, there was public outcry for what was perceived as a lenient sentence of seven years (Powell & Scanlon, 2015: 61). The media played a significant role during this period in 1993 as up to that time there was little or no discussion

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about 'sexual issues relating to children' (ibid). In retrospect the case was seen as a 'turning point' in Irish history. The events around the court case and subsequent Report were played out through the media and public discourse. The setting up of the public enquiry was as a direct result of the public outcry of the prosecution taking place. The level of influence was such at the time that following a public outcry facilitated through the media reporting of events, the government amended legislation which up to that point had a limit of seven years in sentencing in such a case involving rape of a minor (Powell, 2105).

The publication of the Kilkenny Incest Report was the impetus which pushed the establishment of the CRA. While many advocates of children's rights were working in the background on issues relating to children, beyond the UNCRC, there was arguably no appetite for a change in the constitution to include children's rights explicitly. When the Kilkenny Incest Investigation committee published its report in 1993 it was the first time in any report into child related issues that someone in a position of power and influence called for a change in the constitution. A key figure in the children's rights movement is Justice Catherine McGuinness. When she argued the rights of the child were being overshadowed by the rights of their parents (1993), it set in motion a movement of likeminded people to harness the findings and recommendations of the report and put them into action. That same year the CRA continued its scoping exercise to investigate whether there was an appetite for the establishment of an organisation working together for children's rights. The CRA describes the publication in 1993 as the 'first signpost' that changes needed to be made in the constitution (CRA, 2007).

6.4.3. The Ryan Report (2009)

The Report of the Commission to Inquire into Child Abuse was established in 2000 with the final report being published in May 2009. Commonly referred to as the Ryan Report, it categorised the abuse and neglect of thousands of children committed to industrial and reformatory schools in the period between 1854 and the mid 1980's. At its height the numbers of children in the Schools were nearly 8,000 annually (Ryan Report, 2009). The Schools were funded by the State but managed by the religious orders. The report contained harrowing details of widespread sexual and physical abuse of children in the Schools. The commission was

established on foot of several documentaries about the abuse of children in institutions aired in the UK and on the national broadcaster, RTE. More specifically the series *States of Fear* which aired in 1999 created an atmosphere which demanded a response from the government and with the airing of the final episode the then Taoiseach announced the setting up a Commission to enquire into the allegations made of institutional abuse. The role of the media in this development cannot be over stated and is attributed as playing a pivotal role (Donnelly and Inglis 2010; Powell and Scanlon 2015).

Irish society up to and including the 1980's, when the last school was closed, was a society which treated children as subordinates to adult authority. Corporal punishment was part of everyday school life, but the level of violence described in the Ryan Report was unprecedented (Flannery, 2009). The Report revealed a *'cesspool of physical and sexual abuse tolerated by Church and State for more than 40 years'* (Fagan in Flannery, 2009:14). Described as a 'seminal event', the publication of the Report offered insight into Irish life which showed the full extent of the power of the church and the powerlessness experienced by children (Powell & Scanlon, 2015: 47).

Similar to the Kilkenny Investigation of 1993, the Ryan Report of 2009 caused a media frenzy. There was no ambiguity in the reporting of it as the details of abuse and neglect were played out in mainstream media. The broad sheets on occasion took the wider view describing the report as unveiling of a parallel existence compared to those in wider society. The Irish Times concluded:

> We have to deal with the now-established fact that, alongside the warmth and intimacy, the kindness and generosity of Irish life, there was, for most of the history of the State, a deliberately maintained structure of vile and vicious abuse (Irish Times, 21 May 2009: 19).

Following the publication of the Ryan Report in 2009, the 'outpouring of shock and sadness felt by the people of Ireland', was described as unprecedented (CRA, 2010). The tabloids used emotive language such as 'evil and wicked' when referring to the abusers. They also demanded

compensation to be paid and called for the naming of the perpetrators. There was a public outcry with radio shows and television shows detailing the abuse. The government responded to the Report by setting up an Implementation Plan to roll out the 99 recommendations made by the Report. The group overseeing the plan were all statutory with the NGO sector completely excluded. The CRA and other NGO's in the children's sector including Barnardos, ISPCC and One In Four objected to this established a campaign, *Saving Childhood Ryan*. In 2010 they jointly published a report, similar in style to the Report Card system, which examined the Implementation Plan and its timeline against the actual progress achieved. Similar to the Report Card, the CRA acknowledged where the government was meeting its targets but was generally disappointed. It applied pressure on issues where they felt the State was falling behind scheduled goals. One of the recommendations made in the Saving Childhood Ryan report was that there should be more independent or NGO's involved in overseeing Implementation Plan schedule. The government subsequently invited the CRA onto the Oversight Group on the Implementation of the Ryan Report in 2011 following the Minister's decision to widen the Group's membership to 'include the voices of children and civic society'.

6.5. Snap Shot 1: 38th Amendment to the Irish Constitution: The Children's Referendum

In 2012 the referendum on the 38th amendment to the Irish Constitution was passed by the people of Ireland. Commonly referred to as the 'Children's Referendum', its successful passing signalled a shifting landscape in how State, Church and family interacts with children. The decades preceding the staging of the referendum was littered with Reports and exposé's of familial and institutional child abuse and neglect which continue to reverberate to this day. This 'snap shot' describes the circumstances surrounding the referendum and societal forces which were instrumental in its passing. Specifically it will examine the work of the Children's Rights Alliance (CRA) and the role it played before, during and after the referendum.

The Kilkenny Incest Investigation (1993) exposed the vulnerability of children in the family home. One of the main recommendations made by the Investigation Committee was to change the wording of the Irish Constitution to afford explicit rights to children separate from those of

the family. The CRA was established in 1995. One of its main objectives was to seek a referendum to change the then wording of the Irish Constitution, giving children explicit rights (CRA, 2011). The CRA was charged with undertaking a Shadow Report (later known as a Parallel Report) to the UN Committee on the Rights of the Child (Corbett, 2015). It was presented to the Committee alongside the Irish State Report in 1996. As part of its Report the CRA recommended that Ireland hold a Referendum on children's rights, highlighting the position of children as having less individual rights to their parents in accordance to the Irish Constitution at the time. In 1997 these recommendations were echoed by the UN Committee on the Rights of the Child in its Concluding Observations when it also recommended to the Irish State that Ireland's Constitution be changed to give children explicit right (UN, 1997)

The CRA played a central role in calling for a referendum and continued to campaign and lobby the government on the issue for the following sixteen years. The NGO produced over 150 press releases and publications between 1997 and 2008 all related to children's rights issues (CRA, 2018). The organisation became a regular feature in Dáil debates where their views were given weight as impartial experts on any subject associated with children's rights (Dáil Eireann 2000; 2002). In 2006 the government announced it would be holding a Referendum on Children Rights and asked the CRA to take the lead on consultation with the newly established Oireachtas Joint Committee on the Constitutional Amendment on Children. Then Taoiseach, Bertie Ahern T.D., invited the CRA to be present when he made the announcement to the press. The main purpose of the Oireachtas Committee was to oversee discussions about the wording process and make a recommendation to government on proposed wording for the referendum.

The Joint Oireachtas Committee, chaired by Mary O'Rourke T.D., worked in close consultation with the CRA and from the very beginning of the process the CRA played a central role in the campaign for a Yes vote. However, the CRA did not make a specific proposal on wording, as invited to do so by the Committee as it was seen as inappropriate for an NGO to do so (Corbett, 2015). Instead they opted to submit a Position Paper which described the principles the CRA argued should be included in any proposed wording. The *Constitution and*

Children: A Position Paper on the proposed Referendum on Children's Rights (2007) was referred to by the Oireachtas Committee on a regular basis. The production of such a document was in itself a positive move towards the realization of children's rights in Ireland but on a political level it showed the Alliance as a unifying legitimate group respected by its sector (One Foundation, 2013:15). These acts of consensus created an atmosphere which allowed for both NGO and State to work in partnership on an issue which historically they may not have always shared the same view.

The contested issue related to the positioning of the family in Article 41 of the Constitution which was considered to supersede the rights of the child (McGuinness, 1993). The influencing force of the CRA during the life of the All Party Oireachtas committee was clear. Corbett acknowledges that it worked very closely with the committee and its members as a means of influencing it and they succeeded. She concludes of that time: *"We were complimented by the chair, Mary O'Rourke, and others for the quality of what we submitted to the Committee. So we would have done very substantial pieces of work to the Committee and would be acknowledged by them as having influenced it"* (Corbett, 2015: 26). One Foundation goes a step further and suggests the CRA not only influenced the committee but the wording produced by the committee contained core principles of the CRA's submissions:

> Many of the principles advocated by the CRA in its submission were reflected in the subsequent Bill produced by government "Twenty-eighth Amendment of the Constitution Bill 2007." This demonstrates the government's recognition of CRA's mandate, the quality and credibility of its policy submissions, but also provides evidence of CRA's policy impact at national and UN levels on behalf of its member organisations (One Foundation, 2013: 15).

Following a long and sometimes protracted process of identifying suitable wording for the referendum, the Oireachtas Committee proposed wording which would address the rights of the child while continuing to allow the family to be acknowledged as an important unit of society within the Constitution. The proposed wording addressed issues relating to the 'best interest' principle, as outlined in the UNCRC as well as the issue relating to State intervention

where children are neglected irrespective of their marital status. It also addressed issues of adoption where children of parents, who failed in their responsibility towards them, could be adopted by others. It also acknowledged children as having a say in issues affected them based on their age and maturity (Irish Times, 2012). The proposed wording was broadly welcomed by the CRA as well as the Irish Council for Civil Liberties (ICCL, 2012). The CRA had by this time already set up a Constitutional Working Group in March of that year, six months before the wording was finalised. The purpose was to meet regularly with the membership to seek their views and strategies for the campaign.

Within a month of the publication of the proposed wording, the CRA produced *Recognising Children's Rights in the Constitution: The Thirty-First Amendment to the Constitution (Children* (2012), which outlined the prosed wording and its meaning for children. In it, the CRA called for a Yes vote arguing:

> The inclusion of a stand-alone article dedicated to children in our Constitution – both the rights it contains and the presence of the Article itself – will send a clear message that Ireland values children and wishes this to be reflected in our laws and court decisions (CRA, 2012: 2)

Following the announcement of the proposed wording in September, the CRA's Constitutional Working Group joined forces with other NGO's and children's rights groups including Barnardos and the ISPCC, calling itself 'Yes for Children/Campaign for Children' (Irish Times, 2012). The group was chaired by former Justice Catherine McGuinness. The CRA developed a 'toolkit' for its members in the run up to the referendum. In it they described in great detail how to tackle questions about the referendum and explained why a Yes vote was important for children. They also offered training in dealing with questions from the media as well as press release writing (CRA, 2012).

During the course of the campaign which ran from September to November of 2012 the CRA made many dozens of media appearances including on radio, television and in newspaper articles. The website of the CRA offered information on all aspects of the referendum as it

related to children including the background to the referendum, a summary explanation of the wording as well as how the referendum relates to children with a disability (CRA, 2012).

Prior to the referendum polling day, there was a challenge McCrystal v. Minster for Children in the Supreme Court which was unsuccessful. Following the passing of the referendum, there was an immediate challenge to its legality by Joanna Jordan, who claimed that the unlawful use of public funds by the government had materially affected the outcome. Jordan contested the legality of the result arguing the Minister for Children used State monies in its efforts to support the Yes vote, thereby having greater resources than the No side put them at a greater advantage. The issue went to the High Court and subsequently the Supreme Court when it was ruled upon in August 2015, nearly 900 days after the Referendum was held in 2012. The Court ruled that in light of the 58% yes vote that the monies used by the Minister had no impact on the outcome. The result of the referendum would stand. The Thirty-First Amendment of the Constitution (Children) Act 2012 was signed into law April, 2015

The role the CRA in the passing of the 38th Referendum was key given its main objective following its establishment in 1995 was to call for a referendum of children's rights. Its professional approach to the campaign and in its dealings with the media and its membership ensured the organisation was at the centre of the debate.

6.6. Snap Shot 2: Children and Homelessness

Traditionally debates in Dáil Eireann, which address the issue of children and homelessness, have been focused on services for young people leaving the state care system. These debates would focus on after care services and accommodation available for young people (Dáil Eireann, 1992; 2009). This reflected the landscape in that the majority of young people in homeless circumstances were those coming from State care and transitioning into independent living. There have been many circumstances under which these young children have had to stay in emergency accommodation including hospital and B&B accommodation until accommodation was identified (Dáil Eireann 1996; 2009; 2009). Children experiencing homelessness today however are a very different cohort as while some have left the care of the state, many more are experiencing homelessness because their families are homeless. Children

experiencing homelessness is at crisis point in Ireland (Irish Times, 2018). This 'snap shot' will examine how the CRA is highlighting this issue and placing pressure on the government to create solutions to this problem. The CRA has direct access to the State through its use of research and its ability to negotiate through consensus methods and therefore has the ability to progress this issue.

The economic crash of 2008 led to many homeowners losing their family home. A consequence to any financial downturn is a higher risk of homelessness due to the reposing of family homes, but this coupled with a low output of social and affordable housing builds by the government in the preceding decades created a perfect storm for a housing crisis (Simon, 2018; Irish Times 2018). It also placed added pressure on the private rental market as social housing could not meet the demands from middle to low income earners. In Ireland, the crisis deepened despite an upturn in the economy from 2016.

The CRA has been addressing the issue of child homelessness since its first Report Card was published in 2009. In 2009, homeless children was an issue but not at the scale it is currently. In 2009 there were over 400 children homeless in Dublin. Currently over 3,700 children nationally are homeless with Dublin having over 70% of this figure (CRA, 2018; Irish Times 2018). In 2009 children and homelessness was addressed under the broader context of Children and their Wellbeing in the Report Card. It was also in the context of mainly Youth Homelessness which was primarily seen as directly impacting children leaving the care system. The government published the Youth Homelessness Strategy (2001) to address the challenges faced by young people leaving care. Using the commitments made in the Strategy, the CRA challenged the work of the government in its 2009 Report Card. The CRA highlighted that children living in homeless families was an issue in itself and in need of addressing through the building of social housing which the government agreed to undertake as part of the Towards 2016 agreement (CRA, 2009; Office of An Taoiseach 2006)).

Following the CRA's Report Card of 2009 child homelessness received limited publicity. The Report Card of 2010 continued to identify child homelessness as a growing problem in Ireland and challenged the governments poor response to its *Towards 2016* Programme for

Government promises of building more social housing (CRA, 2010) The publication of the 2011 Report Card highlighted two failings on the part of the government. Firstly, it identified the government had failed to meet targets committed to in Towards 2016 for social housing builds (CRA, 2011) and secondly it outlined how the government failed to make any progress on implementing the Youth Homeless Strategy (2001). On foot of these findings the CRA made one main recommendation which was for government to provide financing to meet the housing output it committed to in the Towards 2016 agreement. Further, they suggested to use 'flexible and creative' approaches to achieve this including the use of National Asset Management Agency (NAMA)[12] properties for those on the social housing list (CRA, 2011: 52).

The 2012 and 2013 Report Cards focused strongly on Youth Homelessness.   Both reports did however mention children in homeless families emphasising the lack of facilities for homework in emergency accommodation and social inclusion. Figures at that time estimated just under 600 children homeless with their families (CRA 2012; 2013). A significant event occurred in 2014 which brought the issue of homelessness to the national consciousness. A homeless man Jonathan Corrie died just yards from Dáil Eireann from a drug overdose. This started a national conversation about homelessness as a broader issue (Irish Examiner, 2016).

In 2014 the CRA was part of a larger group of advocacy organisations which protested at government buildings requesting government enshrine 'basic rights' for children including housing (Irish Times, 2014). In 2016, the Irish Times reported that the CRA was predicting child homelessness would reach 3,000 by 2017 (Irish Times, 2016). The first Child Summit was held Dublin in 2016 which was jointly organised by the DCYA and the CRA. International speakers including members of the UN Children's Rights Committee attended offering an international perspective on children's rights in Ireland (CRA, 2016). Later that same year the DCYA held a Child Homelessness Summit in Dublin attended by the CRA and other

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[12] The National Asset Management Agency (NAMA) was established by the Irish government in 2009. Its main aim was to take over debt from the banks and properties from developers who could not repay their debt. It has provided some social housing units as well as development land to build social housing (Irish Times, 2017)

organisations and advocacy groups working with or on behalf of children. Minister for Children, Katherine Zappone, T.D., consulted with those groups during the (CRA, 2016). In 2017 the CRA, with other organisations including the ISPCC and Barnardos, organised a conference which marked five years on from the Constitutional referendum (2012). The purpose of the Conference was to identity the gaps in policy and legation in relation to children and homelessness was high on that agenda.

Traditionally the CRA has utilised research as a means to achieve its goals. It published its latest research study in July of this year (2018) which details the educational needs and experiences of children in homeless circumstances living in temporary accommodation. *Home Works: A Study on the Educational Needs of Children Experiencing Homelessness and Living in Emergency Accommodation* (Scanlon & McKenna, 2018) outlines the emotional and social cost to children living in homeless circumstances. It is a significant piece of research which addresses the experiences of homeless children and it played a central role during Leaders Questions in Dáil Eireann, on the day it was published.   Leader of Flanna Fail, Micheál Martin T.D. quoted directly the findings of the Research as well as its CEO, Tanya Ward, about the experiences of children in homelessness circumstances (Dáil Eireann, 2018). It also featured in national newspapers as well as online publications (Journal.ie 2018; Her.ie 2018).

Having conducted interviews with parents of children experiencing homelessness as well as teaching professionals working with children in homeless circumstances, the Report made five key recommendations. It called on the government to utilise the research undertaken by the CRA to update Pillar One of the Rebuilding Ireland: Action Plan for Housing and Homelessness (2016). Specifically the CRA called for the government to update and 'enhance supports for children experiencing homelessness', offer greater support to schools dealing with homeless children, support families in accessing suitable accommodation as well as adequate financial support and welfare assistance and finally they recommended the Department of Housing and Local Government offer clear information to families experiencing homelessness (Scanlon & McKenna, 2018: 65).

The issue of childhood homelessness continues to be a live issue in Ireland with the number of

children homeless rising each week. However as described in this 'snap shot', similar to the children's referendum, the CRA has contributed to the public and political debate through its research and on-going campaign to fight this issue from a rights perspective. The research produced by the CRA is the main source of citation by those in positions of power when addressing this issue, again illustrating the CRA's position as expert in children's rights issues. However the results in policy and legislation are not always immediate as is evidenced with the children and homelessness issue which continues at crisis level.

6.7. Overview of CRA currently

As described in this chapter the CRA has a long list of achievements with a far reaching impact on many aspects of children's lives. The CRA has been at the centre of many of the major child related legislative and policy changes in Ireland. These include working towards ensuring that Tusla (the national Child and Family Agency) has 'children's rights at its heart', as well as addressing often very contested issues such as the Children's Referendum (CRA, 2018). In more recent years issues affecting children's lives have shifted to include homelessness and issues around child trafficking and asylum. The CRA has recently worked successfully with partners including The Body Shop on a campaign to address child trafficking and sexual exploitation and an international coalition to secure a ban on the practice of Female Genital Mutilation (FGM) in Ireland. Other issues which continue to be on the CRA's agenda are early year's education and children's access to justice. In relation to the latter the CRA is now calling for the establishment of Specialist Legal Advice Outreach Clinics for Children and Young People in Ireland (CRA, 2018).

The financial support of One Foundation and Atlantic Philanthropies has come to an end coinciding with the completion of their work. However, CRA continues to receive support through new sources of funding. These include the Community Foundation for Ireland, the Katharine Howard Foundation, Pobal, the Department of Rural and Community Development and the Irish Youth Foundation (CRA, 2017).

6.8. Conclusion

The Children's Rights Alliance was formed in 1995. Its founding coincided with the ratification of the UNCRC in 1992. The CRA used the ratification of the UNCRC as an opportunity to launch a new type of advocacy for children which focused on creating a change to recognize children in the Irish constitution which reflected the principles of the UNCRC. Specifically, the CRA wanted to make 'children's rights real' in Ireland. What contributed to the uniqueness of the CRA compared to other NGO's working on behalf of children was it was goal driven on changes in children's policy and legislation. This is evident in the work they undertook since 1995 which slowly brought about changes in policy and legislation. Beginning with small goals, the CRA sought initially to undertake a Shadow Report (1996) to the UNCRC which acted as an independent voice on how Ireland was progressing in its children's rights agenda. The Shadow Report acted as an instrument of change for the CRA as it was not only welcomed by the UN Committee, but on foot of its submission the Committee recommended the Irish government utilize the experience and expertise of the NGO.

In the lead up to the Children's Referendum in 2012, the CRA produced or commissioned many pieces of research between 1996 and 2012 which placed a spotlight on many issues affecting children in Ireland. Robust research was undertaken by respected academics which addressed issues such as the juvenile justice system (CRA, 2002), the citizenship referendum (Lentin, 2007), obstacles to children's rights in Ireland (Kilkelly, 2007), separated children in care (Corbett, 2008) and the care of trafficked children in Ireland (Horgan et al 2012). Each new piece of research contributed to the CRA's strengthening position as an expert in the area of children's rights and placed them closer to a position of influence.

The CRA contributed to the establishment of the Ombudsman for Children, campaigned and for children to have their own Minister and Department, which they did in 2011. Their research contributed to numerous government children guidelines including Children's First Guidelines and they also changed the narrative around children's rights. They were the first to undertake research which included the voice of the child (2002) and pushed government and wider society understands of what it means to be a child.

Arguably, their real success can be measured in their relationship with the State and its ministers and civil servants. The CRA started out as an NGO fighting for the rights of children to be recognized, but very quickly became insider advocates. They moved from the outer periphery of power to the inner periphery where they had access to civil servants and Ministers with opportunity for change.

While the CRA has achieved many of its objectives, including securing constitutional change for children, the work continues. Currently the CRA is working with stakeholders to tackle issues relating to child poverty, juvenile justice, and reform in supporting children's early years as well as talking issues relating to child refugees. Finally, Corbett attributes much of its success to the broad membership arguing that the membership has such a vast interest in children's issues with each wanting to move those forward, the membership will continue to push the success of the CRA's agenda. She concludes*, "I think the key thing that's a success and that will keep up going in the future is that our members are so broad and our members are very engaged"* (Corbett, 2015: 32).

7. Chapter Seven

7. Discussion of Findings

7.1. Introduction

This chapter will examine the work of the Children's Rights Alliance (CRA) against the theories of new social movements (NSM). It will interrogate the findings of this thesis through the prism of the theoretical framework under the following themes: Communicative Rationality (Habermas, 1981) and Core Periphery theory (Peters, 1993; Habermas 1996). It will examine how the CRA utilized building creditability mechanisms to achieve consensus. Further it will use core periphery theory to look at 'trigger events' such as the publication of the UNCRC (1989), The Kilkenny Incest Report (1993) and the Ryan Report (2009) which led to the opening up of 'sluice gates' and facilitate a greater and more impactful level of influence for the CRA in achieving its primary goal of making children's rights real in Ireland. Finally, the chapter will conclude by interrogating the theories of new social movements against the data yielded from the study of the CRA in Ireland and address the question, is the CRA a new social movement? The chapter will conclude by looking at the evidence which suggests the CRA successfully moved from the outer to the inner periphery from where it influenced change in policy and legislation. It will also discuss the limitations of the research. The next section will give a brief overview of the development of the CRA and followed by an explanation of Habermas' theories which will later be measured against the work of the CRA.

The evolution of children's rights as a concept can be traced through the evolution of childhood (Powell & Scanlon, 2015). As ideas about children and childhood evolved so too did the need to examine the role of the State and family in children's lives. Aries (1962) and De Mause (1976) are credited with transforming our thinking about childhood. They offered a new perspective of childhood which was more than a process towards adulthood arguing children had emotional and physical needs specific to them and different to adults (Aries 1962; de Mause 1976; Powell 2015). During the 1980's and 90's childhood was rediscovered by New sociologies when it began looking at childhood as being worthy of study separate to adults. Prior to that, the study of children was seen only as a means of understanding adults. The absence of research on children up to this period is attributed to children's subordinated position

in society (Qvortrup 1993 and Kehily 2003). The publication of the Children's Act 1989 in the UK and the UNCRC in 1989 all contributed to a shift in this paradigm. James et al. describe these developments as playing a key role in how children are viewed. No longer are they seen as passive or subordinated, but rather now they are viewed as actors in their own lives and are worthy of research (James et al, 2010). The challenge for society during this period was to view children as active agent's and not yet as being 'seen and not heard' (James and James, 2004). But this created huge struggles as society grappled with difficult questions.

7.2. Communicative Rationality (Action) & Core Periphery Theory

According to Habermas (1981), society operates from two parts; the Lifeworld and the System. The System is where government, judiciary and administration exist. It is also the location of the markets. The Lifeworld is where all other parts of society exist; social, cultural and 'meanings of life' (Habermas, 1981). Each world has its own way of communicating; the System uses a strategic form of communication which is dominated by a 'steering media' or motivation, informed by the markets and other forces.

Habermas describes how one of the goals of the System world is to colonize the Lifeworld. It does this by hijacking discourse and removing consensus as a cohesive mechanism. He argues that it is this aspect of society competing against itself which creates a space for social movements to exist. Habermas' original thesis held that it was not possible for those in the Lifeworld to impact on the System as there was no mechanism by which they could reach the system in order to protect it. The idea being that if there was a way in which the Lifeworld could use consensus building communications it would stop the System from hijacking it. He later adapted his theory to include the work of Bernhard Peters (1993) and since has argued the System could be influenced by the Lifeworld through core-periphery theory (Habermas, 1996).

Communicative Action is concerned with ideas about mutual understanding with Habermas arguing those who occupy the Lifeworld are concerned with communications which lead to understanding. He argues that once understanding is achieved, solutions to problems can

emerge. Core periphery theory suggest that those who occupy the periphery of society can come closer to the core, where power is held, by positioning themselves as exerts in their field. Part of this work is concerned with 'building credibility' in order for them to be seen as experts. In the case of the CRA this was achieved through research and associating with other exerts in their field.

The Children's Rights Alliance (CRA) successfully utilized these mechanisms in order to achieve their goal of making children's rights real in Ireland. The Lifeworld, as described by Habermas, uses communicative action methods to work towards achieving a consensus. This was achieved by the CRA through aligning themselves with experts such as Justice Catherine McGuinness and Prof. Ursula Kilkelly, which placed them in a position of expert in the area of children's rights. The UN played a significant role in the process as they recommended, following the Country Report on Ireland in 1997, that the State deepen its connection with NGO's in the area. Within hours of the recommendations the State engaged the CRA to undertake an information campaign about the UNCRC. This was the first of a series of engagements between the CRA and the government which over time would strengthen and deepen. All the while the CRA managed to remain at enough of a distance to continue its critical observations of government.

Core periphery theory holds that the location of all power such as judicial, legislative and policy writing is located at the 'core'. In short, it is where the 'constitutional system' of power is located and it is known as 'customers'. Separate to this is the periphery which has two parts; inner and outer. The inner periphery is occupied by institutions, organizations and big business which informs or acts as 'suppliers' of information to the Core. The real periphery is the outer periphery and it is occupied by public interest groups and NGO's such as those concerned with children's rights; not necessarily high on the political agenda. These groups are usually interested in issues relating to human rights, animal rights and the environment. When the CRA was formed in 1995 as an NGO it occupied the outer periphery. From the outset the CRA was outside the core of the power. This is evidenced from the process of writing the first Shadow Report to the UNCRC. As part of their preparation the CRA requested the government's Report

to the UN Committee on Children's Rights. The State permitted the CRA to view the document but under strict supervision; a clear indication from the State that the CRA was not trusted. However over the course of the following two Reports the State continued to incrementally loosen the restrictions on the CRA. By the time the latest submission in 2016 was made, the CRA was invited, along with 40 of its membership, to attend the DCYA and consult directly with the government on its submission. During this meeting the CRA called on experts drawn from its own membership to address specific issues relating to the government submission. It wasn't all adversarial however, as the CRA also made suggestions for the government submission which they had underplayed. It gave the government the opportunity to adjust their own reports in advance of submitting to the UN Committee on Children's Rights.

Looking at Figure 1 on page 133 it is possible to see over what time the CRA moved from Outer to Inner Periphery. While the theory describes how a movement from Outer Periphery to Inner Periphery can be aided through Sluice Gates and Trigger Events, it doesn't offer a specific point to which this occurs as it is a transition which arguably differs for each group. For example, as the CRA moved closer to the Core from the Outer Periphery it was afforded more input from the government. The closer it got the more influence it had on policy and legislation. This is evidenced in the changing relationship between government and CRA. For example in the early years the CRA was supervised as it examined the State Report to the UN Committee on the Rights of the Child. The following Report was faxed, the third and fourth they were invited into the DCYA for a meeting with the civil servants. By 2012 at the announcement that a Referendum for children rights would be held, the CRA stood alongside the Taoiseach as he made the announcement.

It could however be argued that social partnership is State sponsored core-periphery theory in practice. Specifically groups from the Community and Voluntary pillar are given access to the 'core'; government, trade unions and business groups where they can act as 'suppliers' of information but on the terms of the government. An important question then might be, do they influence policy and legislation? According to the Meade (2005) Social Partnership appears to undermine the independence of community and voluntary groups as it is restricted within that

structure. However the CRA has described it as an important influencer in their work both in making connections with similar NGO's but also in helping to shape policy.

7.3. Early Trigger Events and the CRA

As described in Chapter Two, the 1990's was a prolific time for the development of child related policy in Ireland. During that period there were several reports published which identified the failings of the State to protect children including the Tuairim Report (1966), The Kennedy Report (1970) and the Kilkenny Incest Report (1993). This coupled with the publication of the UN Convention on the Rights of the Child (UNCRC) (1989) culminated in the opening of a national conversation about children's rights. Most notably the Kilkenny Incest Report (1993) explicitly named the Constitution as a key obstacle to the protection of children's rights. The chair of the committee, Justice McGuinness, argued that as it stood, the Constitution could be interpreted in such a way that it put the rights of the family before those of the children. The Report recommended a change in the Constitution to give explicit rights to children. Giving strength to the recommendations was the UNCRC 1989, which Ireland ratified in 1992. Its publication marked the beginning of a whole new trajectory in child related policy and legislation. By ratifying the UNCRC the Irish State was also signing up to commitments under the reporting mechanisms of the UN Committee for Children's Rights. Running parallel to these events was the formation of the CRA which, following research and negotiations between advocates for children, was officially launched in 1995.

The three Trigger Events described in Chapter Three the Kilkenny Incest Report and the ratification of the UNCRC by the Irish government and the Ryan Report (2009), created an opportunity for the CRA to use the momentum for the opening up of 'sluice gates'. The shifting discourse around children's rights created a platform from which they could launch their own children's rights agenda. According to Peters (1993) and Habermas (1996), the opening up of sluice gates creates an opportunity to influence discourse. The CRA utilised the publication of the Kilkenny Incest Report and the UNCRC (1989) as a platform to launch the CRA. In the case of Ireland, it shifted the national narrative about children and their position in society creating an appetite for discussion about how best to address issues relating to children and

their rights.

In Chapter Six, Corbett describes how from the outset the CRA wanted to be able to position itself as an NGO for children's rights in order for them to be able to write Shadow Reports to the UN, *"We were established to do that role",* (Corbett, 2015:16). Key also for the CRA was their use of experts to facilitate the writing of the Report. They enlisted the expertise of Prof. Ursula Kilkelly to write the Report. It was the beginning of a long relationship between the CRA and Kilkelly which continues today. It was the beginning of the CRA's association with experts, once which was critical in its efforts to be seen as credible by the State. On foot of their submission the CRA would automatically receive invitation to the reporting session to the UN in Geneva in 1997. The Concluding Observations of that first UN report on Ireland was extremely positive for the CRA as the committee took some of the key suggestions of the NGO and recommended Ireland adopt them. These included that Ireland undertake an information campaign about the UNCRC for both adults and children in Ireland. Even more importantly for the CRA was the recommendation that the Irish State strengthen its relationships with Irish NGO's. Following the government submission and subsequent UN committee recommendations the State committed to develop a National Children's Strategy and established an Ombudsman for Children's office. Two further huge commitments which the CRA had called for. Corbett describes an immediate shift in the relationship between the State and the CRA and recalls how on the return journey from Geneva a civil servant handed them a cheque to start the information campaign. It could be argued that this was the first indication that the CRA was moving in to the Inner Periphery. This was an early indication that the Core (government) was using the CRA as a 'supplier' of information. Corbett explains how there was a very positive feeling within the CRA abut that first Reporting process to the UN, *"there was a kind of sense of this is really successful, this is how you create change"* (Corbett; 2015:18).

Following the first Shadow Report in 1996 and the State inviting the CRA to undertake an information campaign about the UNCRC, a pattern began to emerge which illustrated the strengthening relationship between the State and the CRA. Research undertaken by the CRA

jointly with the Youth Council of Ireland, *Hearing Young Voices* (2002), which consulted children about how they would like to be heard in policy, was adopted by the government as its guidelines in how to consult with children. *Young Voices: guidelines on HOW to involve children and young people in your work*, was published in 2005. Another clear indication the CRA was becoming a 'supplier' to the State. By the time the second Shadow Report (2006) came around the CRA was no longer supervised as they viewed the government submission to the UNCRC but instead was sent the document by email. A dramatic shot in the relationship between State and CRA had occurred prior to the third and fourth combined reports were submitted in 2013. It appears to have been more of a collaborative process between the CRA and the State. The CRA was again emailed the proposed government submission but rather than sending back recommendations as was done in 2006, the CRA was invited into the Department of Children and Youth Affairs to conduct discussions with civil servants. The CRA brought 40 of its members who were experts in particular areas such as education, poverty and so on. It gave the government an opportunity to hear from experts about areas in which they may have neglected children's rights. Corbett describes the shifting relationship as being 'a huge change' from the previous position in 1996 where their role was limited to reading the government submission during they were monitored (Corbett, 2015).

The UN Committee's Concluding Observations in 2006 included a recommendation that the Irish State commit to changing the wording of the Constitution to include explicit rights of children. The Irish government responded very positively to this recommendation and announced in the same year the government's intention to hold a Children's Referendum. Then Taoiseach, Bertie Ahern, invited the CRA to attend the official announcement. A clear indication of the governments' respect for the NGO Corbett attributes the evolving relationship between State and CRA to the 'trust and credibility' built by the CRA. Arguably the positioning of the CRA within Social Partnership contributed to the growing trust between the government and the CRA. The government went a step further by inviting the CRA to consult with its members and produce a recommendation on the new wording for the referendum. Having consulted with its members and the Joint Oireachtas Committee established to propose the new wording, the CRA decided not to propose wording per say but

instead produced a paper which gave its perspective on the role of the constitution as it relates to children's rights. *The Constitution and Children: A position Paper on the proposed Referendum on Children's Rights* (2007). The committee chair Mary O'Rourke worked closely with the CRA prior to their publication and Corbett acknowledges that they were successful in influencing the proposed wording. One Foundation describes the impact of this kind of work;

> Therefore, in relation to the role of research and knowledge to advance advocacy, the lesson is that government is likely to avail of and apply findings when they address existing gaps in knowledge, are of high quality, and where there is consensus among member organizations in relation to findings. This was evidenced by the successful uptake of some of CRA's submissions around the wording for a referendum (One Foundation, 2013: 23).

This is also evident in the Report Card system in which the CRA consults directly with the State. Each year the CRA rates the government on the work they have achieved in relation to its child related services policies, and legislation commitments in the Programme for Government. The current Programme for Government includes six commitments to children and young people: Prioritising the Early Years; Providing Family Friendly Child Care; The Next Generation – Protecting and enriching our Young People and Giving Vulnerable Young People the Best Chance in Life. While the government may not always receive favourable or positive ratings, for example and E in Child Homelessness in its 2018 report card) the CRA will acknowledge the work they have achieved (for example, developing a LGBTI+ Strategy for lesbian, gay and bisexual young people).   Similar to the Shadow Report, the Report Card process has developed into an almost collegial process with the CRA making the call to the civil servants on an annual basis and arranging meetings to discuss the government's progress. Corbett describes how the CRA has established good working relationship between the government Ministers and the civil servants over the past twenty years. This has been achieved despite changing personnel and governments. The key to this continuing good relationship is the CRA's credibility and trust. This is evident in the Report card process. The process itself forced the government to respond to the CRA in those early years as the CRA was making

Statements about its progress (One Foundation, 2013). But in the intervening years the CRA has proven itself to be trustworthy in the process and identifies for the government where they have made good progress even when they didn't see it themselves. Equally, the CRA will acknowledge the government's lack of progress when there are external factors out of their control.

The trust and credibility built up between the CRA and the State has been helped by their association with independent and well-respected experts in their field of interest. Since its founding the CRA has had close links with High Court Justice, Catherine McGuinness, who chaired the Kilkenny Incest case. They also have close associations with respected law academic, Prof. Ursula Kilkelly and the government Rapporteur on Child Protection, Geoffrey Shannon. All three are members of the independent committee which grades the government through the Report Card system. The independent nature of the panel allows the CRA to work closely with the civil servants in the lead up to the Report being published, while maintaining an independent distance from the outcome. The success of the Report Card system is evident in many ways including solution driven policy proposals it offers government. It has given the CRA a platform from which they can examine government policies and hold the government accountable to its promises, but it has also been a very important means through which they have proven themselves trustworthy to the government.

The CRA successfully negotiated its way to the inner periphery giving it access to the Core through its use of research, building credibility and consensus driven discussions with government through social partnership. Key components in assisting them in achieving this were the acknowledgments of the NGO by the UN in its Concluding Observations of 1997. It signalled a shifting relationship between State and NGO which continued to emerge over the course of the following twenty years. They moved from being an outsider to being consulted and standing with government publicly on issues such as the Children's Referendum as well as being nominated by the Minister for Children, Katherine Zappone, T.D., for Chairperson of the National Advisory Council.

7.4. New Social Movements

According to New Social Movements theory, there are three components which make up a NSM: opposing actors; a 'stake' and the third relates to the 'new' aspect of social movements which relates to the 'meaning of life' in a cultural or social context. In the case of the CRA the 'stake' is concerned with children's rights and they are an 'Actor' in opposition with the State.

Examining the work of the CRA against societal shifts in ideas of childhood and children's rights brings into focus what Touraine calls 'a new type of social life' (Touraine, 2008:217). This, he argue, relates to a type of consciousness which needs to be present for social movements to emerge. Similar to the evolving consciousness described at the beginning of this thesis by Edmundson (2004), it takes shape over time as a result of discursive practices between opposing groups. Couple these ideas with Ruggiero & Montagna (2008) which suggests the conditions for social movements involve a type of societal questioning about how we live, how we want to live and how we overcome our grievances (Ruggiero & Montagna, 2008). It is this very nature of grievance or 'stake' which is what Habermas suggests is 'new' about social movements. No longer are we only concerned with equal distribution of resources but rather the meaning of life. It is from this position of evolving conscious and grievances that new social movements evolve.

Drakeford (1997) suggests that social movements arise at a time of 'social dislocation' when times of distress occur as a consequence of actions or circumstance. It is a shifting in consciousness as described in the Findings Chapter 6, which explains how 'Trigger Events' such as the UNCRC 1989, The Kilkenny Incest Report (1993) and the publication of the Ryan Report (2009), all contributed to an evolving paradigm in how children and their rights were viewed. The CRA built on this shifting narrative and challenged government and State in how it addressed issues relating to children in policy and legislation.

The CRA worked in opposition with the State and utilised research, budding creditably and achieving consensus as a means of creating an equal Ireland for children and in so doing may be considered a new social movement.

7.5. Conclusion

What the research shows clearly is that it is possible for an NGO, in the case of the CRA, to move from the outer periphery to the inner periphery and from this position influence power at the core. They achieved this by positioning themselves as experts in the area of children's rights. By creating an atmosphere of consensus built on trust, the CRA created a movement of children's rights in Ireland which ultimately led to the passing of the Children referendum in 2012. However, it must be noted that the development of the CRA and a movement towards children's rights did not occur overnight. It came on foot of many reports and publications detailing failings of the Irish State and children in its care or the care of their families dating back to the 1960's. The State's failure to act in certain cases such as the Kilkenny Incest case put a spotlight on the Irish constitution and the role it played in a failed system of child protection. Other events such as, the ratification of the UNCRC and the publication of the Ryan Report (2009), contributed to an atmosphere where there now existed a political will to make changes to make children's rights real for all children. Following the UN Children's Rights committee reporting in 2006, it became clear that a change in the constitution was the only guarantee the State could give in supporting children. In short, the State needed to act and the CRA was there to become a 'supplier' or expert. A key discussion point then is using the mechanism of change as described in Habermas theories, why is it not possible for other advocacy groups, NGO's or social movements to create change? If the CRA can move to the core of political power can others in a similar position? While the evidence shows the CRA did move to the core using consensus, research and other credibility building exercises, this coincided with a growing willingness by the State to allow them into that position. Arguably, without the agreement of the State, NGO's and other groups remain outside. In short, there needs to be consensus among the State and the NGO but there also needs to be a meeting of minds, a shared ideology. As Corbett suggested, *"nobody is against child protection"*.

Despite the growing desire to place children in positions of participation and social actors, challenges continue to prevail and questions continue to emerge such as, who decides best interest? What is authentic participation? Arguably, with all aspects of children's lives the child experience runs in tandem with the adult world and therefore

it is a challenge to see the separation of the two. Similarly, when examining children and their self-advocacy there appears to be two types; 'soft' self-advocacy and 'hard' self-advocacy. The 'soft' self-advocacy is derived through the adult experience and structures of what they deem as child self-advocacy. This is evidenced in research where child participation is facilitated through simulating adult structures of power (Horgan et al (2015). Examples include Dáil Na Nog (Youth Parliament) and Comhairle Na nÓg (local youth councils). 'Hard' advocacy appears in more organic settings from children's own responses and actions on issues affecting them. A clear example would be the gun protests in the United States. This kind of self-advocacy was independent of adult structures or facilitation. The challenge for children is when engaging in 'hard' self-advocacy they have limited support from adults, who hold the institutional power which leads to change. However, as described by Wyness (2012) balancing the interdependence between both may be key to the success of child participation.

8. Chapter Eight

8. Conclusion

8.1. Summary

This thesis had three main aims and objectives. The first was to examine if children's rights advocacy, in the form of the CRA, can be considered a NSM. Secondly, it was to interrogate, using communicative rationality and core periphery theories, how the CRA contributed to a changed landscape of children's rights in Ireland as well as child based policy and legislation.

This thesis is laid out in eight chapters. Chapters two and three are literature reviews of Childhood and Advocacy. These chapters offer a context to the thesis as they show key developments in Ireland in these spheres. It is essential to contextualise Childhood and Advocacy first from a historical perspective and later outline the developments in these areas as they played an important role in forming and informing policy and legislation. The theoretical framework describes the relevance of Habermas and Peters work on Communicative Rationality and Core-Periphery theories as it applies to this thesis. The thesis holds that utilising structures of Communicative Rationality and Core Periphery theories, the CRA successfully moved from a position of no power (outer periphery) to one of influence (inner periphery) where it influenced child related policy and legislation. Further, in so doing showed itself as possessing all the characteristics of a New Social Movement. The Methodology Chapter outlines the methods adopted for this thesis. Using qualitative methods, it describes the relevance of undertaking an elite interview for the research. The Findings Chapter details the elite interview as well as secondary desk based research. The Findings and the Theoretical Framework are brought together and interrogated in the Discussion of Findings chapter. Finally the thesis ends with a conclusion chapter. This chapter offers an overview of the thesis and its relevance to the social sciences and concludes by describing the limitations of the research and recommendations for future research.

The CRA was established in 1995 as an umbrella group for children's rights advocacy with 11 members. Within a few years the membership mushroomed to over 60 and the CRA had spearheaded significant changes in policy and legislation in Ireland. Membership now stands

at 110[13]. In an attempt to understand how these changes may have occurred, core-periphery theory, first developed by Peters' (1993) offered possible insights into how an organisation can move from near obscurity to one of the biggest influencers on policy and legation in the history of children's rights advocacy in Ireland. Core-periphery theory offered a way in which to interrogate the rise and success of the CRA. In the context of this research it is Habermas' use of Core-periphery theory, which he adopted into his Communicative Rationality theory (1996), will be used to understand the changing relationship between the State and the NGO.

Habermas' original theory of Communicative Rationality suggests society is made of two types of worlds. The System is where organised power and institutional structures exist such as the State, the government, judiciary and the markets. The Lifeworld he argues is the rest of society. It is where all things social and cultural exist, or 'the meanings of life'. Each world has a different motivation and communicates accordingly. The difficulty, as Habermas original theory suggested is that, the Lifeworld has no way of impacting the System as it is here where all power, legislative and judicial, is held. He did however suggest the System has the ability to impact the Lifeworld by hijacking discourse. Since adopting Peters' Core-Periphery theory Habermas revised his Communicative Rationality theory to include core-periphery which he argues offers a method by which the Lifeworld can impact the System. In short, Communicative Rationality suggests that those who occupy the Lifeworld are motivated to understand one another. As opposed to the System, which is influenced by money and markets. Communicative Rationality offers an understanding as to how this type of motivation to works. Habermas suggests those who occupy the Lifeworld will try to reach consensus in order to achieve understanding. It is this desire to achieve consensus which places opposing groups in consultation with one another.

The author chose to take a qualitative approach to the research using both secondary desk based research and an elite interview with the CRA. Having examined documents and publications from the CRA and other sources, including One Foundation and Atlantic Philanthropies, it was

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[13]   Full list of membership in Appendix 1.

clear the organisation had a clear strategy of undertaking professional research and associating with high profile names in Irish academic and judicial spheres. It was evident from the research that the CRA was successful in many of its campaigns; whether this was the establishment of an Ombudsman for Children's Office or the holding of a referendum for children's rights, the CRA secured commitments and explicit changes in policy and legislation. What the secondary research didn't identify is how they achieved these goals. For this the researcher undertook an elite interview. An elite interview is one which targets an expert on the subject matter being researched. The individual has access to information few would have access to and are directly linked to the organisation or topic being researched. The interview is usually preceded with a series of interactions including a list of questions being sent to the interviewee in advance. An elite interview can be quite lengthy and therefore are usually recorded for clarification purposes (Zuckerman 1972; Sturges and Hanrahan, 2004; Harvey 2011). The interview was undertaken with Maria Corbett, Policy and Legal Advisor to the CRA. Although she wasn't part of the CRA at the very beginning, she joined in 2001 and remained an integral part of the team for 15 years. She was chosen as interviewee because of the overview he could provide for her breadth of involvement with the CRA. Occupying central roles during her time with the CRA, for her years of service in the central roles she played during her time with the CRA. Corbett was involved in three of the four submissions to the UN Committee for Children Rights and played a leading role in producing the annual Report Card. She was also part of the team which developed the Better Outcome: Brighter Future: the National Framework for Children and Young People (2014) and the Ryan Report Implementation Plan (2011).

8.2. Conclusions of research

The research identified two main findings: firstly the CRA did influence government and State in how it addressed issues relating to children in Ireland. Since its initial founding in 1995, the CRA's influence over government can be seen through legislation and policy developments including the children's' referendum, National Children's Framework, dedicated Department for Children and Young people (DCYA) with full Ministership and the establishment of the Ombudsman for Children. These explicit developments were a great success for the CRA and its members, but there were also more subtle areas in which it was possible to see how the

government respected the work of the CRA. This is evident when considering the first Shadow Report (1997) the CRA was supervised as it viewed the government's submission, to the 2016 submission when the Department of Children and Youth Affairs (DCYA) invited the CRA and 40 of its members to come and present their ideas to them. It was an unprecedented opportunity for the CRA and its membership to have direct access to the government. There are many other occasions during the history of the CRA where its 'suppler' status was clear. The first is following the UN Committee Reporting process when the CRA, based on their recommendations to the Committee, were invited by the State to undertake an information campaign on the UNCRC. Another significant event was when the State adopted research undertaken by the CRA which offered guidelines from children on how best they would like to be engaged with. In policy terms the State took on board the CRA's recommendations made by the CRA and incorporated them as the Brighter Future: Better Outcomes; National Framework for Children and young People (2014). Arguably, one of the most recent developments in CRA history which indicated the respect the State has for the NGO came when it appointed its CEO, Tanya Ward as Chairperson of the National Advisory Council and has other members of the CRA on its Board. The Advisory Council works alongside government as part of the National Children Policy Framework; Better outcomes Brighter Future. The main aim of the Council is to bring together its membership of experience and expertise to advise and support government in its goal as set out in the Better Outcomes, Brighter Futures strategy. A clear indication the CRA moved from, the outer periphery, where it has little influence, to the inner periphery where it became a 'supplier' to the State.

The second significant finding shows how the CRA can be identified as a NSM. It has many of the traits associated with NSM theory. For example, Social movement's theory argues that in order for something to be a social movement there needs to be present three elements: firstly there needs to be two opposing groups and a 'stake' and thirdly the stake needs to be concerned with the 'meaning of life'. The stake is what the opposing groups are arguing about; in this case, children's rights and the opposing groups would be the CRA and the State. What makes the movement 'new' is that the stake relates to issues of culture and social rather than equal distribution. It could be suggested that as the CRA continued to work with the State on many

child related issues that they are no longer in opposition and therefore do not challenge the State and government. As described in the Findings chapter and further discussed in the Discussion of Findings chapter, this is not the case. The CRA works with the State in a collaborative manner on all issues relating to children but they continue to challenge the government and its track record. This is seen in both the Report Card system and the Shadow Reporting in which they continue to challenge the government on their record relating to child homelessness and refugee children living in Direct Provision.

8.3. Why is the research important?

The research is important as for the first time it sheds light, through the use of core-periphery theory, on how NGO's and other interest groups could gain closer access to the Core and therefore influence policy and legislation. The 'Sluice Gates' aspect of Core-Periphery theory has been tested in relation to the storage of blood samples in the UK but this was limited to an examination of the impact on public discourse the opening up of Sluice gates can have on public information and perception.(Downey et al, 2012). This research however is the first time the theory has been tested in relation to the activities in an NGO in Ireland. It highlights how through the use of professional advocacy, research and associations with key respected academic and political figures, it is possible for a relatively unknown NGO through incremental change to become a 'supplier' to the State on issues relating to children's rights. The consequences for other NGO's are far reaching.

This research offers a template from which all NGO's can work towards achieving their goals. Previously believed to be an impenetrable sphere, the System as described by Habermas, can be influenced by those on the margins of power. It is possible, as seen through the work of the CRA, to create a model for interaction with the State which acts as both a method for engagement but also a tool for change.

8.4. Recommendations for future research

As described in the Discussion of Findings Chapter, when it was decided to undertake an interview with the CRA, they were seen as holding key pieces of information in relation to

their relationship with the State. While the interview garnered critical information about this, the author believes an interview with the State could offer further insight from the State's perspective of that growing and evolving relationship. It would be very revealing to see when mapped against the CRA's experience, what the State experience at this time was and to document their views of the CRA and its role.

There is currently a dearth of research in the area of Communicative Rationality and Core-Periphery theory. The evidence which suggests the potential for this theory to be utilised in an applied way is compelling. The theories are multifaceted which could allow for specific aspects to be researched independently. Individual components of the theory could be examined through further research. into consensus approach to their work to help further their cause Other NGO's and interest groups It would also be important to undertake further research in other areas of political, social and cultural life to examine where this theory may be beneficial in those areas.

8.5. Conclusion

Throughout the process of researching and writing this thesis, there were indications that societal attitudes to children were evolving and changing. The first clear indication of this was in the publication of the UNCRC (1989). While there were many reports published between the 1960's and 1990's which questioned how Ireland addressed issues relating to children, the UNCRC enshrined in a single document a global intention to acknowledge and enshrine in legislation, children's rights. In signing up to this Convention in 1990, the Irish government put in motion a process by which it had to adhere to under UN regulation. In short, there now seemed to be a political will at the very least from the government to progress children's rights issues.

This research has identified through the use of Communicative Rationality and Core-periphery how the CRA positioned itself at the inner periphery to the core and in so doing became a 'supplier' of information to the government and State. The consequences for children's rights are clear; children now have rights enshrined in the Irish Constitution. More than this, there is a continued effort on the part of the CRA to act as a monitor to the government in its

commitments to children. With this in mind however, a discussion point emerges which questions the role of political will in the process. It is clear that by signing up to the UNCRC the government was acknowledging its intention to honour the rights issue and while it may have been addressed in the long term, what we now know that the CRA pushed the agenda forward until it left the State with no alternative but to address the rights issue head on.

Bibliography

Aberbach, J., & Rockman, B. (2002). Conducting and Coding Elite Interviews. PS: Political Science & Politics, 35(4), pp. 673-676.

Ambert, A. M. (1986) 'Sociology of Sociology: The Place of Children in North American Sociology'. In: Adler, P. and Adler, P. eds. *Sociological Studies of Child Development*. Vol. 1. Jai Press. pp. 11-31.

Aries, P. (1973) *Centuries of Childhood.* Middlesex: Penguin Books.

Axford, N. and Morpeth, L. (2013) Evidence-based programs in children's services: A critical appraisal. *Children and Youth Services Review*, 35 (2), pp. 268-277.

Bagguley, P. (1992) 'Social Change, the Middle Classes and the Emergence of New Social Movements'. *Sociology Review* 40: 26-48.

Bailey, R. (2011) *Letting Children be Children: Report of an Independent Review of the Commercialisation and Sexualisation of Childhood.* London: Department of Education

Barker, S. (2010) 'Education and Equality: African American Teacher and the Civil Rights Movement, 1940-1963'. In: NAAAS & Affiliates *Conference Monographs*, pp. 1025-1040.

Barnardos (2018) *History of Barnardos.* Available at: https://www.barnardos.ie/about-us/history-of-barnardos [Accessed: 09 May 2015]

BBC (2013) *Arab uprising: Country by country - Tunisia.* Available at: http://www.bbc.com/news/world-12482315   [Accessed: 14 December 2016]

Beck, U. (1996). 'Risk society and the provident state'. In: Lash, S., Szerszynski, B. and Wynne, B. eds. *Risk, environment and modernity: Towards a new ecology.* London: SAGE, pp. 27–43.

Berry, J.M. (2002) 'Validity and reliability in elite interviewing'. *PS: Political Science and Politics* 35(4): pp. 679–682.

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Basit, T. (2003) 'Manual or electronic? The role of coding in qualitative data analysis,' *Educational Research*, 45:2, 143-154,

Bloor, M., Frankland, J., Thomas, M. & Robson, K. (2001). *Focus Groups in Social Research***.** London: Sage

Bossard, J. H. (1948) *The Sociology of Child Development.* New York: Harper & Brothers.

Boylan, J. & Dalrymple, J.   (2011) 'Advocacy, Social Justice and Children's Rights'. *Journal of Practice and Social Work in Action*, 23(1)   pp19-30

Boylan, J. and Dalrymple, J. (2009). *Understanding Advocacy for Children and Young People.* England: Open University Press.

Bryman, A. (2008) *Social research methods*. 3rd Edition, Oxford University Press., New York

Buckingham, D. (2011) *The Material Child: Growing up in a Consumer Culture.* Cambridge: Polity.

Buckley, S. A. (2015) 'Saver of the Children: National Society for the Prevention of Cruelty to Children in Ireland, 1889-1921'. In: Geary, L. M. and Walsh, O. eds. *Philanthropy in Nineteenth Century Ireland.* Dublin: Four Courts Press.

Buechler, S. (1995) 'New Social Movement Theories'. *The Sociological Quarterly*, 36, pp. 441 - 464.

Burklin, W.P. (1984) *Green Politics.* Opladen: Westdeutscher Verlag.

Burns, K. and Lynch, D. (Ed.). (2014) *Children's rights and child protection: Critical times, critical issues in Ireland.* New York: Manchester University Press.

Byrne, A, Canavan, J. & Millar, M. (2009) 'Participatory Research and the Voice-Centred Relational Method of Data Analysis: Is It Worth It?' *International Journal of Social*

Research Methodology 12(1):pp. 67-77

Calhoun C. (1993) 'What's new about new social movements? The early 19th century reconsidered'. *Society Science History*, 17, pp. 385-427

Calhoun, C. (1995) 'New social movements of the early nineteenth century'. In: Traugott, M. ed. *Repertoires and Cycles of Contention.* Durham, NC: Drake University Press. pp. 173-216.

Canavan, J. & Miller, M. (2009) 'Participatory Research and the Voice-Centred Relational Method of Data Analysis: Is It Worth It?' *International Journal of Social Research Methodology,* 12(1) pp. 67-77 ·

Cascardi, M., Brown, B., Shpiegel, S., and Alvarez, A. (2015) *Where Have We Been and Where Are We Going? A Conceptual Framework for Child Advocacy.* Child Advocacy and Policy. *Sage Open. 5* (1). pp. 1-10.

Castells, M. (2015) *Networks of Outrage and Hope.* Cambridge: Polity Press.

Chafe, W.H. (1981). *Civilities and civil rights: Greensboro, North Carolina and the black struggle for civil rights.* New York, NY: Oxford University Press.

Chambers, D. (2012) *A Sociology of Family Life*. Cambridge, Polity Press.

Chartier, R. (1991) *The cultural origins of the French Revolution.* London.

Child Law Clinic (2015) *Case Study: The 'Children's Referendum' 2012* https://www.ucc.ie/en/media/academic/law/childlawclinic/ChildrensReferendumBriefingNoteFinal8DecemberPDF.pdf   [Accessed on 4 October 2018]

Children and Young People Commissioner (2018) *Our Journey 2017-2018*. Available at:

https://www.cypcs.org.uk/news/in-the-news/our-annual-report-for-2017-18-covers-our-offices-journey   [Accessed: 5 March 2019]

Children and Young People Commissioner (2018) *Strategic Plan 2018-2020*. Available at:

https://www.cypcs.org.uk/about/plan [Accessed 26 February 2019]

Children Now (2018) *About Us*, *On a Mission to Give Kids Power.* Available at:
https://www.childrennow.org/about-us/ [Accessed: 13 June 2018]

Children's Rights Alliance (1997) Small Voices: Vital Rights Submission to the United
Nations Committee on the Rights of the Child. Available at:
https://www.childrensrights.ie/sites/default/files/submissions_reports/files/ShadowReportSm
allVoices97_0.pdf [Accessed on 4 October 2018]

Children's Rights Alliance (2001) *Meeting Children's Needs, Safeguarding Children's
Rights.* Available at:
https://www.childrensrights.ie/sites/default/files/press_materials/files/161-
MeetingChildrensNeeds01_0.pdf   [Accessed 31 August 2018]

Children's Rights Alliance (2003) The Case against the Citizenship Referendum from the
Standpoint of the Rights and Well-being of Children. Available at:
https://www.childrensrights.ie/sites/default/files/submissions_reports/files/116-
CaseAgainstCitizenRef_0.pdf [Accessed on 6 September 2018]

Children's Rights Alliance, (2006) *Second Shadow Report to the United Nations Committee
on the Rights of the Child*. Available at:
https://www.childrensrights.ie/sites/default/files/submissions_reports/files/ShadowRepRhetor
ictoRights2006_0.pdf [Accessed 4 October 2018]

Children's Rights Alliance, (2007) *Children's Rights Alliance Consultation Calls for
Constitutional Change*. Available at:
https://www.childrensrights.ie/sites/default/files/press_materials/files/PressReleasePositionPa
per090107_0.pdf   [Accessed 1 October 2018]

Children's Rights Alliance (2007) *Children's Rights Alliance Welcomes Publication of Bill
for Children's referendum.* Available at:
https://www.childrensrights.ie/sites/default/files/press_materials/files/ChildRefBill19Feb200

7_0.pdf [Accessed: 17 August 2017]

Children's Rights Alliance, (2010) *Saving Childhood Ryan: Fighting for children together*. Dublin: CRA.

Children's Rights Alliance (2011) History of the Children's Rights Alliance. Available at: https://www.childrensrights.ie/sites/default/files/information_sheets/files/AllianceInfoHistory Nov2011.pdf [Accessed 4 October 2018]

Children's Rights Alliance (2011) *Children's Rights Alliance Report Card.* Available at: https://www.childrensrights.ie/sites/default/files/submissions_reports/files/Report%20Card% 202011_0.pdf [Accessed on 1 October 2018]

Children's Rights Alliance (2012) *Children's Referendum: Campaign Toolkit for Members.* Available at:
https://www.childrensrights.ie/sites/default/files/submissions_reports/files/CampaignToolkit ChildrenReferendum1012.pdf [Accessed on 1 October 2018]

Children's Rights Alliance (2012) *Recognizing Children's Rights in the Constitution: The Thirty-First Amendment to the Constitution (Children).* Available at: https://www.childrensrights.ie/sites/default/files/submissions_reports/files/AnalysisChildren Amendment1012.pdf [Accessed on 1 October 2018]

Children's Rights Alliance (2012) *Summary of Referendum Campaign Activities*. Available at:
https://www.childrensrights.ie/sites/default/files/information_sheets/files/Summary%20of%2 0Referendum%20Campaign%20Activities.pdf [Accessed 1 October 2018]

Children's Rights Alliance (2011) *Children's Rights Alliance Press Statement by Senator Jillian van Turnhout*. Available at: https://www.childrensrights.ie/resources/response-second-ryan-progress-report   [Accessed: 17 August 2017]

Children's' Rights Alliance (2011) *History of the Children's Rights Alliance.* Available at:

https://www.childrensrights.ie/sites/default/files/information_sheets/files/AllianceInfoHistory Nov2011.pdf [Accessed: 11 May 2018]

Children's Rights Alliance (2013) *Report Card 2013 Is Government keeping its promises to children?* Available at: https://www.childrensrights.ie/sites/default/files/submissions_reports/files/ReportCard2013.pdf [Accessed 2 August 2017]

Children's Rights Alliance (2014) *Report Card 2014 Is Government keeping its promises to children?* Available at: https://www.childrensrights.ie/sites/default/files/submissions_reports/files/REPORTCARD2014_0.pdf [Accessed 2 August 2017]

Children's Rights Alliance (2015) Are We There Yet? Parallel Report to Ireland's Third and Fourth Combined Report under the UN Convention on the Rights of the Child. Available at: https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRL/INT_CRC_NGO_IRL_22551_E.pdf [Accessed on 4 October 2018]

Children's Rights Alliance (2016) *First Child Summit Brings International Children's Rights Home to Irish Soil* Available at: https://childrensrights.ie/resources/first-child-summit-brings-international [Accessed 2 October 2018]

Children's Rights Alliance (2016) *Children's Rights Alliance: Scourge of Child Homelessness Can End.* Available at: https://www.childrensrights.ie/resources/scourge-child-homelessness-can-end [Accessed 2 October 2018]

Children's Rights Alliance (2018) *With danger just a click away, we must act now to protect our children.* Available at: <http://childrensrights.ie/resources/danger-just-click-away-we-must-act-now [Accessed: 13 June 2018]

Children's Rights Alliance (2017) Annual Report. Available at: https://www.childrensrights.ie/sites/default/files/submissions_reports/files/Annual%20Directors%20Report%202017.pdf [Accessed 2 August 2018]

Children's Rights Alliance (2018).   Current Projects. Available at:
https://www.childrensrights.ie/content/current-projects   [Accessed: 05 June 2018]

Cleary, A., Nic Ghiolla Phádraig, M. and Quin, S. (Eds) (2001) *Understanding Children, 1, State, Education and Economy*. Cork: Oak Tree Press.

Cohen, A. (2007) 'Childhood Between Past and Present'. In: Cohen A. and Rutter J. B. eds. *Constructions of Childhood in Ancient Greece and Italy.* Athens: American School for Classical Studies.

Cohen, J. L. (1995) 'Critical Social Theory and Feminist Critiques: The Debate with Jürgen Habermas'. In: Meehan, J. ed. *Feminists Read Habermas: Gendering the Subject of Discourse.* London: Routledge.

Corbett, M. (2015) Interview with the Children's Rights Alliance. Interviewed by Andre Kenneally

Considine, M. and Dukelow, F. (2009) *Irish Social Policy: A Critical Introduction.* Dublin: Gill & Macmillan.

Conti, J. A.   and O'Neil, M. (2007). 'Studying Power: Qualitative Methods and the Global Elite'. *Qualitative Research - QUAL RES*, 7, pp. 63-82.

Cooke, M. (1994) *Language and Reason: A Study of Habermas's Pragmatics.* Cambridge: MIT Press.

Corsaro, W. A. (1997). *Sociology for a new century. The sociology of childhood.* California: Pine Forge Press/Sage Publications.

Cotgrove, S. and Duff, A. (1981) 'Environmentalism, values, and social change'. *British Journal of Sociology,* 32, pp. 92-110.

Creswell, J. W. (2013) *Research Design (International Student Edition): Qualitative, Quantitative, and Mixed Methods Approaches.* London: Sage

Cunningham, H. (2000) 'The decline of child labour: labour markets and family economies in Europe and North America since 1830'. *The Economic History Review New Series*, 53(3), pp. 409-428.

Cussan (1936) *The Commission to Inquiry into the Reformatory and Industrial Schools System 1934-1936.* Dublin: Stationary Office.

D'Anieri, P., Ernst C. and Kier, E. (1990) 'New Social Movements in historical perspective'. *Comp. Polity*, 22, pp. 445-58.

Dáil Debate 11th (May 1937). Available at:
https://www.oireachtas.ie/en/debates/debate/dail/1937-05-11/29/?highlight%5B0%5D=women&highlight%5B1%5D=constitution&highlight%5B2%5D=women&highlight%5B3%5D=children&highlight%5B4%5D=women&highlight%5B5%5D=children&highlight%5B6%5D=constitution&highlight%5B7%5D=women   [Accessed 17 September 2018]

Dáil Debate 5th (April 2000). Available at:
https://www.oireachtas.ie/en/debates/debate/dail/2000-04-05/15/?highlight%5B0%5D=rights&highlight%5B1%5D=alliance&highlight%5B2%5D=rights&highlight%5B3%5D=alliance&highlight%5B4%5D=rights&highlight%5B5%5D=alliance&highlight%5B6%5D=rights&highlight%5B7%5D=children&highlight%5B8%5D=children&highlight%5B9%5D=rights [Accessed on 17 September 2018]

Dáil Debate 24th (April 2002) Available at:
https://www.oireachtas.ie/en/debates/debate/dail/2002-04-24/4/?highlight%5B0%5D=rights&highlight%5B1%5D=alliance&highlight%5B2%5D=rights&highlight%5B3%5D=children&highlight%5B4%5D=rights&highlight%5B5%5D=alliance&highlight%5B6%5D=rights&highlight%5B7%5D=children&highlight%5B8%5D=children&highlight%5B9%5D=rights&highlight%5B10%5D=alliance [Accessed 17 September 2018]

Dalrymple, J. and Oliver, C. M. (Eds.). (2008) *Developing Advocacy for Children and Young People.* London: Jessica Kingsley Publishers.

Daniel, U. (2002) *How Bourgeois was the Public Sphere of the Eighteenth Century? Or: Why it is Important to Historicize Strukturwandel der Öffentlichkeit?, Das Achtzehnte Jahrhundert: Zeitschrift der Deutschen Gesellschaft für die Erforschung des achtzehnten Jahrhunderts*, 26, pp. 9–17.

De Mause, L. (1976) *The History of Childhood: the evolution of parent-child relationships as a factor in history.* London: Souvenir Press.

Denscombe, M. (2002) *Ground Rules for Good Research: a 10 point guide for social research.* Buckingham: Open University Press

Denscombe, M. (2010) *The Good Research Guide For small-scale social research projects* (4th Edition). Berkshire: Open University Press.

Department of An Taoiseach (2006) Towards 2016: Ten-Year Framework Social Partnership Agreement 2006-2015. Available at: *https://www.taoiseach.gov.ie/attached_files/Pdf%20files/Towards2016PartnershipAgreement.pdf* [Accessed 2 August 2018]

Department of Children and Youth Affairs (2014) *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020.* Dublin: Stationary Office.

Department of Children and Youth Affairs (2018) *Minister Zappone appoints Ms. Tanya Ward, Chief Executive of the Children's Rights Alliance, as Chairperson to the National Advisory Council.* Available at: https://www.dcya.gov.ie/docs/10.04.2018_Minister_Zappone_appoints_Ms._Tanya_Ward_Chief_Ex/4650.htm   [Accessed: 05 June 2018]

Department of Children and Youth Affairs. (2001) *Youth Homeless Strategy*. Dublin:

Stationary Office.

Department of Children and Youth Affairs. *The Referendum Relating to Children.* Available
at:

https://www.dcya.gov.ie/viewdoc.asp?fn=/documents/child_welfare_protection/childrensrefe
rendum.htm   [Accessed 14 June 2018]

Department of Children and Youth's Affairs (2012) *Ryan Report Implementation Plan Third
Progress Report*. Available at:

https://www.dcya.gov.ie/documents/publications/RyanThirdProgressReport.pdf [Accessed:
05 June 2018]

Department of Housing and Local Government (2016) *Rebuilding Ireland: Action Plan for
Housing and Homelessness.* Available at:

http://rebuildingireland.ie/Rebuilding%20Ireland_Action%20Plan.pdf [Accessed 2 October
2018]

Dexter, L.A. (2006) *Elite and Specialised Interviewing*, ECRP Press.

Dingwall, R. (1989), 'Some problems about predicting child abuse and neglect' In:
Stevenson, O. ed. *Child Abuse: Public Policy and Professional Practice,* Brighton:
Wheatsheaf.

Donnelly-Cox, G. and Jaffro, G. (1999) *The Voluntary Sector in the Irish Republic: Into the
Twenty First Century*. Coleraine: Centre for Voluntary Action Studies

Donnelly, S. & Inglis, T. (2010) The Media and the Catholic Church in Ireland: Reporting
Clerical Child Sex Abuse, *Journal of Contemporary Religion*, 25(1) pp. 1-19

Donzelot, J. (1980) *The Policing of Families.* London: Hutchinson.

Downey, J., Stephens, M. and Flaherty, J., 2012. 'The `sluice-gate' public sphere and the
national DNA database in the UK. Media', *Culture and Society*, 34 (4), pp. 439 - 456.

Drakeford, M. (1997) 'Poverty and Privatisation'. *Critical Social Policy*, 17(2), pp. 115 - 132.

Edinburgh Children's Partnership, (2017) *A model of engagement with young people and planners in the development of children's services plans.* Edinburgh: The Edinburgh Partnership.

Edwards, G. (2009) 'Habermas and Social Movement Theory'. *Sociology Compass.* 3(3), pp. 381-393.

Edwards, G. (2014) *Social Movements and Protest.* Cambridge: Cambridge University Press.

Edmundson, W. A. (2004) *An Introduction to Rights*. Cambridge: Cambridge University Press.

Fagan, S. (2009) 'The Abuse and our Bad Theology', in T. Flannery (Ed), *Responding to the Ryan Report.* Dublin: Columbia Press.

Ferguson, H. (1996) 'Protecting Irish children in time: child abuse as a social problem and the development of the child protection system in the Republic of Ireland'. In: Ferguson, H. and McNamara, T. eds. *Protecting Irish children: Investigation, Protection and Welfare.* Dublin: Institute of Public Awareness.

Ferguson, H. (2007) 'Abused and Looked After Children as 'Moral Dirt': Child Abuse and Institutional Care in Historical Perspective'. *Journal of Social Policy,* 36(1), pp123-139.

Ferguson, H., Gilligan, R., and Torode, R. (Eds.). (1993) *Surviving Childhood Adversity: Issues for Policy and Practice.* Dublin: Social Studies Press.

Ferriter, D. (2009) *Occasions of Sin: Sex and Society in Modern Ireland*. London: Profile Books.

Flannery, T. (Ed) (2009) *Responding to the Ryan Report.* Dublin: Columbia Press.

Flick, U. (2002) *An Introduction to Qualitative Research (2ⁿᵈ edition)*. London: Sage.

Flynn, E. (2010) 'A socio-legal analysis of advocacy for people with disabilities - competing concepts of 'best interest' and empowerment in legislation and policy on statutory advocacy services'. *Journal of Social Work & Family Law*, 32(1), pp. 23-36.

Flynn, E. (2012) Advocacy services for people with disabilities: A comparative study of disability rights enforcement in Ireland and Victoria. Unpublished PhD thesis.

Gadda, A. M., Harris, J., Millership, E. and Tisdall, K. M. (2019) ''Making children's rights real'': lessons from policy networks and Contribution Analysis in *The International Journal of Human Rights*. DOI:10.1080/13642987.2018.1558988

Gelvin, J. (2012) *The Arab Uprising: What Everyone Needs to Know*. New York: Oxford Press.

Geoghegan, M. and Powell, F. (2006) 'Governance and Social Partnership'. In: Fanning, B. and Rush, M. eds. *Care and Social Change in the Irish Welfare Economy*. Dublin: UCD Press.

Gestrich, A.   (2006) 'The public sphere and the Habermas debate'. *German History*, 24(3), pp.413-430.

Giddens, A. (1984) *The Constitution of Society: Outline of the Theory of Structuration.* Cambridge: Polity.

Giddens, A. (1992) *The Transformations of Intimacy.* Cambridge: Polity.

Giddens, A. (2000) Runaway World: *How Globalization is shaping our lives.* New York: Routledge.

Giddens, A. (2001) *The Third Way.* Cambridge: Polity.

Gittins, D. (1998) *The Child in Question*. London: Palgrave Macmillan.

Government of Ireland (1999) *Children First: National Guidance for the Protection and*

Welfare of Children Available at:

https://www.dcya.gov.ie/documents/publications/Children_First_A4.pdf   [Accessed: 2 October 2018]

Government of Ireland (2000) *The National Children's Strategy: Our Children, Their Lives.* Dublin: Stationery Office.

Government Publications (1937) *Bunreacht Na hÉireann.* Dublin: Stationary Office.

Griffin, P., S. Addie, B. Adams and K. Firestone. (2011). *Trying Juveniles As Adults: An Analysis of State Transfer Laws and Reporting.* Washington, DC: U.S. Department of Justice.

Habermas (1984), *Theory of Communicative Action*, Vol. 1, pp. 183.

Habermas, J. (1962) *The Structural Transformation of the Public Sphere.* Cambridge: MIT Press.

Habermas, J. (1971) Knowledge and Human Interests, trans. Jeremy J. Shapiro. London: Heinemann.

Habermas, J. (1971) Toward a Rational Society, trans. Jeremy J. Shapiro. London: Heinemann.

Habermas, J. (1981) New Social Movements. Telos.

Habermas, J. (1986) In: Dews, P. ed. *Autonomy and Solidarity: Interviews with Jürgen Habermas.* London: Verso.

Habermas, J. (1989) *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society.* Trans. T. Burger. Cambridge: Polity Press.

Habermas, J. (1991) *The Structural Transformation of the Public Sphere.* Cambridge: MIT Press.

Habermas, J. (1992a) 'Further Reflections on the Public Sphere' In: Calhoun, C. (1992)

(Ed.). *Habermas and the Public Sphere*. Cambridge: MIT Press.

Habermas, J. (1996) *Between facts and norms*, trans. Rehg, W. Oxford: Polity, pp. 274-328.

Habermas, J. (2006) *Time of Transitions*. Cambridge: Polity

Haglund, K. (2004) 'Conducting life history research with adolescents'. *Qualitative Health Research,* 14(9), pp. 1309-19.

Hall, G. W., Clark, G. C. and Creedon, M. A. (1987) *Advocacy in America: Case Studies in Social Change.* Lanham, M.D.: University Press of America.

Hall, J. (2005) 'The Long Civil Rights Movement and the Political Uses of the Past'. *The Journal of American History,* 91 (4), pp. 1233-1263.

Hartley, M. T. (2012). Disability rights community. In: Maki, D. and Tarvydas, V. Eds. *The professional practice of rehabilitation counselling*. New York, NY: Springer, pp. 147-164.

Harvey, W. S. (2011). 'Strategies for Conducting elite interviews'. *Qualitative Research*, 11, pp. 431-441.

Hayes, N. (2002) *Children's Right – Whose Right? A Review of Child Policy Development in Ireland.* Studies in Public Policy 9. Dublin: The Policy Institute, Trinity College.

Healey, M., & Rawlinson, M. (1993). 'Interviewing business owners and managers: A review of methods and techniques'. *Geoforum, 24*, pp. 339-355.

Henry, A. with Curry, C. (2000). *Aaron Henry: The fire ever burning.* Jackson, MI: University of Mississippi Press.

Herbert, M. D. (1989) *Standing up for Kids: Case Advocacy for Children and Youth, Strategies and Techniques.* Alberta: Office of the Children's Advocate.

Hill, S. (2013) *Digital Revolutions: Activism in the Internet Age.* Oxford: New Internationalist \publications.

History.com (2018) *Civil Rights Act of 1964* Available at:
https://www.history.com/topics/black-history/civil-rights-act [Accessed: 23 April 2018]

Hobbes, T. (1651) *Leviathan: The Matter, Forme and Power of a Common Wealth Ecclesiastical and Civil.*

Holst, J. D. (2011) 'Frameworks for understanding the politics of social movements'. *Studies in the Education of Adults,* 43(2), pp. 117-127.

Honneth, A., Knodler-Bunte, E. and A. Widmann (1981) The Dialectics of Rationalization: An Interview with Jürgen Habermas. *Telos,* 49, pp. 5-31.

Horgan, D., Forde, C., Parkes, A. and Martin, S. (2015) *Children and young people's Experiences of participation in decision-making at home, in schools and in their Communities.* Dublin: Department of Children and Youth Affairs.

Horgan, D., Forde, C., Parkes, A. and Martin, S. (2017) *Children's participation: moving from the performative to the social.* Children's Geographies, 15 (3), pp. 274-288.

Horgan, D., O' Riordan, J., Christie, A., and Martin, S. (2012) *Safe Care for trafficked Children in Ireland: Developing a Protective Environment.* Dublin: Children's Rights Alliance.

Hussain, M. M., and Howard, P. N. (2012) 'Opening Closed Regimes: Civil Society, Information Infrastructure, and Political Islam'. In: Anduiza, E., Jensen, M. J., and Jorba, L. ed. *Digital Media and Political Engagement Worldwide: A Comparative Study, Communication, Society and Politics*. Cambridge, MA: Cambridge University Press.

Inglehart, R. (1990) 'Values, Ideology and Cognitive Mobilization in new social movements'. In: Dalton, R.J. and Kuechler, M. eds. *Challenging the Political Order*. New York: Oxford University Press, pp. 23-42.

Ionascu, D. (2015) 'The Advocacy Phenomenon and Its Importance in Psychiatry'. *Journal*

of Public Health and Management, 20(2), pp. 35 -37.

Irish Constitution. Archive *Constitution Review Group Report, The Family*. Available at: <http://archive.constitution.ie/reports/ConstitutionReviewGroupReport.pdf   [Accessed: 14 June 2018]

Irish election literature (2013) *Leaflet From 'Tuairim' An Irish 'Intellectual Movement' of the 50'S And 60'S.* Available at: https://irishelectionliterature.wordpress.com/2013/09/17/leaflet-from-tuairim-an-irish-intellectual-movement-of-the-50s-and-60s/ [Accessed: 01 May 2015 or 17 September 2013]

Irish Examiner (2016) *Tragic death of Jonathan Corrie inspired play.* Available at: https://www.irishexaminer.com/ireland/tragic-death-of-jonathan-corrie-inspired-play-434004.html [Accessed 2 October 2018]

Irish Journal.ie (2015) *The Children's Referendum will not have to be held again.* Available at: http://www.thejournal.ie/childrens-referendum-result-2066605-Apr2015/ [Accessed 1 October 2018]

Irish Society for the Prevention of Cruelty to Children (ISPCC) (1956) *First Annual Report*. Dublin: ISPCC.

Irish Society for the Prevention of Cruelty to Children (ISPCC) (1974) *Annual Report.* Dublin: ISPCC.

Irish Society for the Prevention of Cruelty to Children (ISPCC) (1992) *Childline Policy Document*. Dublin: ISPCC

Irish Society for the Prevention of Cruelty to Children (ISPCC) (2018) *About Us.* Available at: https://www.ispcc.ie/history   [Accessed: 15 July 2015]

Irish Times (1993) *Incest victim made over 100 contacts with health services*. Available at: https://search.proquest.com/hnpirishtimes/docview/524735411/citation/3EC3015AEC7C46D

4PQ/3?accountid=14504 [Accessed 7 September 2018]

Irish Times (1993) *Kilkenny ire should take realities into account: The incest victim could not have been made a state ward under the laws of the time*. Available at: https://search.proquest.com/hnpirishtimes/docview/524753130/3EC3015AEC7C46D4PQ/8?accountid=14504   [Accessed 7 September 2018]

Irish Times (1995) *Children's ombudsman proposed*. Available at: https://search.proquest.com/hnpirishtimes/docview/525600018/96FE246F6F184E84PQ/5?accountid=14504   [Accessed on 2 October 2018]

Irish Times (1995) *Grant to fund children's rights project*. Available at: https://search.proquest.com/hnpirishtimes/docview/525496346/pageviewPDF/96FE246F6F184E84PQ/2?accountid=14504 [Accessed 7 September 2018]

Irish Times (2000) *Parental cruelty, neglect is `ignored in book about industrial schools*. Available at: https://www.irishtimes.com/news/parental-cruelty-neglect-is-ignored-in-book-about-industrial-schools-1.234208 [Accessed 7 September 2018]

Irish Times (2001) *Notes: On reality*. Available at: https://search.proquest.com/hnpirishtimes/docview/525612656/citation/4369F0BB9E834954PQ/1?accountid=14504 [Accessed 7 September 2018]

Irish Times (2012) *Who stands where on the children's referendum?* Available at: https://www.irishtimes.com/news/who-stands-where-on-the-children-s-referendum-1.737432 [Accessed on 1 October 2018]

Irish Times (2012) *Wording of children's rights referendum is published*. Available at: https://www.irishtimes.com/news/wording-of-children-s-rights-referendum-is-published-1.737657   [Accessed on 1 October 2018]

Irish Times (2017) *Housing and homelessness: a blight on society*. Available at: https://www.irishtimes.com/opinion/editorial/housing-and-homelessness-a-blight-on-society-

1.3072988 [Accessed: 1 October 2018]

Irish Times (2017) *Q&A: What is the National Asset Management Agency?* Available at: https://www.irishtimes.com/business/economy/q-a-what-is-the-national-asset-management-agency-1.3222265 [Accessed 2 October 2018]

Irish Times (2017) *Remember the Kennedy report?* Available at: https://search.proquest.com/hnpirishtimes/docview/526259695/pageviewPDF/7BADA98441 554342PQ/1?accountid=14504 [Accessed 7 September 2018]

Irish Times (2017) *Una Mullally: Housing crisis will collapse in on top of Fine Gael.* Available at: https://www.irishtimes.com/opinion/una-mullally-housing-crisis-will-collapse-in-on-top-of-fine-gael-1.3593832 [Accessed: 1 October 2018]

Irish Times (2018) *Child homelessness is an educational crisis too, teachers told.* Available at: https://www.irishtimes.com/news/education/child-homelessness-is-an-educational-crisis-too-teachers-told-1.3449538 [Accessed: 1 October 2018]

Irish Times (2018) *Time to cherish all families of the nation equally.* Available at: http://www.irishtimes.com/news/social-affairs/time-to-cherish-all-families-of-the-nation-equally-1.1396533   [Accessed: 08 June 2013]

James A. and James A. (2008) *Key concepts in childhood studies*. London: Sage Publications.

James, A & James, A. J. (2004) *Constructing Childhood: Theory, Policy and Practice.* London: Palgrave

James, A. & James, A. J., (2008) 'Changing childhood: reconstructing discourses of 'risk' and 'protection''. In: James, A. L.   and James, A. eds. *European Childhoods: Culture, Politics and Childhood in the European Union.* Basingstoke: Palgrave.

James, A. & Jenks, C. (1996) 'Public perceptions of childhood criminality'. *British Journal of Sociology,* 47 (2), pp. 315-331.

James, A. (2009) 'Agency'. In: Qvortrup, J., Valentine, G., Corsaro, W. and Honig, M. eds. *Handbook of Childhood Studies*. London: Sage.

James, A. and Prout, A. (1995) 'Hierarchy, boundary and agency in the experience of children: towards a theoretical perspective'. *Sociological Studies of Childhood*, 7, pp. 75-97

James, A. and Prout, A. (1997) Constructing and Reconstructing Childhood: Contemporary Issues. *Sociological Study of Childhood*. London: Palgrave.

James, A., Jenks, C. and Prout, A. (2010) *Theorising Childhood*. Cambridge: Polity Press

James, A., Jenks, C., Prout, A. (1998) *Theorising Childhood*. Cambridge: Polity Press

Jansson, B. S. (2011) *Improving Healthcare Through Advocacy: A Guide for the Health and Caring Professionals.* New Jersey: Wiley& Sons.

Jenkins, P. (2003) *Exploring Children's Rights: A Participative Exercise to Introduce the issues around Children's Rights in England and Wales.* Brighton: Pavilion.

Jenks, C. (1996) *Childhood*. (1st edition) London: Routledge

Jenks, C. (2005) *Childhood*. (2nd edition) London: Routledge

Keane, J. (2008) *Children and civil society.* Seminar Paper, Sydney University

Kehily, J. and Swann (Eds.) (2003) *Children's Cultural Worlds*. Open University Press, UK

Kehily, M.J. (2004) *An Introduction to Childhood Studies.* Maidenhead: Open University Press.

Kelly, A. (1995) 'A public health nursing perspective'. In: Ferguson, H. and Kenny, P. Ed. *On Behalf of the Child: Child Welfare, Child Protection and the Child Care Act 1991,* Dublin: A. & A. Farmer.

Kempe, C. H., Silverman, F. N., Steele, B. F., Droegmuller, W. and Silver, H. K. (1962) 'The

battered child syndrome', *Journal of the American Medical Association,* 181, pp. 17-22.

Kennedy, E. (1970) *Reformatory and Industrial Schools Report.* Dublin: Stationary Office.

Kilkelly, U. (2007) *Barriers To The Realisation Of Children's Rights in Ireland.* Dublin: Office for the Ombudsman of Children

Kleinman, M. (2002) *A European Welfare State? European Union and Social Policy in Context.* London*:* Palgrave.

Klocker, N. (2007) An example of think agency; child domestic workers in Tanzania. In R. Parelli, S. Punch, & E. Robson (Eds), *Global Perspectives on Rural Childhood and Youth: Young Rural Lives* (pp. 83-94). Abingdon: Routledge.

Kyale, S. (1996) *Interviews - An introduction to qualitative research interviewing.* Thousand Oaks, CA: Sage.

Lahdesmaki, T. (2014) *Identity Politics in the European Capital of Culture Initiative.* Finland: University of Eastern Finland

Lansdown, G. (2011) *Every Child's Right to be Heard: A resource guide on the UN Committee on the rights of the child General Comment No. 12,* Save the Children Fund*,* UNICEF.

Lazoritz, S. and Shelman, E. A. (1999) *Out of the Darkness: The Story of Mary Ellen Wilson.* Florida: Dolphin Moon Publishing.

Le Borgne, C. and Tisdall, E. M. K. (2017) 'Children's Partnership: Questioning Competence and Competencies?' in *Social Inclusion* Vol. 5 (3) pp. 122-130.

Longhurst, N. A. (1994) *The Self-advocacy Movement by People with Developmental Disabilities: A Demographic Study and Directory of Self-Advocacy Groups in the United States.* Washington: American Association on Mental Retardation

Lundy, L. (2007) ""Voice" is not enough: conceptualising Article 12 of the United Nations Convention on the Rights of the Child", *British Educational Research Journal*, 33, (6), 927-942, available at: http://dx.doi.org/10.1080/01411920701657033

Lee, N. (2001) *Childhood and society: Growing up in an age of uncertainty*. Philadelphia: Open University Press.

Lincoln, Y. S. and Guba, E. G. (1985) *Naturalistic Inquiry*. Newbury Park, CA: Sage Publications.

Linn, J. W. (1935) *Jane Adams: A Biography.* New York: D. Appleton/Century Co., Inc.

Locke, J. (1692) *An Essay Concerning Human Understanding* (Ed) Yolton, J.W. (1961) in An Essay Concerning Human Understanding. J.M. Dent & Sons, London.

Lowe, P.D. and Goyder, J.M. (1983). *Environmental Groups in Politics*. London: Allen and Unwin.

Luddy, M. and Smith, J.M. (Eds.) (2014) *Children, childhood and Irish Society, 1500 to the present.* Dublin; Four Courts Press.

Madge, N. (2006), *Children These Days*. Bristol: The Policy Press.

Maheu, L. (ed.) (1995) *Social movements and social classes: the future of collective action.* London: Sage.

Mannion, G. (1999) Children's Participation in Changing School Grounds and Public Play Parks in Scotland. Unpublished doctoral thesis, University of Stirling

Mannion, G. (2003) Children's participation in school grounds developments: creating a place for education that promotes children's social inclusion, International Journal of Inclusive Education, 7:2, 175-192

Marcusse, H. (1991) *One-dimensional Man: Studies in the Ideology of Advanced Industrial*

Society. (2nd edition) Boston: Beacon Press.

Marshall, T. S. (1949) *Citizenship and Social Class.* London: Pluto.

Marshall, T. S. (1964) *Class, citizenship, and social development; essays*. New York: Anchor Books.

Marx, K. & Engles, F. (1848) *Manifesto of the Communist Party*. Available at: https://www.marxists.org/archive/marx/works/download/pdf/Manifesto.pdf [Accessed: 3 October 2018]

Mayall, B. (2002) *Towards a Sociology for Childhood: Thinking from Children's Lives.* England: Open University Press

McDowell L (1998) 'Elites in the city of London: some methodological considerations'. *Environment and Planning* 30: pp. 2133–2146.

Meade, R. (2005) 'We hate it here, please let us stay! Irish Social Partnership and the Community/ Voluntary Sector's conflicted experiences of recognition'. *Critical Social Policy* 15 (3), pp. 349–347.

McGuinness, C. (1993) *Kilkenny Incest Investigation*. Dublin: Stationary Office.

Melton. G. B. (1987) 'Children, Politics, and Morality: The Ethics of Child Advocacy'. *Journal of Clinical Child Psychology*, 16(4), pp. 357-367.

Merry, S.E. (2006) *Human Rights and Gender Violence: Translating International Law into Local Justice.* Chicago: University of Chicago Press

Mickelson, J. (1995). 'Advocacy'. In: Edwards, R. L. and Hopps J. G. (Eds), *Encyclopaedia of Social Work (19th ed., Vol. 1 pp. 95-100).* Washington, D.C.: NASW Press.

Midgley, J. and Livermore, M. (Eds,) (2009) *The Handbook of Social Policy*. London: Sage

Mikecz, R. (2012) Interviewing Elites: Addressing Methodological Issues. *Qualitative*

Inquiry, 18(6), pp. 482-493.

Mishler, E. G. (1986) *Research interviewing: Context and narrative*. Cambridge, MA: Harvard University Press.

Morozov, E. (2011) *The Net Delusion: The Dark Side of Internet Freedom.* New York: Public Affairs.

Morss, J. R. (2002) 'The several Social Constructions of James, Jenks and Prout: A Contribution to the Sociological Theorization of Childhood'. *International Journal of Children's Rights,* 10, pp. 39-54.

Mothers' Union Winchester Diocese (2018) *History of Mothers' Union.* Available at: http://www.muwinchester.org.uk/history-of-mothers-union/   [Accessed: 01 December 2015]

Nasman, E. (1994) 'Individualization and Institutionalization of Childhood in Today's Europe'. In: Qvortrup, J., Bardy, M., Sgritta, G. and Wintersberger, H. eds. *Childhood Matters. Social Theory, Practice and Politics*. Aldershot: Avebury. pp. 165–87

NCBI (2009) *Research and Advocacy Groups: How Does Evidence Inform Policy?*. Available at: https://www.ncbi.nlm.nih.gov/books/NBK219824/   [Accessed 12 July 2018]

Nolan, A. (2007) *The Battle(s) over Children's Rights in the Irish Constitution in Irish Political Studies* Vol. 22 (4), pp. 495-516.

O'Toole, F. (2009) 'On the Ryan Report', *The Irish Times,* 28 December.

Obar, A. Jonathan, Zube, P. and Lampe, C. (2012) 'Advocacy 2.0: An Analysis of How Advocacy Groups in the United States Perceive and Use Social Media as Tools for Facilitating Civic Engagement and Collective Action'. *Journal of Information Policy*, 2, pp. 1-25.

O'Connell, C., O'Sullivan, S, and Byrne, L. (2015) *Children's Voices in Housing Estate*

Regeneration. IRC, DCYA, DECLG, Ireland.

Office of An Taoiseach (2006) *Towards 2016: Ten-Year Framework Social Partnership Agreement 2006-2015*. Available at: https://www.welfare.ie/en/downloads/Towards201626June06.pdf [Accessed 1 October 2018]

Oliver, C. M. & Dalrymple, J. (2008) 'Developing Advocacy for Children and Young People: Current Issues in Research, Policy and Practice'. *Health and Social Care in the Community,* 17(1), pp. 101-102.

One Foundation (2015) *Making Children's Rights Real: An Evaluation of the One Foundation's support of advocacy in children's rights.*

Onwuegbuzie, A. J., and Leech, N. L. (2005). 'On Becoming a Pragmatic Researcher: The Importance of Combining Quantitative and Qualitative Research Methodologies'. *International Journal of Social Research Methodology: Theory & Practice, 8*(5), pp. 375-387.

Ostrander, S. A. (1993) "Surely You're Not in This Just to Be Helpful": Access, Rapport, and Interviews in Three Studies of Elites. *Journal of Contemporary Ethnography - J CONTEMP ETHNOGR,* 22, pp. 7-27.

Oswell, D. (2013) *The Agency of Child: From Family to Global Human Rights.* Cambridge: University Press, Cambridge.

Peters, B. (2008) *Public Deliberation and Public Culture: The Writings of Bernhard Peters, 1993-2005.* Wessler, H., ed. Tribe, K., trans. London: Palgrave Macmillan.

Parkin, F. (1968) *Middle Class Radicalism.* New York: Prager.

Parton, N. (1985), *The Politics of Child Abuse,* London: Bedford Square.

Percy-Smith, B. (2010) 'Councils, consultations and community: rethinking the spaces for children and young people's participation'. *Children's Geographies*, 8 (2), pp. 107-122.

Percy-Smith, B. and Thomas, N. (Eds) (2010) *A Handbook of Children's and Young Peoples Participation: Perspectives from theory and practice*. New York: Routledge

Philanthropy Ireland *The One Foundation.* (2018) Available at:
http://www.philanthropy.ie/resources-1/case-studies/the-one-foundation/

[Accessed: 12 June 2018]

Pichardo, N. A. (1997) 'New Social Movements: A Critical Review'. *Annual Review of Sociology,* 23, pp. 411-430.

Pinkerton, J. 'Children's Participation in the Policy Process: Some Thoughts on Policy Evaluation Based on the Irish National Children's Strategy' in *Children and Society* Vol. 18 (2004) pp. 119–130

Pitcher, J. and Wagg, S. (Eds.) (1996): *Thatcher's children? Politics, childhood and society in the 1980s and 1990s*. London: Falmer press.

Piven, F. F. and Cloward, R. A. (1979) *Poor people's movements: Why they succeed, how they fail*. New York: Vintage Books

Pollack, L. A. (1983) *Forgotten Children: Parent-Child Relations from 1500–1900*. Cambridge: Cambridge University Press

Postman, N. (1993) *Technology: The Surrender of Culture to Technology:* New York: Penguin Random House

Postman, N. (1994) *The Disappearance of Childhood*. New York: Penguin Random House

Powell F. W., Geoghegan, M., Scanlon, M. and Swirak, K. (2012) *Youth Policy, Civil Society and the Modern Irish State*. Manchester: Manchester University Press.

Powell, F. W. (2013) (2nd edition) *The Politics of Civil Society: Big Society and Small Government.* Policy Press: Bristol.

Powell, F. W. and Scanlon, M. (2015) *Dark Secrets of Childhood: Media power, child abuse and public scandals.* Bristol; Polity Press.

Powell, F.W. (1992) *The Politics of Irish Social Policy 1600-1990*. New York: Edwin Mellen Press.

Powell, F.W. (2007) *The Politics of Civil Society: Neoliberalism or Social Left?* Bristol: Policy Press

Quin, S., Kennedy, P., O'Donnell, A. and Kiely, G. (Eds) (1999) *Contemporary Irish Social Policy.* Dublin: University College Dublin Press.

Qvortrup, J. (1993) 'Societal position of childhood: the international project Childhood as a Social Phenomenon' in *Childhood* Vol. 1 pp. 119-124

Qvortrup J. (2009) 'The development of childhood: Change and continuity in generational relations'. In: Qvortrup J. ed. *Sociological studies of children and youth. Structural, historical and comparative perspectives*, 12, pp. 1-26

Qvortrup, J, Corsaro, W.A. and Honig, M.S. (2009) *The Palgrave Handbook of Childhood Studies.* Hampshire: Palgrave Macmillan

Raftery, M and O'Sullivan, E. (1999) *Suffer the Little Children: The Inside Story of Ireland's Industrial School.* Dublin: New Island Books.

Ranciere, J. (2007) *On the Shores of Politics.* London: Verso

Richards, D. (1996) 'Elite Interviewing: Approaches and Pitfalls', *Politics* 16(3): 199-204.

Richardson, V. (1999) 'Children and Society'. In: Quinn, S., Kennedy, P., O'Donnell, A. and Kiely, G. eds. *Contemporary Irish Social Policy*. Dublin: University College Dublin Press.

Richardson, V. (2005) 'Children and social policy' In: Quin, S., Kennedy, P., Matthews, A.

and Kiely, G. eds. *Contemporary Irish Social Policy (second edition),* Dublin*:* UCD Press, pp. 157-85.

Ridge, T. (2008) 'Children'. In: Alcock, P., May, M. and Rowlingson, K. Ed. *The Student's Companion to Social Policy* (third edition), Oxford: Blackwell, pp. 278-85

Rose, F. (1997) 'Toward a Class-Cultural Theory of Social Movements: Reinterpreting New Social Movements'. *Sociology Forum,* 12, pp. 461-494.

Rose, N. (1985) *The Psychological Complex: Psychology, Politics and Society in England 1869-1939.* London: Routledge and Kegan Paul.

Rousseau, J. (1762) *Emile, or On Education.* New York: Basic

Ruby, R. (2012) *Children's participation as neo-liberal governance?* Discourse: Studies in the Cultural Politics of Education, 35 (1) pp. 77-89.

Rudig, W. (1988) 'Peace and ecology movements in Western Europe'. *Western Europe Politics*, 11, pp. 26-39.

Ruggiero, V. & Montagna, N. (Eds.) (2008) Social Movements: A Reader. London: Routledge

Ryan, S. (2009) *Commission of Inquiry into Child Abuse (Ryan Report).* Dublin: Stationary Office.

Scanlon G. and McKenna, G. (2018) *Home works: Home A Study on the Educational Needs of Children Experiencing Homelessness and Living in Emergency Accommodation.* Dublin: Children's Rights Alliance.

Scheuerman, W.E. (1999) 'Between Radicalism and Resignation: Democratic Theory in Habermas's Between Fact and Norms'. In Dews, P. (Ed) *Habermas: A Critical Reader*. Oxford: Blackwell

Schneider, R. L., and Lester, L. (2001) *Social work advocacy: A new framework for action.* Belmont C.A.: Brooks/Cole.

Shapiro, J. P. (1993) *No pity.* New York: Times Books.

Shelman, E. A., & Lazoritz, S. (1999). *Out of the darkness: The story of Mary Ellen Wilson.* Dolphin Moon Publishing

Shier, H. (2010) 'Children as Public Actors: Navigating the Tension'. *Children and Society*, 24 (1) pp. 24-37.

Shier, H., Mendez, M. Centeno, J. Aroliga, and Gonzalez, M. (2014) 'How Children and Young People influence Policy-Makers: Lessons in Nicaragua'. *Children and Society*, 28(1) pp. 1-14

Sociological Association of Ireland (SAI) (2018) Ethical Guidelines Sociological Association of Ireland https://www.sociology.ie/uploads/4/2/5/2/42525367/sai_ethical_guidelines.pdf [Accessed 7 September 2018]

Smith, J.K. (1983) 'Quantitative versus qualitative research: An attempt to clarify the issue'. *Educational Researcher*, 12(2) pp. 6-13.

Spencer, G. (1982) Methodological issues in the study of beaurocratic elites: A case study of West Point. In R. G. Burgess (Ed.), *Field Resaech: A Sourcebook and field manual.* London: Allen and Unwin.

Sturges, J. E., & Hanrahan, K. J. (2004) 'Comparing Telephone and Face-to-Face Qualitative Interviewing'. *Qualitative Research,* 4 (1) pp107-118

Simon Community (2018) *Causes of Homelessness*. Available at: https://www.simon.ie/Homelessness/CausesofHomelessness.aspx [Accessed: 1/10/18]

Smith, K.E. (2006) 'Problematising power relations in 'elite' interviews', *Geoforum*, 37 pp. 643-53.

Smith, K. (2012) 'Producing Governable Subjects: Images of Childhood Old and New'. *Childhood,* 19(1), pp. 24-37

Spencer, L., Ritchie, J., Lewis, Jane, L. & Dillon, L. (2003) *Quality in Qualitative Evaluation: A framework for assessing research evidence A Quality Framework.* London*:* Government Chief Social Researcher's Office.

Steedman, C. (1990) *Childhood, culture, and class in Britain.* New Jersey: Rutgers University Press.

Takanishi, R. (1978) 'Childhood as a Social Issue: Historical Roots of Contemporary Child Advocacy Movements'. *Journal of Social Issues*, 34(2), pp. 8-28.

Tapscott, D. (1998) *Growing Up Digital: The Rise of the Net Generation*. New York: McGraw Hill.

Taylor. M. (2007) 'Community Participation in the Real World: Opportunities and Pitfalls in New Governance Spaces'. *Urban Studies.* 44(2), pp. 297-317. ·

Thane, P. (1996) *Foundations of the Welfare State.* London: Longman.

The Atlantic Philanthropies (2018) Available at: https://www.atlanticphilanthropies.org/ [Accessed: 12 June 2018]

The Atlantic Philanthropies (2018) *Grants to Children's Rights Alliance*. Available at: https://www.atlanticphilanthropies.org/grants/childrens-rights-alliance-cra   [Accessed: 12 June 2016]

The Guardian (2009) *Endemic' rape and abuse of Irish children in Catholic care.* Available at: https://www.theguardian.com/world/2009/may/20/irish-catholic-schools-child-abuse-claims   [Accessed: 17 July 2017]

The Irish Times (2014) *Homeless Families Vow To Intensify Campaign.* Available at: https://search.proquest.com/hnpirishtimes/docview/1736412104/59CAFBC6775F4A4CPQ/1

?accountid=14504 [Accessed 2 September 2018]

The Irish Times (2016) *Diarmuid Ferriter: Artane Band name a useful reminder*. Available at: https://www.irishtimes.com/opinion/diarmaid-ferriter-artane-band-name-a-useful-reminder-1.2785741 [Accessed 7 September 2017]

Thomassen, L. (2010) *Habermas: A Guide for the Perplexed.* London: Continuum.

Time Magazine (2018) *In the fight for gun control, children are the real grown-ups*? Available at: http://time.com/5169473/gun-control-florida-school-shooting/ [Accessed 18 September 2018]

Tisdall, E. and Kay, M. (2012) 'Taking forward children and young people's participation'. In: Hill, M., Head, G., Lockyer, A., Reid, B. and Taylor, R. eds. *Children's Services: Working together*. Harlow: Pearson, pp. 151-62.

Tisdall, E. K. M. (2016) 'Subjects with agency? Children's participation in family law proceedings' in *Journal of Social Welfare and Family Law*. Vol. 38 (4) pp. 362-379.

Together (2018) *Incorporation of the UN Convention on the Rights of the Child*. Available at:

https://www.togetherscotland.org.uk/about-childrens-rights/monitoring-the-uncrc/incorporation-of-the-un-convention-on-the-rights-of-the-child/ [Accessed 5 March 2019]

Together (2019) *Consultations and Responses* Available at:

https://www.togetherscotland.org.uk/resources-and-networks/consultations-and-responses/ [Accessed 16 February 2019]

Together (2019) *State of Children's Rights Reports*. Available at:

https://www.togetherscotland.org.uk/resources-and-networks/state-of-childrens-rights-reports/ [Accessed 5 March 2019]

Together (2019) *About Togther*. Available at:

https://www.togetherscotland.org.uk/about-us/   [Accessed 16 February 2019]

Together (2019) *History*. Available at:

https://www.togetherscotland.org.uk/about-us/history/   [Accessed 16 February 2019]

Tordes, J., Wojcik, M.E. and Revaz, C.R. (Eds.) (2006) *The UN Conventions on the Rights of the Child. An Analysis of Treaty Provisions and Implications of US Ratification.*   New York: Transnational Publishers Inc.

Touraine, A. (1981) 'The voice and the eye: on the relationship between actors and analysis'. *Political psychology*, 2 (1), pp.3-14.

Touraine, A. (1988) *Return of the Actor: Social Theory in Post-industrial Society*. Minnesota University Press: Minnesota.

Touraine, A. (1994) *Democracy.* Thesis Eleven No. 38 pp. 1-15.

Touraine, A. (2007) *A new Paradigm for Understanding Today's World.* Cambridge*:* Polity

Touraine, A. (2008) 'An Introduction to the Study of Social Movements' In Rugiero, V.   & Montagna, N. (Eds.) (2008) Social Movements: A Reader. London: Routledge

Toynbee hall (2018) *Our history.* Available at: http://www.toynbeehall.org.uk/data/files/About_Toynbee_Hall/History_booklets/A5_Clement_Attlee_16pp_loresAW_2.pdf   [Accessed: 24 July 2018]

Tresder, P. (1997) *Empowering Children & Young People: Training Manual: Promoting Involvement in Decision-making*. London: Children's Rights Office

Tuairim (1966) *Some of Our Children: A Report on the Residential Care of Deprived Children*. London: Tuairim-London.

Turner, E. (2013) New Movements, Digital Revolution, and Social Movements Theory. *Peace Review: A Journal of Social Justice*, 25, pp. 376-383.

UCC Biography Kilkelly, U. (2017) Available at: http://research.ucc.ie/profiles/B012/ukilkelly [Accessed: 12 June 2018]

UN Committee on the Rights of the Child Concluding Observations (1997) Available at: http://www.refworld.org/docid/3ae6af5d0.html   [Accessed 17 September 2018]

United Nations (UN) (1989) *Convention on the Rights of the Child.* Geneva: United Nations.

Vitale, D. (2006) 'Between deliberative and participatory democracy'. *Journal of Philosophy & Social Criticism,* 32(6), pp. 739-766.

Walker, V.S. (1996) *Their highest potential: An African American school community in the segregated South.* University of North Carolina Press.

Walkerdine, V. (1984) 'Developmental psychology and the child-centred pedagogy' In: Henriques, J., Hollway, W., Urwin, C., Venn, C. and Walkerdine, V. eds. *Changing the subject: Psychology, social regulation and subjectivity.* London, UK: Methuen. pp. 153-202.

Walkerdine, V. (1985) 'On the regulation of speaking and silence'. In: Steed- man, C., Urwin C., and Walkerdine, V. eds. *Language, gender and childhood.* London: Routledge

Wall, J. (2010) *Ethics in Light of Childhood*, Washington, DC: Georgetown University Press

Weber, M. (1946) 'Religious Rejections of the World and their Directions'. In: Gerth, H. and Mills, C. W. Ed. *From Max Weber: Essays on Sociology* New York: Oxford University Press, pp. 323–59.

Weber, M. (1957) *'Bureaucracy'.* In: Gerth, H. and Mills, C. W. Ed. *From Max Weber: Essays on Sociology* New York: Oxford University Press, pp. 230-232.

Wehmeyer, M., & Schwartz, M. (1997). 'Self-determination and positive adult outcomes: A

follow-up study of youth with mental retardation or learning disabilities'. *Exceptional Children,* 63(2), pp. 245-255.

Wehmeyer, M.L. and Palmer, S.B., (2003) 'Adult Outcomes for Students with Cognitive Disabilities Three-Years After High School: The Impact of Self-Determination'. *Education and Training in Developmental Disabilities*, 38(2), pp. 131–144.

Wehrenfennig, D. (2008) *Conflict Management and Communicative Action: Second-Track Diplomacy from a Habermasian Perspective*, 18 (3), pp. 356-375

Welton, M. (2001) 'Civil Society and the public sphere: Habermas's recent learning theory'. *Studies in the Education of Adults*, 33(1), pp. 20-34.

White, M. & Hunt, A. (2000) *'Citizenship: Care of the Self, Character and Personality'. Citizenship Studies,* 4(2), pp. 93-116.

Williams, P. & Shoultz, B. (1982) *We Can Speak for Ourselves: Self Advocacy by Mentally Handicapped People.* Massachusetts: Brookline.

Wulf-Andersen, T. (2012) 'Poetic representation: Working with dilemmas of involvement in participative social work research'. *European Journal of Social Work*, 15, pp. 563-580.

Wyness, M. (2009) 'Adult's involvement in children's participation: juggling children's places and spaces'. *Children & Society*, 23(6), pp. 395-406.

Wyness, M. (2012) 'Children's participation and intergenerational dialogue: Bringing adults back into the analyses. *Childhood: a global journal of child research*, 120(4), pp. 429-442.

Wyness, M. (2012) *Childhood and Society: An introduction to the Sociology of Childhood.* New York: Palgrave Macmillan.

Wyness, M. (2013) 'Global standards and deficit childhoods: the contested meaning of children's participation'. *Children's Geographies*, 11(3), pp. 340-353.

Young-Bruehl, E. (2012) *Childism: Confronting prejudice against children.* New Haven: Yale University Press.

Zelizer, V.A., (1994) *Pricing the Priceless Child: The Changing Social Value of Children.* New Jersey*:* Princeton University Press.

Zimmerman, M.K. (1987) 'The women's health movement: a critique of medical enterprise and the position of women'. In: Hess, B. B., Ferree, M. M. ed. *Analysing Gender.* Newbury Park, CA: Sage, pp. 442-72.

Zuckerman, H.A. (1972) 'Interviewing an ultra-elite'. *The Public Opinion Quarterly*, 36, pp. 159-175.

Appendices

Appendix 1:

CRA Membership - 2018

Ag Eisteacht

Alcohol Action Ireland

Amnesty International Ireland

An Cosán

ASH Ireland

Assoc. for Criminal Justice Research and Development (ACJRD)

Association of Secondary Teachers Ireland (ASTI)

ATD Fourth World – Ireland Ltd

Atheist Ireland

Autism Network Ireland

Barnardos

Barretstown Camp

Bedford Row Family Project

BeLonG To Youth Services

Care Leavers' Network

Catholic Guides of Ireland

Child Care Law Reporting Project

Childhood Development Initiative

Children in Hospital Ireland

COPE Galway

Cork Life Centre

Crosscare

Cybersafe

Dental Health Foundation of Ireland

Department of Occupational Science and Occupational Therapy, UCC

Disability Federation of Ireland

Down Syndrome Ireland

Dublin Rape Crisis Centre

Early Childhood Ireland

Educate Together

EPIC

EQUATE

Extern Ireland

Focus Ireland

Foróige

Future Voices Ireland

Gaelscoileanna Teo

GLEN- the LGBTI equality network

Immigrant Council of Ireland

Inclusion Ireland

Independent Hospitals Association of Ireland

Institute of Guidance Counsellors

Irish Association for Infant Mental Health

Irish Association of Social Workers

Irish Centre for Human Rights, NUI Galway

Irish Congress of Trade Unions (ICTU)

Irish Council for Civil Liberties (ICCL)

Irish Foster Care Association

Irish Girl Guides

Irish Heart Foundation

Irish National Teachers Organisation (INTO)

Irish Penal Reform Trust

Irish Primary Principals Network

Irish Refugee Council

Irish Second Level Students' Union (ISSU)

Irish Society for the Prevention of Cruelty to Children

Irish Traveller Movement

Irish Youth Foundation (IYF)

Jack & Jill Children's Foundation

Jesuit Centre for Faith and Justice

Jigsaw

Kids' Own Publishing Partnership

Law Centre for Children and Young People

Lifestart National Office

Mental Health Reform

Mercy Law Resource Centre

Migrant Rights Centre Ireland

Mounttown Neighbourhood Youth and Family Project

MyMind

National Childhood Network

National Museum of Childhood

National Organisation for the Treatment of Abusers (NOTA)

National Parents Council Post Primary

National Parents Council Primary

National Youth Council of Ireland

One Family

One in Four

Parentstop

Pavee Point

Peter McVerry Trust

Rape Crisis Network Ireland (RCNI)

Realt Beag

SAFE Ireland

Saoirse Housing Association

SAOL Beag Children's Centre

Scouting Ireland

School of Education UCD

Sexual Violence Centre Cork

Simon Communities of Ireland

Social Care Ireland

Society of St. Vincent de Paul

Sonas Domestic Violence Charity

Special Needs Parents Association

SpunOut.ie

St. Nicholas Montessori College

St. Nicholas Montessori Teachers' Association

St. Patrick's Mental Health Services

Step by Step Child & Family Project

Suas Educational Development

Teachers' Union of Ireland

Terenure Rugby Football Club

The Ark, A Cultural Centre for Children

The Prevention and Early Intervention Network

The UNESCO Child and Family Research Centre, NUI Galway

Traveller Visibility Group Ltd

Treoir

UNICEF Ireland

youngballymun

Youth Advocate Programme Ireland (YAP)

Youth Work Ireland

Appendix 2:

The Thirty-First Amendment of the Constitution (Children) Act 2012 provides for the following:

Repeal of Article 42.5 (text below)

In exceptional cases, where the parents for physical or moral reasons fail in their duty towards their children, the State as guardian of the common good, by appropriate means shall endeavour to supply the place of the parents, but always with due regard for the natural and imprescriptible rights of the child.

Insertion of Article 42A (text below)

1   The State recognises and affirms the natural and imprescriptible rights of all children and shall, as far as practicable, by its laws protect and vindicate those rights.

2   1°   In exceptional cases, where the parents, regardless of their marital status, fail in their duty towards their children to such extent that the safety or welfare of any of their children is likely to be prejudicially affected, the State as guardian of the common good shall, by proportionate means as provided by law, endeavour to supply the place of the parents, but always with due regard for the natural and imprescriptible rights of the child.

2°   Provision shall be made by law for the adoption of any child where the parents have failed for such a period of time as may be prescribed by law in their duty towards the child and where the best interests of the child so require.

3   Provision shall be made by law for the voluntary placement for adoption and the adoption of any child.

4   1°   Provision shall be made by law that in the resolution of all proceedings -

i   brought by the State, as guardian of the common good, for the purpose of preventing the safety and welfare of any child from being prejudicially affected, or

ii   concerning the adoption, guardianship or custody of, or access to, any child,

the best interests of the child shall be the paramount consideration.

2°   Provision shall be made by law for securing, as far as practicable, that in all proceedings referred to in subsection 1° of this section in respect of any child who is capable of forming his or her own views, the views of the child shall be ascertained and given due weight having regard to the age and maturity of the child (DCYA, 2018).

Appendix 3:

Article 12 UNCRC

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Appendix 4:

Interview Schedule for Maria Corbett, Children's Rights Alliance – October 2015

1. The Alliance was formally launched in 1995 with 11 members. Can you tell me what was the driving force to its establishment and who were the first members?

2. What were the Alliance's initial aims and objectives?

3. How did the members decide and agree on these priorities?

4. In those early years what work were you undertaking in order to achieve your goals?

5. Funding initially could be described as piecemeal, coming from limited sources. How did limited funding impact on your work and how has your funding situation changed since?

6. What was your relationship with the government in those early years?

7. In 1997 you were invited by the UN Committee on the Rights of the Child to attend a pre-sessional meeting about Ireland's implementation of the UNCRC. How did this invitation come about?

8. Did this invitation impact in any way with the Alliances relationship with government?

9. In 2003 the Alliance joined the Community and Voluntary Pillar of the Social Partnership. How did this come about? How important do you think this was for the work of the Alliance?

10. As part of the 'Towards 2016' agreement you secured certain commitments which would further the implementation of the UNCRC. Can you take me through what was involved in negotiating that commitment?

11. In 1997 and in 2006 the Alliance produced Shadow Reports examining children rights in Ireland and the implementation of the UNCRC. How did the Alliance come to lead this process? What were the challenges involved?

12. How significant do you think these shadow reports were in relation to securing commitment from the government to the UNCRC?

13. What does the Alliance consider to be its greatest achievements in the course of its existence?

14. Do you think the Children's Rights Alliance is currently positioned in such a manner as to influence public policy on children?

15. To what do you attribute your success at influencing government opinion and policy?

16. How do you think support from high profile figures in Irish society and the media helped to legitimise the work of the Alliance?

17. Having had dealings with successive Minister of Children and junior Ministers, it seems you have achieved bi-partisan support for issues relating to children's rights. How have you achieved cross party support?

18. Following the publication of the 2006 UN committee's final observations on Ireland, the then Minister for Children, Brian Lenihan, called on the Alliance to join with other NGO's to propose wording on a children's referendum. What was the role of the Alliance in this and the ensuing referendum?

19. Discuss the report card process and your engagement with government departments in preparing the annual publication?

Appendix 5:

Hart's Ladder of Young People's Participation (1997)

Roger Hart's Ladder of Young People's Participation

Rung 8: Young people & adults share decision-making

Rung 7: Young people lead & initiate action

Rung 6: Adult-initiated, shared decisions with young people

Rung 5: Young people consulted and informed

Rung 4: Young people assigned and informed

Rung 3: Young people tokenized*

Rung 2: Young people are decoration*

Rung 1: Young people are manipulated*

*Note Hart explains the last three rungs are non-participation

Adapted from Hart, R. (1992) Children's Participation from Tokenism to Citizenship Florence: UNICEF Innocenti Research Centre
Created by The Freechild Project - http://freechild.org

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Appendix 6:

Publications, Research and responses to child related issue by the CRA:

1997 Small Voices: Vital Rights Submission to the United Nations Committee on the Rights of the Child.

2001 Meeting Children's Needs, Safeguarding Children's Rights.

02 Jun 2001

Children's Rights Alliance calls on Government to honor children's right to health care and to end hospital waiting lists for children

31 Mar 2001

Meeting Children's Needs, Safeguarding Children's Rights

25 Mar 2001

Children's Rights Alliance calls for Sinnott appeal to be withdrawn

Child refugees risking their lives to get to safety – Children's Rights Alliance

ALLIANCE JOINS EUROCHILD IN PLEA FOR CHILDREN

Speech by An Taoiseach, Bertie Ahern, TD, on the publication of 28th Amendment of the Constitution Bill 2007

Test Title

Speech by An Tánaiste, Michael McDowell, TD, on the publication of 28th Amendment of the Constitution Bill 2007

Speech by An Taoiseach, Bertie Ahern, TD, on the publication of 28th Amendment of the Constitution Bill 200

Alliance Congratulates Justice McGuinness on People of the Year Award

Chief Justice to Launch the Catherine McGuinness Fellowship on Children's Rights and Child Law

Children's Rights Alliance Response to HIQA's Annual Report 2015

Speech by An Taoiseach, Bertie Ahern, TD, on the publication of 28th Amendment of the Constitution Bill 2007

OTHER OPTIONS NEED TO BE EXPLORED, SAYS HESITANT COMMISSION

Child Care Juvenile Justice and the Children Act 2001

19 Mar 2002

What about the Rights of the Child?

27 Feb 2002

Children's Rights Alliance Welcomes Commitment to Eliminate Child Poverty

14 Feb 2002

Children's Rights Alliance Welcomes Publication of Ombudsman for Children Bill

30 Jan 2002

No More Dead Children

18 Dec 2001

Children's Rights Alliance calls for the Establishment of an Office of Ombudsman for

Children without further delay

29 Nov 2001

Children's Rights Alliance Calls for Extension on Medical Card to Occur Without Delay.

27 Nov 2001

Statement of the Children's Rights Alliance on the National Health Strategy

15 Nov 2001

Statement of the Children's Rights Alliance on Beyond the Pale: Asylum-Seeking Children and Social Exclusion in Ireland

08 Oct 2001

Citing ESRI Report, Children's Rights Alliance urges Government to use Budget to reduce inequality and to promote the Elimination

19 Sep 2001

Children's Rights Alliance Welcomes Chief Medical Officer's Proposal

30 Jun 2001

Creating a Word Fit for Children

24 Jun 2001

Children's Rights Alliance calls for an End to Health Care Waiting lists for children

18 Nov 2002

Universal Children's Day

14 Nov 2002

Broken Promises to Children

12 Nov 2002

Medical Card for Children must take Priority

04 Nov 2002

Budget 2003 Broken Promises

04 Nov 2002

Children's Rights Alliance Calls on Government to Put Children First

26 Sep 2002

Letter to editor on Budget

26 May 2002

Five Steps for Children Letter to An Taoiseach, Bertie Ahern T.D.

01 May 2002

Seven Years Later, Travelers Children Need Action on Promised Accommodation

23 Apr 2002

Children's Rights Alliance Welcomes Passage of Ombudsman for Children Bill

07 Apr 2002

What Will Happen to the Children?

07 Apr 2002

Letter from the Children's Rights Alliance to John O'Donoghue, Minister for Justice,

Equality and Law Reform, regarding the Rights of Children

22 Mar 2002

Government Proposes Exile for Certain Irish Children

14 Nov 2003

Alliance Press Release on Medical Cards for Children in Poverty

04 Sep 2003

MP Pays bond for release of Irish Child

01 Jul 2003

Stop Gambling with the lives of Children

30 Jun 2003

Children with Disabilities have Rights

02 Jun 2003

Residents of Limbo: Immigrants families with Irish-Born Children await possible deportation

20 May 2003

Seven Years are enough: No more stalling on the Ombudsman for Children

20 May 2003

Government is failing the most vulnerable children

26 Feb 2003

Government Plan to strike reference to 'children's rights' in European Treaty

24 Jan 2003

Government Must be Responsible for Children

12 Dec 2002

Special Education Service Cuts

04 Dec 2002

Will the Child Benefit Pledge be Kept?

19 Nov 2002

Four Key Steps to Protect Children

18 Feb 2006

Press Advisory- Ombudsman for Children Research Launch

18 Dec 2005

Alliance Welcomes Beefed Up Minister for Children

24 Jan 2005

All Talk -no Action- Referendum on Children needed NOW

01 Dec 2004

Press release Budget 2005

24 May 2004

Children's Rights Alliance Calls for a "No" Vote on Citizenship Referendum

13 May 2004

Denial of Child Benefit to Asylum Seeker Children will force Vulnerable Children into Poverty

30 Apr 2004

Children's Rights Alliance Expresses Severe Disappointment with Draft Children's Advertising Code

31 Mar 2004

Ending Child Poverty

10 Mar 2004

Minister Urged to impose ban on broadcast advertising of alcohol products

18 Feb 2004

Ombudsman for Children Research Launch

22 Dec 2003

Children's Rights Alliance Calls for a Ban on Commercial Broadcast Advertising Targeted at Children under 12

20 Nov 2003

Public Support for the Coalition against the Deportation of Irish Children

03 Nov 2006

Children's Rights Alliance Welcomes Government Decision for Referendum on Children's Rights

24 Oct 2006

Jillian Van Turnhout elected Vice President of the European Economic and Social
Committee

28 Sep 2006

Children's Alliance Welcomes UN Committee Recommendation to provide for the status
of the child as a rights holder

19 Sep 2006

Children's Rights Alliance Calls on Government to Speedily Implement Change in
Constitutional Status for Children

28 Jun 2006

Press Release Our Voices, Our Realities

06 Jun 2006

Delegation to UN highlights Breaches of Child Rights in Ireland

05 Jun 2006

Delegation to the Pre-Sessional Working Group

31 May 2006

Statutory Rape Gap Symptom of Wider Government Inaction

18 May 2006

HSE Must Act now to ensure Afghan Children do not die

17 May 2006

Hunger Strike under 18 have Rights

23 Apr 2006

The Children's Rights Alliance calls for child impact assessments in relation to residency decisions

21 Apr 2006

Children's Rights Alliance Warns that asbos will Undermine the Children Act

19 Dec 2007

Child Protection Reports Crucial Says Children's Rights Alliance

20 Nov 2007

Children go Without Medicine because of Government "child Benefit" Residency Clause

01 Nov 2007

Children's Alliance Briefing Note: COE Human Rights Commissioner Ireland visit

17 Oct 2007

Child Poverty Disgrace in Wealthy Ireland: Alliance Pre-Budget Submission 2008

19 Mar 2007

Speech by Minister for Children (Brian Lenihan, TD) on the publication of 28th Amendment of the Constitution Bill 2007

19 Feb 2007

Government Press Release in the publication of 28th Amendment of the Constitution Bill 2007

19 Feb 2007

Children's Rights Alliance Welcomes Publication of Bill for Children's Referendum

19 Feb 2007

Speech by An Tanaiste, Michael McDowell, TD, on the publication of 28th Amendment of the Constitution Bill 2007

19 Feb 2007

Speech, An Taoiseach, Bertie Ahern, TD, on the publication of 28th Amendment of the Constitution Bill 2008

09 Jan 2007

Children's Rights Alliance Consultation Calls for Constitutional Change

30 Nov 2006

Children's Rights Alliance Welcomes Publication Oireachtas Child Protection Report as an Important Step Towards Greater Protection

13 Nov 2006

Baby Ann Judgment is a Clear Example of why we need Referendum on Children's Rights

14 Aug 2008

Parenting Today is far From Child's Play. Value Parenting to create a Child-Centred Society

07 Aug 2008

Alliance Expresses Dismay as the HSE Abandons Planned 24-hour Social Work Service

to Children in Crisis

29 Jul 2008

Alliance Calls on Government to deliver urgent mental health facilities for children

20 Jul 2008

24-Hour Out-of-Hours Social Work Service

08 Jul 2008

Alliance Pays Tribute to Séamus Brennan

01 May 2008

Press Statement: Response to Commissioner Hammarberg's Human Rights Report on
Ireland

15 Apr 2008

Children's Rights Alliance Press Statement on the McElwee Report

20 Mar 2008

Female Genital Mutilation - We Cannot Ignore it

15 Mar 2008

Children's Rights Alliance and Consumer Association of Ireland Join Forces Against Junk
Food Advertising

06 Mar 2008

Government Told to Abandon Plans to Detain Children at Thornton Hall

01 Feb 2008

Former Child Soldiers Hidden and Ignored in Ireland

29 Jan 2008

Children's Rights - Over Thirty years and Still Waiting

23 Jan 2009

Children's Organizations Call for Action on Constitutional Amendment (Open Letter)

19 Jan 2009

Blue monday for children: 50% of government commitments not MET

07 Jan 2009

Minister Andrews Shows Bravery Amid HSE Silence

05 Jan 2009

Urgent cabinet action on cloyne tragedy demanded

11 Dec 2008

Alliance Response to UNICEF Report Card No. 8

18 Nov 2008

Ireland Turns A Blind Eye to Child Abuse

28 Oct 2008

'No to Education Cuts' Says Alliance

24 Oct 2008

A Stone for Action Against Poverty

13 Oct 2008

No Hiding Place from 1% Levy

12 Oct 2008

'Interim Plan' of Child Unit in Adult Prison goes ahead Despite Financial Crisis

07 Oct 2008

Over One Million Reasons for Children's Rights Referendum

08 Sep 2008

Education System 'Failing' Says Alliance Ahead of New Report Card

25 May 2009

Never Again! — Joint Submission to the Government and Opposition

11 May 2009

Absent Out-of-Hours Social Services 'Fundamental Problem' in Monageer Case

06 May 2009

The Constitution: Publication of the Second Interim Report of the Joint Committee on the Constitutional Amendment on Children

06 Apr 2009

Children's Rights Alliance April 2009 Budget Statement

02 Apr 2009

Transparency Needed for Constitutional Amendment on Children's Rights

01 Apr 2009

Children's Rights in Ireland: Are We There Yet? Are We There Yet? Are We There Yet?

29 Mar 2009

"Are we There Yet?" Asks Children's Rights Alliance

20 Mar 2009

Education System 'Drums out Brilliance' of Children

13 Mar 2009

Reduce the Weight of Junk Food Advertising on our Children

04 Mar 2009

Child Carers Abandoned by Government

27 Jan 2009

High Court Judgment of Izevbekhai Case

23 Jan 2009

Alliance Welcomes Publication of Adoption Bill 2009

06 Sep 2009

Shannon spotlights the forgotten children of Ireland

18 Aug 2009

11,000 parents object to "shameful" plans to axe child benefit

18 Aug 2009

11,000 parents object to "shameful" plans to axe child benefit

12 Aug 2009

IRISH ngos JOIN HANDS TO SUPPORT BODY SHOP TRAFFICKING CAMPAIGN

11 Aug 2009

PRESS STATEMENT Response to Denis Naughten TD's Statement on missing children

28 Jul 2009

Bord Snip Recommendations Will Cut Childhood Short

27 Jul 2009

Alliance Response to Minister Andrews' Implementation Plan

30 Jun 2009

Government Told 'Leave Our Kids Alone'

24 Jun 2009

Alliance calls for 24 actions in minister for children's Ryan implementation plan

17 Jun 2009

Alliance joins eurochild in plea for children

11 Jun 2009

Gormley Echoes Alliance Call for Living Memorial

27 May 2009

The Systemic Abuse of the Past will Never be Allowed to Happen Again

25 Nov 2009

Ireland's National Plan of Action to Address Female Genital Mutilation – one year since the launch

20 Nov 2009

Teenagers celebrate 20th Anniversary of the UNCRC with Minister and Children's Rights Executives

19 Nov 2009

Alliance to grade government progress on Ryan report

10 Nov 2009

Invest in Reading and Writing and Economy will grow

02 Nov 2009

Alliance podcast signals public support for constitutional amendment

15 Oct. 2009

75% of commitments to children disappear in 'new' programme for government

07 Oct. 2009

Alliance chief executive gains ground in banning alcohol advertising

07 Oct. 2009

Hanafin told "reverse education cuts and save child benefit" by alliance

06 Oct. 2009

Green party urged to 'safeguard children's futures' by alliance

01 Oct 2009

Children's rights alliance: next referendum must be on children's rights

24 Sep 2009

'Ratify Hague Convention' Urges Alliance

20 Sep 2009

Children's Champion Stands Up to Alcohol Industry

05 Feb 2010

International Day of Zero Tolerance to Female Genital Mutilation (FGM)

01 Feb 2010

Response to HSE Statement that no missing child from HSE care has been trafficked

25 Jan 2010

Report card 2010 spotlights children as casualties of recession

11 Jan 2010

Press Statement In Response to Minister Andrews' Extension of the Registration Period to the Free Pre-School Scheme

16 Dec 2009

Alliance response to o'Rourke statement on children's rights referendum

15 Dec 2009

More than 30 organizations unite to launch Children's Mental Health Coalition

09 Dec 2009

BUDGET 2010 WEIGHS HEAVILY ON CHILDREN

09 Dec 2009

Alliance welcomes commitment to hold children's rights referendum and to act on Ryan report

08 Dec 2009

Adoption bill 2009 'critical step' for children's rights says alliance

02 Dec. 2009

Parents gather to warn government against cuts to child benefit

26 Nov. 2009

1 million reasons to oppose cuts to child benefit in budget 2010

26 Nov. 2009

Alliance press statement on the murphy report

10 May 2010

Response to the Report by the Office of the Ombudsman for Children, Children First: National Guidelines for the Protection and Welfare of Children

27 Apr 2010

Children and Older People Unite to Celebrate Intergenerational Solidarity

26 Apr 2010

Government One Year Late in Submitting Report on Children's Rights to UN

24 Apr 2010

'Voice of the Child Not Heard Enough' Says O'Rourke

21 Apr 2010

Alliance Welcomes Harney's Commitment to FGM Bill and Calls for Extraterritorial Element

20 Apr 2010

Alliance Calls on Government to Act on Special Rapporteur's Report

12 Mar 2010

Joint Press Statement: IFCA, IAYPIC and Children's Rights Alliance

09 Mar 2010

Reaction to State Announcement of Independent Child Death Review Group

03 Mar 2010

A Child's Right to Privacy

28 Feb 2010

Irish Teens Talk About Children's Rights

16 Feb 2010

"Set date for children's rights referendum" alliance urges government

15 Feb 2010

Time is ripe for referendum on children's rights

01 Sep 2010

'First Progress Report' on Ryan Report Implementation Plan: "Words are cheap. Action is priceless."

22 Jul 2010

First ever EU talks on children's rights in china outlined by alliance chief

07 July 2010

Irish state at bottom of EU to stop sex trafficking of children while Irish public leads the way, raising €30,000 in funds

28 Jun 2010

Sinn Féin 100% Committed to Children's Rights, Says O'Caoláin

22 Jun 2010

Majority Support Referendum on Children's Rights

03 Jun 2010

Alliance calls on government to use statistics act to verify HSE child death figures

31 May 2010

SHATTER SAYS IRISH ADOPTION LAWS ARE 'DECADES BEHIND'

27 May 2010

Alliance Response to HSE Figures on Child Deaths

25 May 2010

Response to Emergency Legislation Relating to Child Deaths (Press Statement)

19 May 2010

Saving Childhood Ryan - Eight Organizations Fighting for Children Together

17 May 2010

PRESS STATEMENT: In Response to joint Sinn Féin/Labour Party Motion Calling for a Children's Rights Referendum

12 May 2010

No Persuasive Arguments Against Holding Children's Rights Referendum, Says White

20 Nov 2010

Press Release: Minister Andrews hopes constitutional reform will be "lasting legacy" of the Convention in Ireland

18 Nov 2010

Ding Dong, Right or Wrong? A unique book by children is launched to mark the 21st anniversary of the UN Convention on the Rights of the Child

17 Nov 2010

Your world – your say. 100 children voice their views on engagement in European and International decision-making

27 Oct 2010

In Light of A and B Report, Cutbacks to Frontline Services Make No Sense: Saving Childhood Group tell T.D.'s

26 Oct 2010

Press Statement: Alliance Reaction to 'A Family' Case Report

13 Oct 2010

PRESS STATEMENT: Alliance Response to Taoiseach's Comments on Children's Rights Referendum

07 Oct 2010

Alliance Pre Budget Forum Speech to Department of Social Protection for Budget 2011

03 Oct 2010

Press Statement on Cuts to Child Benefit

28 Sep 2010

Children Call for Mental Health to Top Ministers' To Do Lists

27 Sep 2010

18th Anniversary of Ireland Ratifying the UN Convention

26 Sep 2010

Jillian van Turnhout wins Newstalk WMB Social Entrepreneur of the Year Award 2010

26 Sep 2010

Jillian van Turnhout wins WMB Social Entrepreneur of the Year Award

18 Feb 2011

RTE's Keelin Shanley Endorses Children's Rights General Election Doorhanger

16 Feb 2011

Cairt um Leanaí d'Olltoghchán 2011

15 Feb 2011

Press Release: Alliance Welcomes EU Boost to Children's Rights in Brussels

09 Feb 2011

Young offenders' capacity for rehabilitation is being undermined by imprisonment in St Patrick's Institution and urgent action is required to minimize the damage

03 Feb 2011

Children's Rights to be Doorstep Challenge for Canvassers

01 Feb 2011

Children's rights alliance and comhlámh debate: 'child trafficking – whose problem to solve?'

24 Jan. 2011

Disappointing report card 2011 signals need for strong election commitments for children

14 Jan 2011

Alliance response to reports on wording for children's rights constitutional amendment

16 Dec 2010

New EU Directive significant step in their international campaign to Stop the Sex Trafficking of Children and Young People

08 Dec 2010

Children Left out in the Cold - Alliance Publish Budget 2011 Analysis

07 Dec 2010

The ABCs that today's children are learning – Anglo, Banks and Cuts

29 Nov 2010

Alliance Congratulates Geoffrey Shannon on being Shortlisted for International Human Rights Award

18 Jul 2011

Response to Second Ryan Progress Report

14 Jul 2011

Response to Children First Guidance Publication

12 Jul 2011

Children's Rights Alliance Response to Cloyne Report Publication

09 Jun 2011

Tribute by Children's Rights Alliance to a 'True Children's Champion' - Brian Lenihan TD

30 May 2011

Senator van Turnhout calls on minister for children to be a superhero for children, at alliance AGM

24 May 2011

Special rapporteur on child protection report should be debated in Oireachtas

19 May 2011

PRESS STATEMENT: Congratulations to Chief Executive, Jillian van Turnhout, on Nomination to Seanad Eireann

19 May 2011

PRESS STATEMENT: ALLIANCE WELCOMES INVITATION TO JOIN RYAN REPORT OVERSIGHT GROUP

18 May 2011

"NO ROOM FOR COMPLACENCY IN CHILD WELFARE AND PROTECTION": SAVING CHILDHOOD GROUP MARKS 2ND ANNIVERSARY OF RYAN REPORT

28 Apr 2011

Joint Press Release: Government Urged to Support Generations in Building Stronger Communities

23 Mar 2011

Geoffrey Shannon Recognized for Contribution to Public Interest Law

09 Mar 2011

New Minister, New Department, New Programme for Government: Will it Mark a New Ireland for

07 Dec 2011

Government Turns Its Back on Children – Alliance Publishes Budget 2012 Analysis

02 Dec 2011

20% of Overall Budget Spent on Children Says Alliance with Majority Spent on Teacher Salaries and Pensions

18 Nov 2011

PRESS RELEASE: Weekend for Children's Rights Marked by Alliance

18 Oct 2011

Congratulations to Alliance Analyst Niamh Gallagher on prestigious Social Entrepreneurs Ireland Award

17 Oct 2011

Alliance Response to HSE Publication of Child Death Reports

16 Oct 2011

World Poverty Day - 17 October 2011

12 Oct 2011

75% Irish parents support ban of unhealthy food ads up to 9pm

05 Oct 2011

Children's Rights Alliance Response to Universal Periodic Review Hearing

27 Sep 2011

"Set Date for Children's Rights Referendum" on National Children's Day

07 Sep 2011

International Literacy Day: Government Must Provide Proper Resources for Literacy Strategy

01 Sep 2011

REDUCE THE WEIGHT OF JUNK FOOD ADVERTISING ON OUR CHILDREN

20 Jul 2011

165,010 Irish say 'STOP' to Child Trafficking

29 May 2012

Children's Rights Referendum Must Go Ahead in October

25 Apr 2012

Response to Publication of Draft Children First Bill

20 Apr 2012

New Human Rights and Equality Commission Must Not Leave Families Out in the Cold

02 Apr 2012

Alliance Response to Government Promise to end the Detention of Minors in an Adult Regime

28 Mar 2012

ALLIANCE WELCOMES PASSING OF FEMALE GENITAL MUTILATION BILL

21 Mar 2012

Response to Minister Fitzgerald's Commitment to 2012 Children's Rights Referendum

28 Feb 2012

Government Urged to Uphold Children's Rights on International Stage

24 Feb 2012

The Alliance is recruiting a Children's Rights Policy Officer

16 Feb 2012

PRESS STATEMENT - Response to Minister Fitzgerald's promise to hold Children's Rights Referendum this year

23 Jan 2012

Government Awarded 'C+' Grade for Children's Rights – the Best Grade in Four Years

04 Jan 2012

Alliance Response to Postponement of National Youth Detention Facility

19 Dec 2011

Alliance Welcomes Affirmation of 2012 Children's Rights Referendum

11 Oct 2012

Alliance Rallies Members to Bring Home a YES Vote

28 Sep 2012

Alliance Calls for Yes Vote on National Children's Day

24 Sep 2012

Children's organizations launch YES FOR CHILDREN

19 Sep 2012

Yes For Children Welcomes Wording

13 Sep 2012

New Report Highlights the Challenge of Child Trafficking in Ireland

24 Jul 2012

Special Rapporteur calls on Government to empower children to make international complaints about violations of their rights

20 Jul 2012

Alliance Calls on Government to Provide Resources and Budget for New Child and Family Support Agency

19 Jul 2012

Means Testing Child Benefit - a Bureaucratic Nightmare

21 Jun 2012

Alliance Welcomes Children's Rights Referendum That Reflects Public Mood

20 Jun 2012

Child Deaths Report: We Now Have the Truth

07 Jun 2012

Alliance Welcomes Government Decision to Ban Children from Entering Defence Forces

05 Jun 2012

New Human Rights and Equality Commission Must Protect Children's Access to Justice

05 Dec 2012

Rollercoaster Budget for Children says Alliance

20 Nov 2012

Children's Rights Alliance launches fundraising appeal for Youth Film Project on Children's Rights Convention

11 Nov 2012

Vital YES vote in Children's Referendum Welcomed by Alliance

09 Nov 2012

Don't Get Distracted: VOTE YES for Children

08 Nov 2012

Alliance Statement in relation to today's Supreme Court Judgment

08 Nov 2012

Older & Bolder Stands in Solidarity with Alliance and calls for YES VOTE

07 Nov 2012

Letter to Editor (The Irish Times) Wednesday 7 November 2012

05 Nov 2012

Bishops' Support for Children's Referendum Boosts YES Campaign

31 Oct 2012

Parents' Organizations Slam Misinformation on Children's Referendum

23 Oct 2012

"Legal Experts in Favour of Children's Referendum" says Yes Campaign

20 Oct 2012

Now is Not the Time to be Complacent - Every Vote Counts

17 Oct 2012

Poverty is a Noose Choking Families

12 Jul 2013

Alliance Responds to Child and Family Agency Bill 2013 - The legal foundation for fixing a broken system

11 Jul 2013

Alliance Calls for Urgent Action on Hard-Hitting Special Rapporteur Report

03 Jul 2013

Alliance Welcomes Government Decision to Close St. Patrick's Institution

29 May 2013

Primetime Documentary on Crèches Depicts Blatant Disregard for Children's Rights

28 May 2013

Irish State must Ratify all Optional Protocols to UN Convention on the Rights of the Child

23 May 2013

The Children's Rights Alliance is recruiting two posts

25 Apr 2013

Alliance Salutes Ian Elliott for Child Protection Legacy

12 Apr 2013

Alliance welcomes appointment of Norah Gibbons as Chair of new Child and Family Agency

10 Apr 2013

International Experts Gather in Dublin to End Child Poverty within the EU

27 Feb 2013

New Child and Family Support Agency must be more than a Logo Switch

20 Feb 2013

Alliance welcomes EU action on child poverty

18 Feb 2013

Fitzgerald and Quinn Top the Class in Report Card 2013

06 Feb 2014

ISPCC and Children's Rights Alliance launch results of survey which shows that 57% of adults would support a ban on slapping

30 Jan 2014

Putting Children at the Centre of Family Law Reform

01 Jan 2014

New Child and Family Agency provides historic opportunity to fix broken child protection system

13 Dec 2013

Children without borders? New challenges for children's EU rights in Ireland

15 Nov 2013

Young people become Children's Rights Defenders

18 Oct 2013

Children's referendum result stands – a good day for children

15 Oct 2013

Children Escape Most Austerity Cuts in Budget 2014 but Maternity Benefit cut is Anti-Family

14 Oct 2013

Oberstown Redevelopment - A Major Step Forward for Vulnerable Children

26 Sep 2013

Press Release: Children cannot afford any more cuts under this Government

02 Sep 2013

Children's Rights Alliance calls on Government to ban violence against children within the home

09 Aug 2013

New Legislation on Pre-School Services Welcomed by Alliance

25 Jul 2013

Alliance Urges Action on Findings of HIQA Overview Report on Care Services

25 Sep 2014

Government to Establish New Donor Conceived Register: Draft Bill recognizes identity rights of children born through assisted reproduction

17 Sep 2014

Government decision paves the way for children to complain directly to the UN

24 Jul 2014

UN Spotlights Ireland's Failure to Ban Hitting Children

17 Jul 2014

The Children's Rights Alliance warmly congratulates Emily Logan on her appointment as Chief Commissioner of the Irish Human Rights and Equality Commission

01 Jul 2014

A Wakeup Call for the Child Protection and Welfare System - Findings of Special Inquiry Report on Removal of Roma Children

10 Jun 2014

PRESS STATEMENT: Children's Rights Alliance Welcomes Establishment of Commission into Mother and Baby Homes

30 May 2014

PRESS RELEASE: Justice Committee - Children have a Right to Access Information Concerning their Genetic Identity

08 May 2014

PRESS RELEASE: Children's Rights Alliance Acknowledges Minister Fitzgerald's Landmark Achievements for Children

16 Apr 2014

PRESS RELEASE: Innovative National Policy Framework commits to tackling childhood obesity and food poverty

14 Apr 2014

Saving Childhood Group welcomes the publication of the Children First Bill 2014 and highlights areas of concern

10 Apr 2014

Press Release: Government's far-reaching reform puts children at centre of family law

25 Feb 2014

System change started but many children still out in the cold

25 May 2015

Children's Rights Alliance: Children in Direct Provision Forgotten by the State

23 May 2015

"We've changed forever what it means to grow up LGBT in Ireland" says belongto yes Coalition

24 Apr 2015

Supreme Court Upholds the Will of the People on the Children's Referendum

10 Apr 2015

Press Release: Children's Rights Alliance Welcomes Agreement on Free GP Care for Under-6s

02 Mar 2015

Child and Family Groups Join in Support of Historic Children and Family Relationships Bill

23 Feb 2015

Government is Failing Children Living in Poverty

17 Feb 2015

Press Release: Children and Family Relationships Bill puts Children at the Heart of Family

Law Reform

04 Feb 2015

Children's Rights Alliance Welcomes Appointment of New Ombudsman for Children

09 Jan 2015

Mother and Baby Homes Inquiry has the tools to uncover the truth for children and mothers

28 Nov 2014

Urgent Action Needed in Response to Special Rapporteur on Child Protection Report

26 Nov 2014

Progress on Children's Rights Celebrated at Launch of New Guide

14 Oct 2014

Breathing Space for Children and Families in Budget 2015

10 Sep 2015

Children's Rights Alliance Welcomes Priority Given to Unaccompanied Minors in Refugee Protection Programme

31 Aug 2015

The Rights and Dignity of Children in Special Care must be Protected: Children's Rights Alliance Response to HIQA Report

27 Jul 2015

Information and Tracing Bill marks historic step to unlock the past for adoptees

23 Jul 2015

Smart Decisions on Childcare Reform Need Cash to Become Reality

21 Jul 2015

Government advised time to act is now on key Working Group recommendations

15 Jul 2015

Tackling Poverty and Inequality must be the priority in Ireland's Recovery

30 Jun 2015

It Ends Now – Too Many Children at Risk in Direct Provision

23 Jun 2015

UN Committee Seeks Clarity from Ireland on Children's Rights

18 Jun 2015

National and international children's charities join forces to lobby for child rights

16 Jun 2015

Gender Recognition Bill 2014 Silent on the Rights and Needs of Children

10 Jun 2015

Young People Launch Innovative #pictureyourrights Report

27 May 2015

Ban Corporal Punishment and Give Children Equal Protection in Law

08 Dec 2015

Growing up in Poverty should be part of our history – Campaign Groups Call for an End to

Poverty among Children and Young People

03 Dec 2015

Closing the Door on St. Patrick's Institution is a Welcome Move for Children

26 Nov 2015

Children Living in Consistent Poverty Need a Lifeline

11 Nov 2015

No More Hitting - Government Closes Gap on Corporal Punishment

10 Nov 2015

The Clock is Ticking – Just 64 Days Until Top UN Children's Body Reviews Ireland

27 Oct 2015

Top UN Body Learns about Children in Ireland from Children's Rights Alliance

22 Oct 2015

Children's Rights Alliance questions use of 'Single Separation' in Oberstown Children Detention Campus

21 Oct 2015

ISPCC and Children's Rights Alliance welcome an historic legal amendment to protect children from corporal punishment

13 Oct 2015

Budget 2016 is the Government's first family-friendly budget

24 Sep 2015

Children's Rights Networks Call for More EU Leadership

23 Sep 2015

Children's Rights Alliance says Sex Offences Bill is Critical to Protecting Children from Grooming and Exploitation

22 Sep 2015

ISPCC and the Children's Rights Alliance call on Oireachtas to take urgent action to protect children

05 May 2016

Adoption Law Finally Enters 21st Century

13 Apr 2016

Seanad Secrets Revealed in Children's Rights Alliance Lecture Marking Work of Senator Jillian van Turnhout

14 Mar 2016

Children's rights group calls on government to urgently address homelessness and child poverty

11 Feb 2016

General Election 2016 candidates grilled by children in special hustings

05 Feb 2016

Equality Measure for Children in Direct Provision Welcomed

04 Feb 2016

Top UN Children's Body Provides a Road Map for Children's Rights

14 Jan 2016

Day of Reckoning – UN Scrutiny on Children's Rights in Ireland

06 Jan 2016

Child Direct Provision Payment Increase will have Limited Impact

18 Dec 2015

Congratulations to Senator Jillian van Turnhout, Former Chief Executive on Winning Politician of the Year Award

16 Dec 2015

Report of Special Rapporteur on Child Protection is a Roadmap for Action

16 Dec 2015

Leading Children's Charities Demand Increase in Direct Provision Child Payment

10 Dec 2015

Children's Rights Alliance Welcomes New Changes to the International Protection Bill 2015

03 Oct 2016

Bill Closes Loopholes Exposing Children to Online Abusers

15 Sep 2016

Education Action Plan Needs Government Investment for All Children to Benefit

07 Sep 2016

First Child Summit Brings International Children's Rights Home to Irish Soil

30 Aug 2016

Response to Industrial Action at Oberstown Child Detention School

18 Aug 2016

Ireland-Philippines Agreement on Inter-Country Adoptions - Good for Children

27 Jul 2016

Children's Rights Alliance Welcomes Prof. Geoffrey Shannon Three-Year Re-Appointment as Child Protection Rapporteur

19 Jul 2016

Children's Rights Alliance Welcomes New Measures to Address Child Homelessness

07 Jul 2016

Scourge of Child Homelessness Can End

24 Jun 2016

Major Child Poverty Conference Calls for Joint Action

17 Jun 2016

Commitment to implement the recommendations of the McMahon Report welcomed by Working Group

11 May 2016

Children's Rights Alliance Condemns Proposals to Link School Attendance to Child Benefit in the Programme for Government

06 May 2016

Children Rights Alliance Welcomes Appointment of Katherine Zappone as new Minister for Children and Youth Affairs

30 Jan 2017

Act Now to Protect Children from Brexit

12 Jan 2017

Children Must Not be a Casualty in Brexit Talks

11 Jan 2017

Children's Rights Alliance Welcomes Government Relocation of Child Refugees

15 Dec 2016

Childcare for Homeless Children – Stopgap Towards Addressing Rights

06 Dec 2016

Advancing Children's Rights through the Criminal Law (Sexual Offences) Bill

02 Dec 2016

Children's Rights Alliance welcomes changes to the Adoption (Amendment) Bill

30 Nov 2016

National Children's Charities Join Forces to Support Alcohol Bill: Enough is Enough

18 Nov 2016

Threats to Children's Safety Spotlighted by Special Rapporteur on Child Protection

10 Nov 2016

Children's Rights Alliance Welcomes Dáil Motion on Child Refugees

30 Oct 2016

Ireland Must Act on 1,500 Unaccompanied Children in Calais

27 Oct 2016

Children's Rights Alliance calls on Government to Urgently Provide Refuge to Children Stranded in Calais

11 Oct 2016

PRESS RELEASE: Budget 2017 - Investing in Childcare is Investing in Children

27 Apr 2017

A Midsummer Rights Theme concert

12 Apr 2017

Journey Towards Affordable Childcare Alleviates Pressure on Families

07 Apr 2017

Closure of St. Patrick's Institution Ends Major Children's Rights Blot

05 Apr 2017

Giving Children in Direct Provision a Voice: How to Make a Complaint to the Ombudsman for Children

29 Mar 2017

Children's Interests Must be at Heart of Brexit Negotiations

28 Mar 2017

Children's Rights Alliance Welcomes an End to Placing Children in Adult Jails

01 Mar 2017

Historic Change Can Free Traveller Children from Centuries of Discrimination

28 Feb 2017

Answers Needed to Protect Children with Disabilities from Abuse

23 Feb 2017

Opinion by Tanya Ward: Ireland's most vulnerable children remain invisible

21 Feb 2017

Government down another grade on children's rights

13 Feb 2017

HIQA Investigation Must Provide Answers on Why our Child Protection System Failed Maurice McCabe and his family

01 Feb 2017

Government Must Support One Parent Families Out of Poverty

26 Jun 2017

Children's Rights Alliance Congratulates Geoffrey Shannon on Important Award

19 Jun 2017

Statement and Call to Action on the Impact of Brexit on Children and Young People

14 Jun 2017

Children's Rights Alliance Welcomes Increases to Direct Provision Payment & Back to School Allowance for Children

12 Jun 2017

Press release: A Midsummer Rights Theme concert

08 Jun 2017

Children Seeking Asylum Cannot Wait Longer for Promises to be Made Real

29 May 2017

Press release: Garda Audit reveals child protection failings at the front line

26 May 2017

Catherine McGuinness Fellowship

24 May 2017

Measuring Up for Children: Reviewing the 'McMahon' Recommendations

18 May 2017

Children's Rights Alliance Pays Tribute to Enda Kenny TD

11 May 2017

Children's Rights Alliance Welcomes Right to Aftercare Plans

09 May 2017

Call for High Quality Care and Education Prior to Publication of Government National Early Years Strategy

02 May 2017

HIQA Report Shows Too Many Children Without Social Worker

12 Dec 2017

Not Enough Investment Behind Mental Health Task Force Report, says Children's Rights Alliance

07 Dec 2017

Age of Criminal Responsibility at 10 Years "highly illogical" warns Child Protection Rapporteur

06 Dec 2017

Children's Rights Alliance Welcomes New Guardian ad Litem Office in Department of Children

22 Nov 2017

Government Announcement on Reception Directive is Positive for Children

10 Nov 2017

National Children's Charities Reunite Five Years after Children's Referendum

10 Oct 2017

Not Enough Investment for Children in Budget 2018

02 Oct 2017

Investing in Services is least our young deserve

06 Sep 2017

Anonymous Donation in Assisted Human Reproduction Robs Children of their Identity

03 Aug 2017

PRESS RELEASE: Use of 'Single Separation' Must be Last Resort for Children in Oberstown

27 Jul 2017

Legal Aid Board Must Reverse its Decision or Children's Constitutional Rights will Suffer

21 Jul 2017

Budget 2018 will be a litmus test of Taoiseach's commitment to lift 100,000 children out of poverty

18 Jul 2017

Children Paint Distressing and Unsafe Picture of Childhood in Direct Provision

11 Jul 2018

PRESS RELEASE: A Step Forward to Keep Children Safe Online

03 Jul 2018

New report highlights negative impact of homelessness on children's education

27 Jun 2018

Children's Rights Alliance Welcomes Right to Work for Asylum Seeking Families

19 Jun 2018

Children's Rights Alliance – Government & Tusla Must Act on HIQA Child Abuse Report

13 Jun 2018

Children's Rights Alliance Echoes Ombudsman for Children's Call for Independent Inspectorate for Direct Provision

30 May 2018

Victims of Unlawful Birth Registrations Need Information and Tracing Bill to Uncover Truth, says Children's Rights Alliance

30 Apr 2018

Investing in Every Child: Panel Discussion on National Early Years Strategy

20 Mar 2018

Perilous Passage: Child Refugee Symposium

16 Feb 2018

With danger just a click away, we must act now to protect our children

13 Feb 2018

Children Still Left Wanting Despite Government Efforts - Overall C- grade awarded to government in annual Report Card
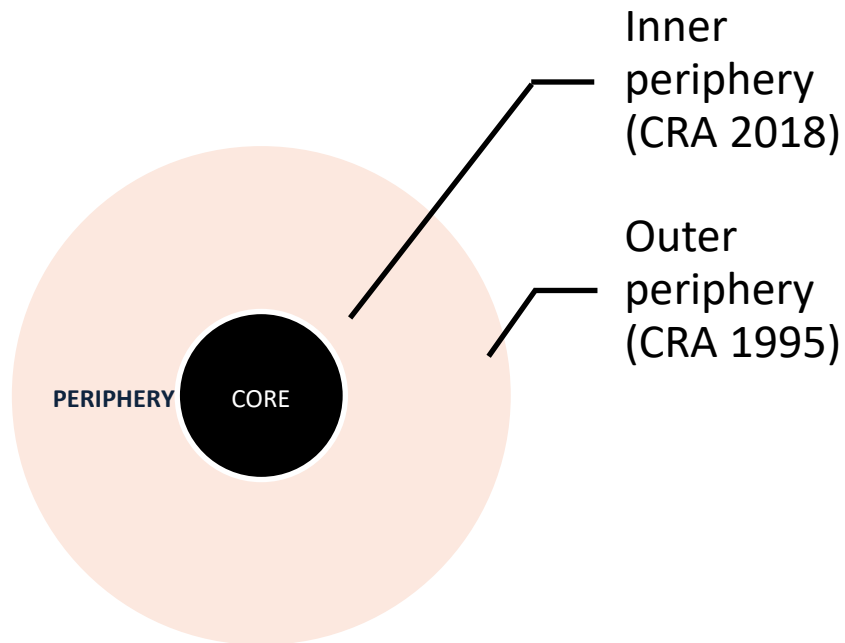
29 Jan 2018

PRESS RELEASE: Government Must Act on Findings of Child Care Law Reporting Project

14 Dec 2017

Risks to Children's Safety in Childcare Must be Reduced, says Children's Rights Alliance

Appendix 7:

Core Periphery Theory

Inner periphery (CRA 2018)

Outer periphery (CRA 1995)

PERIPHERY   CORE

Core   =   Institutions of power: government, state, judicial system

Periphery   =   consists of two parts, outer and inner occupied by NGOs, local

organisations and community groups.

Outer =   Those with little or no influence

Inner =   "Suppliers" to the core

Appendix 8:

Lundy's Model of Participation

Conceptualising Article 12 of the CRC

SPACE

VOICE

The right to
express views

ARTICLE 12

The right to
have views
given due
weight

AUDIENCE

INFLUENCE